

# MAINE STATE LEGISLATURE

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**DEADLY FORCE REVIEW PANEL**  
6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

January 27, 2023

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

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

The Deadly Force Review Panel hereby transmits its Third Annual Report in accordance with Title 5, § 200(K)(7), which requires the Panel to submit an annual report by January 30<sup>th</sup> 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:

Francine Garland Stark, Chair.  
Vendean Vafiades, Vice Chair

Enclosure



# 3<sup>rd</sup> Annual Report of the Deadly Force Review Panel

Submitted to the Joint Standing Committee on the Judiciary

January 2023

## Introduction

The Deadly Force Review Panel reports to the Joint Standing Committee on the Judiciary. In each report of the Panel's review of a deadly force incident, the Panel offers carefully considered observations and recommendations regarding law enforcement actions: involvement of services, especially mental health; availability of weapons, especially firearms; and proposed policy and procedure changes. All of the Panel's case review reports are available on the Attorney General's website. The Panel emphasizes the seriousness of its recommendations, particularly as they involve the critical need for additional mental health services, especially in rural areas, to assist the community, law enforcement, and other first responders with the individuals most often involved in officer-involved shootings. This collaboration is essential to managing any continued threat that these individuals may pose to themselves, members of their households, law enforcement officers, and the community, especially when they have access to firearms.

Since its inception, the Panel has reviewed 20 cases involving officer-involved shootings. The Panel's observations of these incidents and characteristics of the individuals against whom deadly force was used are consistent. The individuals are white, middle age (trending younger), males who have mental health and/or substance use issues, and have firearms or other weapons. They are known in their community to be troubled and often violent. More than half have been involved in domestic violence incidents, and more than a third have threatened suicide. Given this profile, it is not surprising that the primary focus of the Panel's recommendations is on training, support, and resources related to mental health services. Connecting law enforcement with mental health service agencies, joint training, and real-time support in the field are key areas of concern to the Panel.

Each Panel report outlines the facts of the incident under review and makes observations and recommendations. The Panel solicited and received feedback from involved law enforcement agencies regarding the impact of its work. Overall, the agency heads found the Panel's reviews to be useful or at least worthy of a discussion at the agency level. One chief stated, "We used the Panel's report to update our policies, procedures, and training to improve officer and public safety."

The Panel is keenly attuned to the human cost in each of the incidents it reviews. They are all tragic with symptoms of underlying gaps in our social safety net. The call to law enforcement is a last resort for families seeking intervention for family members in violent crises. The Panel's scope of work to date has focused on those cases when deadly force was used but recognizes that law enforcement responds to high-risk incidents every day that resolve peacefully.

## Summary of Characteristics of the Deadly Force Incidents and Individuals Involved

The Deadly Force Review Panel reviewed 20 officer-involved shootings of which 12 resulted in death, seven in serious bodily injury, and one with no injury. These incidents occurred throughout the state with ten incidents taking place in urban areas and ten in rural environments. Eight involved the State Police seven involved municipal police departments, including two sheriff's offices; four involved sheriff's offices; and one involved State Marine Patrol, along with a sheriff's office and a municipal agency.

The primary characteristics of the individuals against whom deadly force was used in these incidents are white males with an average age of forty (range 27 to 59). As shown below, 74 percent of the individuals suffered from some form of mental illness, almost 60 percent were using alcohol, and more than a third were using drugs at the time of the incident. Almost half of the incidents involved a domestic violence situation and, in a third, the individuals involved were threatening to commit suicide. All these individuals possessed firearms or knives with 63 percent using their weapons at some point during the incident. Eighty percent had previous criminal convictions and were known in their communities or to others to be violent.

Of the 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: 40).
- 80% had criminal histories.
- 100% had weapons at hand, and 63% used their weapons during the incident
- 74% were in a mental health crisis and/or suicidal, including three who said they intended "suicide by cop".
- 84% were known by their family, friends, or neighbors to be violent.
- 50% were living in isolated rural locations in Maine.
- 58% were using alcohol.
- 37% were using drugs.
- 47% involved domestic violence, with domestic partners present for at least part of the incidents.
- 32% expressed suicidal intent.
- 84% were known to others as violent.
- 26% were legally prohibited from possessing firearms.

