

MAINE STATE LEGISLATURE

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January 21, 2022

The Hon. Anne M. Carney, Senate Chair
The Hon. Thom Harnett, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Dear Sen. Carney, Rep. Harnett, and Members of the Committee on Judiciary:

The Deadly Force Review Panel hereby transmits its Second Annual Report in accordance with Title 5, § 200(K)(7), which requires the Panel to submit an annual report by January 30th that summarizes the Panel's meetings and the incidents of the use of deadly force by law enforcement that resulted in deaths or serious injuries examined by the Panel in the preceding year. The report is enclosed.

For the Deadly Force Review Panel:

Vendean Vafiades, Esq., Co-Chair
Francine Garland Stark, Co-Chair

Enclosure

2nd Annual Report of the Deadly Force Review Panel

Submitted to the Joint Standing Committee on the Judiciary

January 2022

Introduction:

The Deadly Force Review Panel (the Panel) was created by the 129th Legislature. See [PL 2019, c. 435](#). The Panel is charged with examining deaths or serious injuries resulting from the use of deadly force by law enforcement officers subsequent to the Attorney General’s legal finding. The purpose of the examination is to identify compliance with accepted and best practices under the particular circumstances and whether practices or procedures require adjustment or improvement. The Panel is authorized to recommend methods of improving standards, including changes to statutes, rules, training, and policies and procedures designed to ensure best practices that demonstrate increased public and officer safety. The Panel is *not* charged with undertaking a de novo review of the determination of the Attorney General regarding the legality of the use of deadly force; discussions and recommendations of the panel are independent from the Attorney General.

The Panel reports to the Joint Standing Committee on the Judiciary. The Panel encourages the Committee to make the Panel’s case reports easily available to the public and law enforcement agencies. In each report, the Panel offers carefully considered observations and recommendations regarding law enforcement actions; availability of services, especially mental health services; and proposed policy and procedure changes. The Panel is hopeful that the Committee will seriously consider the recommendations in this annual report, particularly as they involve the critical need for additional resources for mental health services, especially in rural areas, to assist the community, law enforcement, and other first responders with the “typical individual” involved in an officer-involved shooting, as highlighted below.

Since December of 2019, the Panel has reviewed ten cases involving officer-involved shootings. The characteristics of the individuals in these cases are almost identical to the individuals involved in the incidents reviewed by the 2019 Attorney General’s Task Force to Review Deadly Force Incidents by Police in its [report](#), i.e., “the typical individual involved [in an officer-involved shooting] was a male in possession of a deadly weapon, with a criminal history, who was suffering symptoms of depression (or other mental illness), often to the extent that they were exhibiting suicidal ideation. In addition, most individuals had alcohol or drugs in their system.” The Panel observed in the incidents it reviewed that the human and financial resources in law enforcement personnel, equipment, and support services to address these dangerous situations is enormous. Individuals often lose their lives and law enforcement officers and the public are placed in danger.

A study of these ten cases reviewed by the Deadly Force Review Panel resulted in a dozen recommendations that are specific to the cases reviewed and are included in the Panel’s individual

case reports that were previously submitted to the Committee. The recommendations may be summarized in four categories:

1. the protocols, community relationships, and training regarding cases that involve individuals with mental health and active substance abuse issues, including “suicide by cop” cases;
2. developing protocols and training for effectively responding to mutual aid incidents, including centralized communications;
3. the completeness and usefulness of responding law enforcement agency internal or after-action reviews; and
4. areas of focus of inquiry or policy changes for the Maine Criminal Justice Academy Board of Trustees and requests to the Attorney General’s Office regarding the operation of the Panel.

Recommendations regarding law enforcement collaboration with mental health services:

- Law enforcement agencies should seek opportunities to work proactively and collaboratively with families with a member living with mental health and/or substance use issues to ensure that the families and law enforcement agencies are aware of available resources in their community to assist them in the recovery process, and to connect families to those resources whenever possible. Some law enforcement agencies in Maine now employ mental health and substance use liaisons, and others have crisis workers who co-respond on crisis calls for service, and they also follow up with individuals, offering them connection to local resources. The Panel believes strongly in this proactive approach, and it encourages the increased and extensive use of these resources by law enforcement.¹
- Recognizing that many law enforcement agencies do not have the financial ability to hire mental health or substance use professionals as suggested above, the Panel recommends that law enforcement officers receive training and education locally on the existing services in their area and how to access mobile crisis workers when responding to calls where there is evidence a person is living with or exhibiting a mental health or substance use disorder. These workers can be an incredible asset in an active crisis, a source for connection to needed resources, and can provide follow up with an individual or family, increasing the chances that opportunities are available for access to needed services. Local crisis agencies themselves must make every effort to proactively reach out to their local law enforcement agencies to enhance communication between crisis response and law enforcement. They should also endeavor to meet regularly with law enforcement so that any issues with the local crisis response system are identified and remedied.²