## Recommendations regarding the Office of Behavioral Health and the Department of Public Safety

The 2008 report of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering from Mental Illness, as well as the two previous annual reports of the Deadly Force Review Panel, referenced the presence of unmet behavioral health and substance use disorder needs in deadly force incidents, and included recommendations calling for:

- Additional behavioral health and substance use disorder treatment resources, especially in rural areas.
- Better collaboration and communication between behavioral providers and law enforcement.

This need is further reinforced by data in this report that shows 74% of deadly force incidents reviewed to date have involved a mental health component. Of these, 47% had a co-occurring substance use component.

To help address unmet needs, past reports have identified protective custody (Title 34-B § 3862) and involuntary admission to a psychiatric hospital (Title 34-B § 3863 – “blue paper”) as areas where additional education and enhanced collaboration may be helpful for law enforcement, community behavioral health providers, and local hospitals. This is especially true following the 2021 update to the blue paper process. In October 2022, the Maine Criminal Justice Academy revised the “Restricting Access to Dangerous Weapons” unit of instruction covering these issues and distributing the lesson plan to law enforcement statewide.

1. The Office of Behavioral Health and the Department of Public Safety should develop a “request to transport” form for use statewide that can be completed by clinical behavioral health providers to a) assist law enforcement in establishing probable cause to take a person into protective custody, and b) ensure relevant clinical information is transmitted from community behavioral health providers to hospitals in situations of protective custody and involuntary hospitalization. An example form currently in use by the Biddeford and Saco police departments is included with this report.
2. The panel additionally recognizes that 79% of deadly force incidents in total, and 71% of mental health-related deadly force incidents, involved a firearm. The current process to prevent dangerous individuals from accessing firearms requires law enforcement to take a person into protective custody and have that person assessed by a medical practitioner to determine whether the individual presents a “likelihood of foreseeable harm.” If the assessment is affirmative, law enforcement then seeks judicial endorsement of an initial weapons restriction.

The Panel understands that the protection of substantial threat statute is not being used on a regular and responsive basis often because of the lack of an available medical practitioner to complete an

assessment. The Panel urges the provision of expanded education and information regarding the use of protective custody and collaboration with behavioral health providers, and the use of telehealth assessment options for weapons restriction assessments available to law enforcement, especially in rural areas.

The Panel supports the efforts of DHHS to expand community treatment services for individuals requiring mental health treatment and supports the current efforts to provide additional resources for expanded behavioral mental health services.

#### General recommendations regarding the development of protocols and training:

- The Department of Public Safety and a consortium of law enforcement should commit to developing a common records management system to assure greater information sharing among all law enforcement agencies that, among other benefits, would provide prompt access to relevant historical data when officers are responding to potentially dangerous situations. The Panel recognizes that this would be an onerous and expensive goal to achieve, but the gaps in critical information being readily available to law enforcement compromise public safety by limiting law enforcement's ability to develop responses to individuals with histories of violent behavior that have the best chance for a non-lethal resolution.
- All law enforcement agencies should ensure that officers are well trained in the use and the limitations of less-lethal weaponry, including factors such as the weather that impact their dependability to deploy as intended.
- When video and/or audio equipment is available, such as body-worn cameras and cruiser cameras, it should be activated and used throughout an incident.
- To avoid any ambiguity regarding the presence or authority of law enforcement officers, whenever possible, a clearly identifiable officer should knock and notify persons in a loud enough manner to be heard inside the premises, or through other means, that the officer is a police officer.
- For their wellness, officers who have used deadly force should be removed from the scene as soon as possible and provided emotional support and counseling as necessary.

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

- The Panel recommends that the Board of Trustees of the Maine Criminal Justice Academy continue its review of the content of the Law Enforcement Pre-service (LEPS) curriculum regarding standards and training requirements for provisional officers.
- The MCJA Board of Trustees should proceed with rulemaking to review and enhance the standards for compliance with existing statutorily required internal incident reviews by law

enforcement agencies whose officers are involved in deadly force incidents, including the scope of the review, the time between an incident and its review, and composition of the review team, and that the current required elements of the internal incident review be evaluated for adequacy and relevancy to assist officers to learn from and to train for such incidents in the future. All departments whose officers were involved in a deadly force incident should participate in the internal review, not just the department whose officer(s) used deadly force.