¹ This recommendation is restated from the Attorney General’s Task Force to Review Deadly Force Incidents by Police 2019 [report](#)

² This recommendation is restated (partially) from the Attorney General’s Task Force to Review Deadly Force Incidents by Police 2019 [report](#)

- The MCJA Board of Trustees sets minimum standards for certain mandatory law enforcement policies, including mental health and the process of involuntary commitment. To date, the Board has only set standards for a policy describing the requirements for involuntary commitment. The Panel recommends that the Board set standards for a mandatory policy that addresses protocols and procedures for responding to mental health crisis situations, to include a requirement that a law enforcement agency assess available resources and develop relationships that may assist in understanding an individual's mental health history and using de-escalating techniques that may be effective in resolving a crisis.

Recommendations regarding the development of protocols and training for effectively responding to mutual aid incidents, including centralized communications

- In circumstances where multiple law enforcement agencies are involved in an incident involving the use of deadly force, all the involved agencies, including the agency that employs the officer who used deadly force, should be part of the post-incident internal review. This inclusive review will assist in greater coordination during an incident and assist in developing protocols and joint training opportunities. Such case review may be best facilitated by an outside facilitator, as appropriate.
- In rural areas, where mutual aid among various law enforcement agencies is often the rule rather than the exception, consultation among agencies should occur on a regular basis and result in the establishment of command and control protocols. A specific plan that addresses how to mutually respond to an incident in which an individual is in a mental health crisis is especially critical since over 80% of cases involve individuals with such a diagnosis.
- Especially in rural areas, communication to and among officers originates from multiple sources. This often results in officers receiving different or incomplete information. Protocols for incidents involving mutual aid should include plans for centralizing communications and dispatch. For example, a timely police radio announcement of "Signal 1000" shuts down all communications except those between the primary dispatch and officers involved in an incident.

Recommendations to the Board of Trustees of the Maine Criminal Justice Academy (MCJA)

- The Panel recommends to the Board of Trustees of the MCJA that the certification standards for tactical teams include a requirement of a written policy regarding the deployment of an armored vehicle that balances the utility of the vehicle with the effect of its use or presence in a situation, especially when interacting with persons in mental health crisis.

- The Panel recommends that training for officers in the use of physical force include an associated training in the appropriate provision of medical aid, and that the MCJA Board identify a list of standardized equipment that a medical kit should include and develop training for its use statewide.
- The Panel has reviewed ten internal incident review reports conducted by the law enforcement agency whose officer(s) used deadly force. These reports are inconsistent in the depth of their review and mixed in the usefulness of their observations. The Panel recommends that the MCJA Board review and enhance the standards for compliance with the existing legislatively-required internal incident reviews, including the scope of the review, the time between an incident and its review, and composition of the review team. For example, the agency reviews existing policies, but the review reports do not specify what actions by the officers are covered by a specific provision of a policy and what actions were taken or not taken to comply with the policy. The current required elements of the internal incident review should be evaluated for adequacy and relevancy to assist officers to learn from and to train for such incidents in the future.
- The reviews should be conducted as soon as practical following the incident so that the findings and observations may be used by the law enforcement agency for officer training. While completing this internal review prior to the officer returning to full duty is ideal, it may not be possible given the amount of time necessary to convene a review panel and gather all necessary information. Alternatively, an agency should conduct a less formal in-house preliminary “after action” or critical incident debriefing to identify potential deficiencies before an officer may return to work.
- Often, multiple law enforcement agencies are involved in an incident that results in the use of deadly force. The agency that employs the officer who used deadly force is the agency that conducts the review even though officers from other agencies were actively involved in the course and outcome of the incident. The review of the case should include all agencies involved as part of the required review by the agency whose officer(s) used deadly force. Such case review may be best facilitated by an outside facilitator.
- Also see paragraph 3 in ‘Recommendations regarding law enforcement collaboration with mental health services’ on page 3 of this report.

Recommendation regarding firearms and prohibited persons

In many of the cases the Panel reviewed, the individual against whom deadly force was used discharged a firearm at another person or responding law enforcement officers. The Panel observed that several of these individuals were in mental health crisis and/or suffering from significant substance misuse. Some of these individuals had a prior violent criminal history and some were

convicted felons, prohibited by both federal and state law from possessing firearms. This raises the important question of how these individuals came into possession of the firearms in the first instance. The possession and presentation of firearms elevates the dangerousness of a situation and imposes significant safety concerns for responding law enforcement officers, involved citizens, and the perpetrators themselves.

The following proposed section 394 of Title 15 of the Maine Revised Statutes is intended to deter friends, acquaintances, family members, or other individuals from selling or otherwise providing a firearm to another person when that individual knows that the other person is prohibited from possessing a firearm for any of the reasons set forth in Title 15 MRSA, section 393.

Proposed Section 394 (Title 15) - Unlawful Sale or Transfer of A Firearm To A Prohibited Person

1. As used in this section, the following terms have the following meanings.

A. " Firearm" has the same meaning as in Title 17-A MRSA, section 2, subsection 12-A.

B. " Transfer" has the same meaning as in Title 17-A MRSA, section 554-A (1) (A).

C. " Sell" has the same meaning as in Title 17-A MRSA, section 554-A (1) (C).

2. A person is guilty of unlawfully selling or transferring a firearm to a prohibited person if that person intentionally or knowingly sells or transfers a firearm to any individual that the seller or transferor knows is prohibited from possessing a firearm for any of the reasons identified in 15 MRSA, section 393. Violation of this section is a Class D crime.

Recommendations to the Attorney General regarding the Panel

- The Deadly Force Review Panel was established in the fall of 2019 and was created within the Office of the Attorney General, and the Attorney General appoints the majority of members. The Panel has the authority to recommend changes to statutes, rules, policies, procedures, and training, and is charged with determining if the actions of law enforcement subscribed to accepted and best practices.

The Attorney General's Office has provided the Panel with support from its existing investigatory staff, but these individuals already have full-time responsibilities. Panel members have questions about the actions taken or not taken by law enforcement and others prior to, during, and following a deadly force incident. The Panel does not have independent staff resources to follow up on inquiries or best practices to help inform the work and recommendations of the Panel. For example, panel members would benefit from resources to avail themselves of as much collateral information as possible to provide data in addition to data collected during the initial law enforcement review. In addition, the Panel would benefit from having staff to assist with report writing. The Panel requests funding for staff resources to support its work going forward.

- The Panel has 15 members that are statutorily prescribed. Eight members represent law enforcement interests. Four members serve in their ex officio status, and three are citizens who are not and never have been a sworn law enforcement officer. The Panel has four members who are women but otherwise no other members that reflect diversity as encouraged by the statute. The Panel suggests that the Attorney General seek more diversity in the Panel membership and may wish to expand the number of Panel members to achieve this goal.
- The Panel recommends that a Use of Force checklist under development by the Panel be completed for every case investigated by the Attorney General. This information will be useful for reporting, recommending changes in policy and procedure, and law enforcement training.

Supporting Data and Characteristics of the Deadly Force Incidents

Of the 10 individuals against whom law enforcement used deadly force in the cases reviewed by the Panel since it began its work in 2019:

- 100% were white males (average age: 44).
- 100% had criminal histories.
- 100% brandished or fired a weapon during the incident.
- 90% were in mental health crisis and/or suicidal, including 2 who said they intended ‘suicide by cop’.
- 80% were known to be violent by their family, friends, or neighbors.
- 70% were living in isolated, rural locations in Maine.
- 70% were using alcohol and/or drugs during the incident.
- 50% had a history of domestic violence, with domestic partners involved in 4 of the incidents.

The Panel determined that a review of additional cases could be of assistance in assessing the strength and focus of its recommendations. Twenty-five use of deadly force cases were randomly chosen between 2010 and 2018 for further analysis.