- The MCJA Board of Trustees should develop a process to determine whether recommendations in an agency's internal review team report are implemented and whether recommendations in the Panel's reports are considered or implemented.
- To facilitate consideration and implementation of Panel recommendations, the MCJA Director, who sits on the Panel, should present the information and recommendations of the Panel's case review and annual reports to the MCJA Board of Trustees and appropriate Board committees to expedite rulemaking and other actions within the MCJA's scope of authority.

### Attorney General Reports of Legal Justification

An important concern brought to the attention of the Deadly Force Review Panel by law enforcement is the length of time from the use of deadly force and the Attorney General's report on the determination of legal justification of the use of that force. The heads of law enforcement agencies expressed the concern that delay in issuing the AG report causes stress on the families and friends of the individual against whom deadly force was used, law enforcement officers involved in the incident, the officers' families, and the law enforcement agencies themselves. The length of time also has implications for the public, which has an interest in knowing about the investigation and evaluation and investigation of these incidents.

The Panel reviewed the time periods for the Attorney General's Office to investigate, complete the legal review of the incident, and issue the AG report. The cases that the Panel reviewed when the incident occurred before 2019 took an average of 28 months from the date of the incident to the issuance of the AG Report. The cases that the Panel reviewed when the incident occurred in 2019 took an average of 27 months from the date of the incident to the issuance of the AG Report. The cases that the Panel reviewed since the beginning of 2020 took an average of 11 months from the date of the incident to the issuance of the AG Report.

A statute that took effect on October 18, 2021, requires the Attorney General to complete an investigation and submit the findings regarding the use of deadly force by a law enforcement officer to the Deadly Force Review Panel within 180 days of receiving notice of the use of deadly force. The Attorney General is required to provide notice to the Panel if the investigation and findings will not be completed within 180 days. To date, the Panel has not received notice from the Attorney General that the investigation and findings of any case since the enactment of the statute were not complete within 180 days. Cases predating the statute still awaiting a report from the Attorney General include one in 2018, one in 2019, and six in 2021.



## Response from Law Enforcement Agencies

The Deadly Force Review Panel has been reviewing cases and issuing reports with observations and specific recommendations to law enforcement agencies across the State for three years. The Panel requested feedback from the heads of agencies involved in 16 incidents. All agencies responded to the Panel's request, some with more detail than others.

Over 60 percent of the agency chiefs responded that they have adopted the Panel's recommendations and increased their agency's awareness and support for dealing with individuals with active mental health concerns. The agencies have developed a working relationship with a community mental health agency, added a behavior mental health professional to their team, enhanced training for dealing with an individual experiencing a mental health crisis, or found the resources to hire a mental health specialist. Some agency chiefs noted that they had improved the stress management support for their officers who had been involved in a use of force incident.

Other areas where the agencies have made changes involve greater sensitivity to providing support and follow-up for victims of domestic violence, adding medical kits to cruisers, equipment upgrades, especially related to audio and visual recording, and adding equipment to support less-lethal officer intervention strategies. In a couple of cases, the agency head provided more detailed background information to explain the law enforcement intervention. This type of feedback is helpful to the Panel to ensure that it has a complete picture of the circumstances of each incident.