Of these cases, eight were in urban areas and 17 rural, with the Maine State Police involved in ten of the cases. All the officers and persons against whom deadly force was used were white, and 22 were male, with eight under the age of 30. Fifty percent of the those against whom deadly force was used were using alcohol, and 40% had nonprescription drugs in their system at the time of the incident. An overwhelming number (80%) had known and/or active serious mental health disorder and only six were in active treatment.

Of these 25 cases, only seven occurred when an officer was performing his or her regular police duties, and 11 occurred during the escalation of a threat to others. In Maine, a high number of

incidents of threats to others involve individuals known to the assailant. Of these 25 cases, 13 involved incidents of past or continuing domestic abuse.

Individuals convicted of a felony or who are subject to a qualifying Protection from Abuse Order or other court order restricting firearms possession are prohibited from possessing a firearm. With the information available, at least five of the persons against whom deadly force was used were legally prohibited from and should not have possessed a firearm.

In its [13th Biennial Report](#), the Maine Domestic Abuse Homicide Review Panel included a 20-year lookback at over 129 domestic abuse homicide cases. The observations and recommendations in that report regarding systemic changes to hold those who commit abuse accountable and keep survivors safe intersect with the observations and recommendations of the Deadly Force Review Panel, noting that half of the use of deadly force incidents the Panel has reviewed involved domestic abuse. The common characteristics of individuals who commit domestic abuse homicide in Maine align with those of persons involved in use of deadly force incidents. Nearly all are white males, at least half express suicidality, many have a history of domestic violence and/or other crimes, and, in most cases, bystanders knew that the person was dangerous but felt unable to do anything to help. In 62% of the cases of intimate partner homicide, the individual used a firearm to commit the crime and frequently died by suicide with the same weapon.

Addendum A

Factual Summaries of Incidents Reviewed:

1. Madison (Somerset County) – Somerset County Sheriff's Office

In the early morning of Wednesday, July 5, 2017, three law enforcement officers of the Somerset County Sheriff's Department – Chief Deputy James Ross, Deputy Sheriff Joseph Jackson, and Detective Michael Ross – shot and killed Carroll Tuttle Jr. of Madison. Mr. Tuttle was approaching one of the officers and a bystander at a high rate of speed in his truck. Mr. Tuttle shot the bystander twice before Mr. Tuttle was killed by gunfire from all three deputy sheriffs. Mr. Tuttle had a short time previously shot and killed three persons: his domestic partner, his son, and a neighbor. The bystander survived his injuries.

2. Machiasport (Washington County) – Maine Marine Patrol

Shortly after noon on Saturday, December 9, 2017, Jason Jackson committed a home invasion in East Machias. Throughout the day and into the evening, law enforcement officers from separate agencies in Washington County looked for and eventually pursued Mr. Jackson, who drove to a residence in Machiasport. He retreated to the residence. Other officers arrived and entered the residence on the belief that the pursuing officer was in the residence and in peril. A Maine Marine Patrol officer attempted to persuade Mr. Jackson, who was armed with a handgun, to surrender. When the officer perceived that Mr. Jackson was imminently prepared to use his firearm against him, he shot at Mr. Jackson, hitting both him and his former partner who was attempting to shield Mr. Jackson from the officer. Both Mr. Jackson and the former partner survived their injuries.

3. Oakfield (Aroostook County) – State Police

On Wednesday, May 2, 2018, John Corneil of Merrill was visiting his mother in Oakfield and shot BBs at a neighbor's dog. The neighbor and her boyfriend went to the mother's residence and confronted Mr. Corneil, who grabbed the boyfriend and punched him. As the neighbors were walking away, Mr. Corneil shot BBs at them and made verbal threats. The incident was reported to a State Police trooper and Mr. Corneil's mother informed the trooper that her son was a felon and had mental health issues. After the trooper and his supervisor discussed the incident and reviewed Mr. Corneil's criminal and personal history, they determined Mr. Corneil would likely be agitated from the day's events and potentially dangerous given his previous criminal record of resistance to law enforcement intervention. Two days later, on Friday, May 4, 2018, a trooper followed Mr. Corneil to a grocery store in Oakfield and was joined by Sgt. Chad Fuller. When the officers attempted to talk with him, Mr. Corneil became agitated, and the officers attempted to arrest him. Mr. Corneil pulled out a black handgun from inside his jacket. The officers instructed him to drop the weapon and Sgt. Fuller shot Mr. Corneil when he did not comply. Mr. Corneil died at the hospital from gunshot wounds. His gun was later determined to be a CO2 weapon that shot pellets.

4. Wales (Androscoggin County) – State Police (Tactical Team)

On Sunday, May 13, 2018, at 6:28 P.M., the State Police were dispatched to a report that William Derick shot at his wife as she was leaving their home on the Pond Road in Wales. Officers learned that Mr. Derick suffered from paranoid schizophrenia and anxiety for which he had no medications, and that law enforcement had taken Mr. Derick into protective custody for mental health treatment several times previously. His wife told officers that Mr. Derick was in a state of extreme crisis, had access to a handgun as well as the shotgun or rifle he used to shoot at her, and was in their home without access to a phone. The police response included coordination of assistance from other police agencies, activation of the State Police Tactical Team, and engagement of the State Police Crisis Negotiation Team. There were several hours of attempted negotiation and de-escalation, staged from an armored vehicle deployed to facilitate communications absent a phone in the residence and to provide a degree of protection for the responding officers. Mr. Derick continued to brandish weapons and threatened to kill the responding officers. At 3:21 A.M. on May 14, 2018, Tactical Team member Corporal James MacDonald, observing Mr. Derick taking a shooting position and aiming at the armored vehicle, shot, and killed Mr. Derick.

5. Bangor (Penobscot County) – Bangor Police Department

Late in the morning on Tuesday, October 16, 2018, a woman called the Bangor Police Department to report that her boyfriend would not leave her apartment and was threatening to cut his throat. She identified him as Brian Barker and told the dispatcher that she had left him in her apartment and locked herself with her dog in her car. Two officers in separate cruisers arrived simultaneously on Grove Street and observed Mr. Barker, armed with a knife, walking on the sidewalk. The officers issued commands for Mr. Barker to drop the knife. Mr. Barker ignored the commands and began approaching the two officers while wildly swinging his arms and yelling, “Do it!” Officer Dylan Hall arrived seconds later and saw Mr. Barker in the street with the knife advancing toward the two officers as the officers backed away while commanding Mr. Barker to drop the knife. Officer Hall likewise shouted to Mr. Barker to drop the knife and when he failed to do so and continued to threaten the two other officers, Officer Hall fired his service weapon. Mr. Barker, struck by three bullets, fell to the ground. Mr. Barker survived his injuries.

6. Old Town (Penobscot County) – Old Town Police Department

At 3:25 a.m. on November 29, 2018, Officer Joseph Decoteau stopped Adrian Bunker for speeding on Stillwater Avenue in Old Town. During the initial traffic stop, Officer Decoteau observed that Mr. Bunker appeared to be intoxicated and Mr. Bunker’s responses to the officer’s questions were confusing. Mr. Bunker told Officer Decoteau three times that he was “gonna run” and, when Officer Decoteau asked him why, Mr. Bunker responded, “I don’t want to live.” Office Decoteau, along with an additional Old Town officer, directed Mr. Bunker to get out of his vehicle but, instead, Mr. Bunker drove off. The officers pursued Mr. Bunker in their separate cruisers for a short distance when Mr. Bunker abruptly stopped. The officers, approaching the vehicle on foot, observed Mr. Bunker holding a handgun to his head. The officers repeatedly demanded that Mr. Bunker drop the weapon and offered help. Within minutes, Officer Decoteau, having moved to the

rear of the vehicle, observed Mr. Bunker pointing the gun directly at him through the rear window. Officer Decoteau fired a single shot, which killed Mr. Bunker.