The Panel also received feedback that recruiting, training, and retaining law enforcement officers is a growing problem in Maine. Despite increased recruitment efforts, there appears to be a sharp decrease in the number of people who are interested in entering the law enforcement field. At the same time, there appears to be an increase in the number of officers who are choosing to leave law enforcement to seek employment in other professions with far fewer risks. If this trend continues, individuals involved in confrontations with law enforcement, law enforcement officers

*While writing of his support for the work of the Deadly Force Review Panel, one police chief commented that he was disheartened by the two years it took for the Attorney General to issue a decision. "The officer suffered in silence during a two-year wait with the possibility of a homicide charge hanging over his head. The officer was personally and deeply impacted by the necessity of using deadly force that resulted in the death of an individual. Once the officer realized what he had done, he fell to the ground and needed assistance from another officer to move to safety." The chief wrote, "Two years of anxiety and a couple of trips to the hospital. Two years of the widow reaching out to him [the officer] on social media wanting to meet him and talk about what had happened. Two years of not being able to talk about what had happened with co-workers, friends, or family. Two years of wondering what the future held for him and his family."*

themselves, and the public will be at greater risk when involved in a dangerous incident that may be inadequately supported by well-trained and experienced law enforcement officers.

## Addendum A: Factual Summaries of Incidents Reviewed

### **1. Jefferson (Lincoln County) – Lincoln County Sheriff’s Office**

About a half hour after midnight on December 18, 2020, three Lincoln County deputy sheriffs responded to an “open 9-1-1 call.” One of the officers determined that the call originated from a residence on Rockland Road in Jefferson. That officer observed Jacob McClure in an altercation with a woman through a sliding glass door. Deputy David Bellows and another deputy sheriff arrived at the location and the three officers entered the residence. Mr. McClure told the officers to leave, walked down a hallway, and locked himself in a room. The woman was frantic and indicated nonverbally that she was afraid. The officers decided to arrest Mr. McClure for domestic assault. Mr. McClure told the officers to leave and insisted on trying to communicate with the woman. The officers tried unsuccessfully to persuade Mr. McClure to come out of the locked room. One of the officers breached the locked door and was encountered by Mr. McClure pointing a rifle at him. That officer and another retreated down the hallway. Deputy Bellows moved to the hallway while attempting to shield the woman, who was walking toward the hallway disregarding his commands to retreat. Ignoring commands to drop the gun, Mr. McClure pointed his rifle at Deputy Bellows, who shot Mr. McClure. Mr. McClure died at the scene.

### **2. Gorham (Cumberland County) – Gorham Police Department**

At approximately 4:00 p.m. on May 31, 2019, Officer Dean Hannon of the Gorham Police Department received a report that Kyle Needham, wanted on a felony arrest warrant for eluding an officer, was in the Main Street area of Gorham, accompanied by his girlfriend. Officer Hannon, along with other officers of the Gorham Police Department, went to the Main Street area to locate and arrest Mr. Needham. A GPD officer told the other officers that she had spotted the vehicle reportedly being driven by Mr. Needham parked in the rear lot of the Burger King restaurant on Main Street. Several other GPD officers drove their cruisers to the parking lot area and set up a loose perimeter around the truck but out of view. When a man and a woman ran from Burger King and entered the suspect’s vehicle, officers positioned their cruisers to the front and side of the vehicle in an attempt to box in the vehicle. Officers exited their vehicles and approached the vehicle. Mr. Needham was trying to flee by crashing into the front end of a police cruiser. He rapidly backed up and the vehicle struck an officer on the passenger side. Officer Hannon, believing that the other officer was in danger of being run over, fired a single round at Mr. Needham, which struck him in the upper left torso. After being shot, Mr. Needham accelerated forward and was able to maneuver the truck around the police cruisers, striking a parked car as he tried to flee. Mr. Needham died from the gunshot wound. The medical examiner's report noted that Mr. Needham had a high level of methamphetamine in his system.

### **3. Thorndike (Waldo County) – State Police**

Eric Fitzpatrick lived in Thorndike with his ex-wife. On November 26, 2019, Mr. Fitzpatrick spent most of the day consuming alcohol. In the evening, while the ex-wife was at work, Mr.

Fitzpatrick's neighbor witnessed him yelling and screaming while outside and reported this behavior to the police. Mr. Fitzpatrick called 9-1-1 several times and demanded that a police officer be sent to his residence. During these calls, he said that he was intoxicated, and had a handgun, a TASER, chemical mace, and body armor. This information was relayed to State Police Trooper Thomas Bureau and another trooper. Once home from work, the ex-wife called 9-1-1 and reported that Mr. Fitzpatrick "attacked" her and threatened to tase her. When the troopers arrived at the residence, Mr. Fitzpatrick confronted them with what Trooper Bureau perceived to be a handgun and a TASER, aimed first at the other trooper and then at Trooper Bureau, and refused to follow demands to drop the weapons. Trooper Bureau shot Mr. Fitzpatrick, who sustained a gunshot wound but survived the injury.