7. Minot (Androscoggin County) – Androscoggin County Sheriff’s Office and Mechanic Falls Police Department

On Friday afternoon, January 31, 2020, Jason Gora’s father called the Auburn Police Department asking for a wellbeing check of his son who had posted suicidal ideations on Facebook. Officers were unable to locate Mr. Gora. They learned that he had attempted suicide a few months earlier, and that Mr. Gora would try to provoke officers to shoot him. On Sunday, February 2, 2020, in a brief phone contact that an Auburn officer had with Mr. Gora at 6:25 p.m., the officer tried to persuade Mr. Gora to turn himself in or go to a hospital and asked his location, Mr. Gora replied, “Come find me mother fucker and see what happens!” At 8:00 p.m., Androscoggin Sheriff Sgt. Jon Guay spotted Mr. Gora’s vehicle speeding from Auburn toward Minot. Mr. Gora refused to pull over and Sgt. Guay and Deputies Noyes and Nadeau pursued Mr. Gora at speeds up to 80 m.p.h. Mechanic Falls Police Sgt. Alfred Daigle learned of the chase, attempted to deploy spike mats, and parked his cruiser with emergency lights activated in a parking lot just off the roadway. Seconds later, before Sgt. Daigle was able to even get out of his cruiser, Mr. Gora drove his vehicle into the front end of Sgt. Daigle’s cruiser, causing the cruiser airbags to deploy and spinning the cruiser from the point of impact. Mr. Gora’s wrecked vehicle came to a stop in the roadway. All four officers got out of their cruisers and gave commands for Mr. Gora not to move and to show his hands. Instead, he reached for something in the back seat, got out of the vehicle on the opposite side from the officers, and fled down the road into a field and then into a parking lot where he stumbled and turned toward the officers with an object in his hand that all officers believed was a firearm. Believing Mr. Gora was leveling a firearm at them, all four officers fired shots at Mr. Gora. He died at the scene.

8. Medford (Piscataquis County) – Piscataquis County Sheriff’s Office and Milo Police Department

On Friday, April 26, 2019, around 2:30 p.m., Chief Deputy Todd Lyford of the Piscataquis County Sheriff’s Office was on patrol in the Medford area. He noticed a gold-colored van that was not displaying an inspection sticker and he knew that an individual who lived in the area – Douglas Hazen – was the subject of outstanding arrest warrants. Believing the van’s operator to be Mr. Hazen, he decided to stop the van. The driver refused to stop. Chief Deputy Lyford contacted the Piscataquis County Communications Center and learned that the van was registered to Douglas Hazen, the registration expired in 2016, and Mr. Hazen had outstanding warrants and was considered armed and dangerous. About 15 minutes later, the vehicles passed Milo Police Chief Damien Pickel at an intersection. Mr. Hazen, upon seeing the Milo police cruiser, reversed direction, and Chief Pickel joined the pursuit as the lead pursuit vehicle. At 2:54 p.m., Mr. Hazen drove the van onto Partridge Lane where Mr. Hazen resided and stopped at the end of the lane. Mr. Hazen got out of the van and ran into his residence. The officers pursued him on foot. Mr. Hazen immediately emerged from the residence carrying a handgun held at his side. Both officers told him to drop his weapon; he did not comply and turned back toward the residence. Chief Pickel deployed his TASER, but with no effect. Mr. Hazen turned and walked toward the officers still

holding and “bobbing” his gun. Both officers shot him multiple times. Mr. Hazen was wounded but survived his injuries.

9. Auburn (Androscoggin County) – State Police (Tactical Team)

On May 21, 2019, shortly after 9 a.m., two officers were at 185 Main Street in Auburn to question a suspect about a theft of fuel from a convenience store in Poland earlier that morning. The officers learned that there was a man (later identified as Steven Case Jr.) in the basement of the residence with a cache of several firearms and ammunition and that he planned a shootout with police. As one of the officers started to pull open a makeshift door, Mr. Case shouted that he had a gun and not to enter. Both officers retreated. Additional officers from the Auburn Police Department were called to secure the building, and the Maine State Police Tactical Team was activated. Officers learned that Mr. Case was holding a young woman with him against her will. For the next several hours, officers made numerous unsuccessful attempts to persuade Mr. Case to release the hostage and surrender to police. Mr. Case made demands for food and drugs, became increasingly agitated during the calls, and frequently disconnected the calls. A negotiator told him that she could guarantee Mr. Case’s safety if he came out of the house with nothing in his hands. Mr. Case repeatedly made it clear he was not going to do that. The hostage texted with a friend that Mr. Case was holding her against her will, had 12 guns and “thousands of ammo,” and that “he’s doing suicide by cop.” In the meantime, with officers out of the building, Mr. Case was observed moving throughout the building with the hostage always close to him. At 2:46 p.m., the hostage was observed by Trooper Andrew Hardy to move away from Mr. Case just enough for Trooper Hardy to take a safe shot. Trooper Hardy fired a shot through a window and screen, incapacitating Mr. Case. Later investigation determined that Mr. Case was killed by a single perforating gunshot wound to his neck. The hostage was not injured.

10. Hiram (Oxford County) – State Police (Tactical Team)

On Friday, April 24, 2020, at 10:00 p.m., three Oxford County Sheriff’s deputies went to 367 Triptown Road in Hiram to serve the owner of the residence, Reed Rickabaugh, a Protection from Harassment Order. Mr. Rickabaugh emerged from the house holding a revolver. A Deputy, who had taken cover behind Mr. Rickabaugh’s truck, yelled “gun”, and ordered Mr. Rickabaugh to drop the gun. Mr. Rickabaugh pointed the revolver in Deputy’s direction and fired one round which struck a marked police cruiser. The State Police Tactical Team and the State Police Crisis Negotiation Team were called for assistance. For over ten hours, negotiators attempted without success to persuade Mr. Rickabaugh to surrender. Mr. Rickabaugh fired rounds at members of the Tactical Team. Rounds struck the Tactical Team’s armored vehicle. During the standoff, Mr. Rickabaugh called 911 and reported that he was under attack and to send help. He hung up the phone. A negotiator again attempted to contact Mr. Rickabaugh by phone, but he did not answer. On Saturday, April 25, 2020, at approximately 10:32 a.m., the State Police Explosives Team, using a robot, deployed an explosive breaching charge on the door to the residence. A negotiator announced to Mr. Rickabaugh that if he continued to shoot at law enforcement, the police would be forced to respond with deadly force. This warning was repeated several times. The explosive charge was detonated, which removed the door from the house. At 10:46 a.m., Mr. Rickabaugh was seen in the doorway with a handgun, which he fired at the robot. Two Tactical Team members,

Cpl. Paul Casey, and Cpl. George Neagle, fired at Mr. Rickabaugh. Mr. Rickabaugh fell into the doorway where he was pronounced dead. An examination by the Chief Medical Examiner found that Mr. Rickabaugh died from a gunshot wound of the neck and chest.

Addendum B

Panel Membership:

Michael Alpert, President, Greater Bangor Area Branch, NAACP

Debra Baeder, Ph.D., Clinical Director, Office of Behavioral Health, DHHS

David Bate, Esq.

Stephen Burlock, Esq., Assistant District Attorney, District 5, Retired

John Chapman, Esq.

Jack Clements, Chief of Police, Saco (joined Panel 10/2021)

Rick Desjardins, Director, Maine Criminal Justice Academy

Sandra Slemmer, designee of Mark Flomenbaum, M.D., Ph.D., Chief Medical Examiner

Fernand Larochelle, Panel Vice Chair and Secretary

Brian MacMaster, Chief, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Janine Roberts, Chief of Police, Westbrook Police Department (retired and left Panel 9/2021)

Michael Sauschuck, Commissioner, Department of Public Safety

Francine Garland Stark, Executive Director, Maine Coalition to End Domestic Violence, Panel Co-chair

Dan Tourtelotte, Maine State Law Enforcement Association

Vendean Vafiades, Esq., Panel Co-chair

Summary of Panel Activity:

The Deadly Force Review Panel met nine times in calendar year 2021, specifically on January 28, February 25, April 22, May 27, June 24, September 23, October 28, November 18, and December 23. Saco police chief Jack Clements joined the panel at its September 23 meeting, replacing retired Westbrook police chief Janine Roberts. The nine meetings focused on the review of seven deadly force cases for which the Attorney General previously issued legal findings, the issuance of Panel reports, and the transmittal of those reports to the Judiciary Committee of the Legislature. The cases in order of review involved the use of deadly force in Wales by the State Police on May 14, 2018; Bangor by Bangor PD on October 16, 2018; Old Town PD on October 29, 2018; Minot by Androscoggin County SO and Mechanic Falls PD on February 2, 2020; Medford by Piscataquis County SO and Milo PD on April 26, 2019; Auburn by State Police on May 21, 2019; and Hiram by the State Police on April 25, 2020.

Note: The individuals who serve on the Panel are appointed for the purpose of bringing their professional expertise to bear on discussions of these complex cases. Thus, a member of the Panel may know or have had contact with individuals who were involved in the case under review. In such situations, the member reports such affiliations to the Panel and that information is recorded in the meeting minutes. If the Panel member determines he or she have a conflict of interest, the Panel member is recused from voting on the Panel's observations and recommendations regarding that case.