#### **4. Falmouth (Cumberland County) – Falmouth Police Department**

Daniel DiMillo, 51, lived with his elderly parents in Falmouth. During the early evening of Tuesday, October 19, 2021, callers reported to the Falmouth Police Department that Mr. DiMillo was running about the intersection of Lunt Road and Middle Road in Falmouth brandishing a knife. Falmouth Police Sergeant Kevin Conger and Officer Peter Theriault responded to the call and observed Mr. DiMillo with a knife coming from the tree line on the north side of Lunt Road. Mr. DiMillo charged Sgt. Conger with the knife. He ignored commands to drop the knife and advanced rapidly toward Sgt. Conger, who unsuccessfully deployed his TASER. Sgt. Conger fell to the ground while backpedaling and Officer Theriault fired a single shot at Mr. DiMillo. Sgt. Conger got back to his feet. Mr. DiMillo, who at that point was 12-15 feet away from the officers, sprinted towards the officers with the knife held in his right hand and the blade pointing downward. Both officers shot multiple times at Mr. DiMillo. Mr. DiMillo died at the scene.

#### **5. Old Town (Penobscot County) – State Police**

Thomas Powell, 31, resided with his mother in Old Town. On April 13, 2020, the State Police informed the Old Town Police Department that Mr. Powell was a suspect in a residential burglary in Surry on April 13th in which a Honda Pilot was stolen. A few minutes after midnight on April 14th, an Old Town police officer drove by Mr. Powell's residence and observed the stolen vehicle in the driveway. Almost immediately, neighbors reported hearing three gunshots coming from the area of Mr. Powell's residence. Attempts by officers to reach Mr. Powell via a loudspeaker and cell phone were unsuccessful. The State Police Tactical Team and Crisis Negotiation Team responded. All attempts over the next eight hours to persuade Mr. Powell to come out of the residence and surrender were unsuccessful. Mr. Powell fired three shots at two Tactical Team members from inside the residence. Shortly after, Mr. Powell walked onto the porch of the residence armed with a rifle and appeared to be actively scanning for an officer who had ordered his surrender. When Mr. Powell ignored commands to drop the rifle, Detective Scott Duff and Trooper Garrett Booth shot him. Mr. Powell died at the scene.

#### **6. Waterville (Kennebec County) – Waterville Police Department**

Close to midnight on February 11, 2020, a hotel tenant and some friends in a car in the hotel parking lot in Waterville were approached by a man carrying a knife and yelling. The tenant called 9-1-1. Waterville police officers promptly arrived and observed the man with the knife, later

identified as Eric J. Porter, age 32, in a nearby parking lot. Still armed with the knife, Mr. Porter charged at a police cruiser. He ignored multiple commands to drop the knife and ran onto Main Street and up the Interstate 95 off-ramp into the southbound lane of the Interstate highway where he sat down on a guardrail next to the passing lane. When Mr. Porter charged at an officer with the knife raised over his shoulder, Waterville Officer Paul Heath shot him. In the minutes leading up to the shooting, officers attempted repeatedly to persuade Mr. Porter to relinquish the knife, and they attempted to stop and disarm him with pepper balls and a TASER, each time without success. Mr. Porter died at the scene from a single gunshot wound.

#### **7. Waldo (Waldo County) – State Police**

On Sunday afternoon, January 9, 2022, a woman called 9-1-1 and reported that she had fled to a neighbor's home with her five-year-old daughter after her husband, Kote Aldus, "choked" her and refused to let her take their two-week-old baby. She said he had been drinking and, while he had not threatened her with a firearm, there were several in the house. She expressed grave concern about the welfare of the two-week-old baby, who was still in the house with her husband. State Police Trooper Tyler Harrington was one of many officers who responded to the 9-1-1 call. About two hours after the 9-1-1 call and about 17 minutes after his arrival outside the Aldus residence, Trooper Harrington, believing that Mr. Aldus was going to shoot at other troopers, fired at Mr. Aldus who, struck by the gunfire, fell back into the house where he remained non-compliant until he was taken into custody about two hours later with the aid of a police dog and transported to a hospital. The two-week-old baby was located safe and uninjured in the house. Mr. Aldus recovered from his wounds.

#### **8. Falmouth (Cumberland County) – State Police**

A few minutes after midnight on January 10, 2022, a Maine Turnpike motorist called 9-1-1 to report an erratic driver in the northbound lane near Mile 48. Corporal Ricci Cote of the State Police located the vehicle near Mile 55 and attempted to stop it. The operator of the vehicle refused to stop and led Cpl. Cote on a chase, during which time the driver, later identified as Barry Coolbrith, 33, reached speeds of nearly 90 miles per hour and tried at least twice to engage a crash by suddenly braking while being pursued by Cpl. Cote. After a circuitous pursuit that ended up in the southbound lane of the turnpike and onto an exit ramp at Mile 53, Cpl. Cote executed a Precision Immobilization Technique (PIT maneuver) to force the vehicle to stop. When it appeared the vehicle was stopped, Cpl. Cote got out of his cruiser. When the vehicle drove directly at him, Cpl. Cote shot at Mr. Coolbrith three times when he perceived that Mr. Coolbrith was trying to run him over. Another trooper resumed the chase when Mr. Coolbrith drove away, ultimately catching and subduing him with the assistance of officers of the Falmouth Police Department. Mr. Coolbrith suffered a flesh wound in his left upper arm from one of Cpl. Cote's gunshot. He was transported to a Portland hospital where he was treated and released.

#### **9. Lewiston (Androscoggin County) – Lewiston Police Department**

Corporal Jeremy Somma of the Lewiston Police Department responded to a 911 call on November 18, 2020, at 4:23 a.m., from a citizen stating that an armed man was in his apartment, and he was concerned the armed man would hurt his friend. When Corporal Somma arrived at the

apartment, Joshua Boyd exited the building and ran from Corporal Somma during which time he shot at Corporal Somma and Corporal Somma fired back. No one was injured; Mr. Boyd was taken into custody without further incident. The statute (Title 5, section 200-K) governing the Panel states that the Panel “shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer.” In this incident, although the law enforcement officer used deadly force, no death or serious injury resulted from his actions. Accordingly, the Panel declined to review this incident as it is not within its statutory authority to do so.

#### **10. Augusta (Kennebec County) – Augusta Police Department**

On November 24, 2019, Augusta Police Officer Sabastian Guptill and two other Augusta officers attempted to arrest Robert Farrington at his residence in Augusta for an alleged domestic violence assault that occurred earlier in the night in Fairfield. After several minutes of knocking on doors and windows and receiving no response from inside, the officers decided to leave. As they were leaving, one of them saw a light turn on inside the residence so all three re-approached the residence. As officer Guptill got close to the residence, he saw an exterior light turn on and off. Officer Guptill illuminated a sliding glass door with his flashlight to see Mr. Farrington standing inside with a gun. Officer Guptill announced, “Augusta Police” and fired at Mr. Farrington when Officer Guptill’s command to drop the gun was met by Mr. Farrington pointing the gun at him. Mr. Farrington sustained a gunshot wound from which he recovered.

## Addendum B: Creation and Mission of Deadly Force Review Panel

The Deadly Force Review Panel (the Panel) was created by the 129<sup>th</sup> 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; its reviews occur after the Attorney General's legal finding. The examination aims 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 has confidential access to all investigatory reports, interviews, video and audio recordings of an incident, and other relevant information. 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 of the Attorney General.

### Summary of Panel Activity

The Deadly Force Review Panel met 10 times in calendar year 2022, specifically on February 24, March 24, April 28, May 26, June 23, July 28, September 22, October 27, November 17, and December 15. The meetings focused on the review of 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 Jefferson by the Lincoln County Sheriff's Office on December 18, 2020; in Gorham by the Gorham Police Department on May 31, 2019; in Thorndike by the State Police on November 26, 2019; in Falmouth by the Falmouth Police Department on October 19, 2021; in Old Town by the State Police on April 14, 2020; in Waterville by the Waterville Police Department on February 11, 2021; in Waldo by the State Police on January 9, 2022; in Falmouth by the State Police on January 10, 2022; in Lewiston by the Lewiston Police Department on November 18, 2020 (Panel declined to fully review and issue a report in that there was no injury as a result of the use of deadly force); and in Augusta by the Augusta Police Department on November 24, 2019.

### Panel Membership

Michael Alpert, President, Greater Bangor Area Branch, NAACP  
Debra Baeder, Ph.D., Clinical Director, Office of Behavioral Health, DHHS (left panel 7/2022)  
David Bate, Esq. (left panel 10/2022)  
Stephen Burlock, Esq., Assistant District Attorney, District 5, Retired  
John Chapman, Esq.  
Jack Clements, Chief of Police, Saco  
Rick Desjardins, Director, Maine Criminal Justice Academy  
Sandra Slemmer, designee of Mark Flomenbaum, M.D., Ph.D., Chief Medical Examiner  
Benjamin Strick, Senior Director of Adult Behavioral Health, Spurwink (joined Panel 9/2022)  
Fernand Larochelle, Secretary  
Brian MacMaster, Chief, Attorney General Investigations (left panel 7/2022)  
Anna Love, Chief, Attorney General Investigations (joined panel 8/2022)  
Joel Merry, Sheriff, Sagadahoc County

Michael Sauschuck, Commissioner, Department of Public Safety  
Francine Garland Stark, Executive Director, Maine Coalition to End Domestic Violence, Chair  
Dan Tourtelotte, Maine State Law Enforcement Association  
Vendean Vafiades, Esq., Vice Chair

*Note: The individuals who serve on the Panel are appointed bringing to bring 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 has a conflict of interest, the Panel member is recused from voting on the Panel's observations and recommendations regarding that case.*



## ***SACO POLICE DEPARTMENT***

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### **REQUEST FOR EMERGENCY CRISIS TRANSPORT**

**Request:**

Pursuant to 34-B M.R.S. § 3862(1), I, \_\_\_\_\_ (medical practitioner name),  
being a duly (select one):  Licensed Physician;  Licensed Physician Assistant;  Certified Psychiatric Clinical Nurse Specialist;   
Certified Nurse Practitioner;  Licensed Clinical Psychologist;  Licensed Clinical Social Worker; or  Licensed Clinical Professional  
Counselor, believe there is probable cause to demonstrate that:

(patient's full name) \_\_\_\_\_ (DOB) \_\_\_\_\_ is  
mentally ill and that due to that condition the person poses a likelihood of serious harm to themselves or to other persons;  
therefore, I request the Saco Police Department take this patient into protective custody for the purpose of transporting them to  
Southern Maine Health Care for further evaluation and potential psychiatric hospitalization.

**Supporting Facts:**

I hereby attest that, in my professional opinion, the proposed patient is a mentally ill person, exhibiting the following symptoms:

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I hereby attest that, in my professional opinion, the proposed patient's recent actions and behaviors (not symptoms), show that the  
proposed patient's illness poses a likelihood of serious harm to themselves or to other persons:

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Describe recent threats or attempts of suicide or self-inflicted harm:

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Describe recent homicidal or violent behavior or recent conduct placing others in reasonable fear of serious physical harm:

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Describe recent behavior and how it shows inability to avoid risk or protect self from severe physical or mental harm:

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I am aware the proposed patient has an Advanced Healthcare Directive and, in my professional opinion, lacks the capacity for  
self-care.

I have confirmed that adequate community resources are unavailable for care and treatment of the patient's mental illness;  
and/or the patient is unwilling to go to the hospital on their own accord.

I have attached any supporting documentation.

\_\_\_\_\_  
(medical practitioner signature)

\_\_\_\_\_  
(license number)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(time)

\_\_\_\_\_  
(contact number)