

5th Annual Report of the Deadly Force Review Panel

January 2025

As required by 5 M.R.S. § 200-K, the Maine Deadly Force Review Panel met regularly in 2024 to review deadly force incidents by law enforcement officers and provide reports to the Joint Standing Committee on Judiciary of the Maine Legislature. The reports identified whether there was compliance with accepted and best practices under the circumstances, or whether practices required adjustment or improvement. The Panel is also charged with recommending methods of improving standards, including changes to statutes, rules, training, and policies and procedures designed to ensure best practices leading to increased public and officer safety.

The Panel solicits feedback on its reports from involved law enforcement agencies. While the Panel focused on those cases where deadly force was used, it recognizes that law enforcement responds to high-risk incidents every day that could have involved the use of deadly force but that were resolved peacefully.

The Panel is required by law to submit an annual report to the Joint Standing Committee on Judiciary of the Maine Legislature summarizing its work from the previous year by January 30th. Because mental illness and/or alcohol and drugs are the originating factors in most of these incidents, the Panel is now copying the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety with this annual report and future reports documenting the Panel's review of deadly force incidents.

Factual Summaries of Incidents Reviewed in 2024

By law, the panel shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer after the Attorney General has completed the investigation of the use of deadly force. Accordingly, the Panel reviews cases in the same chronological order as reports issued by the Attorney General.

#30 – Mars Hill – Fatal Shooting of Jacob Wood

In the early morning of April 14, 2021, two Aroostook County deputy sheriffs, including Isaac Ward, responded separately to a 911 call at an apartment complex in Mars Hill. Upon arrival, they saw a man and a woman outside in front of an apartment. They saw the man, later identified as Jacob Wood, grab the woman and hold a knife to her throat. Both deputies commanded Mr. Wood to release the

woman, but he refused to comply. Deputy Ward fired two rounds. One struck and killed Mr. Wood. The second round grazed the woman.

#31 – Stockholm – No injury to Michael Baron

At approximately 6:00 p.m. on July 31, 2022, a resident called 911 and reported that a man approached him outside his home in Stockholm, fired a handgun, threatened him with the gun, and demanded his car keys. The man was still outside and reportedly firing shots while the resident was on the phone with the dispatcher. The caller reported that the man paced back and forth in front of his home with a handgun and then ran into a garage across the road. The man was later identified as Michael Baron. Sgt. Nathan Chisholm and another deputy sheriff were the first to arrive on the scene. While standing outside of their police vehicles a short distance away from the caller's residence, Mr. Baron emerged from around the front corner of a residence across the street and pointed his handgun at the deputies. Sgt. Chisholm fired his pistol in the direction of Mr. Baron. Mr. Baron was not struck by gunfire, nor was he otherwise injured. A standoff ensued over the next several hours, with Mr. Baron ultimately surrendering. He was arrested and charged with attempted murder, possession of a firearm by a prohibited person, aggravated reckless conduct, criminal threatening with a dangerous weapon, robbery, burglary, theft of firearms, and creating a police standoff.

The statute 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 was not within its statutory authority to do so.

#32–Mexico–Nonfatal shooting of Brandon Dearborn

On Wednesday afternoon, August 31, 2022, several residents at an apartment complex in Mexico called 911 and reported a man outside the complex waving a handgun around. Lt. Derek MacDonald of the Mexico Police Department and two Rumford police officers, including Bradlee Gallant, responded to the calls. Shortly after their arrival, Lt. MacDonald and Officer Gallant encountered Brandon Dearborn behind one of the apartment buildings. Mr. Dearborn appeared very lethargic and uncoordinated in his movements. He was carrying a handgun in his right hand. Lt. MacDonald and Officer Gallant ordered him numerous times to drop

the gun. Officer Gallant's two attempts to tase Mr. Dearborn were unsuccessful. Both officers shot at Mr. Dearborn, who was struck by gunfire but survived the injuries.

#33 – Mexico – Nonfatal shooting of Daniel Tibbetts

On the evening of October 13, 2022, Officer Dustin Broughton of the Mexico Police Department was in uniform and on patrol in a marked cruiser. The Oxford County Regional Communications Center notified him of a reported incident on Roxbury Road in Mexico involving a man, later identified as Daniel Tibbetts, who was threatening a family member or girlfriend with a machete in an apartment. While on his way, Officer Broughton received an update that Mr. Tibbetts was outside the apartment with the machete and was saying that he was going to hurt law enforcement and make law enforcement hurt him, and he was not going to go alive. When Officer Broughton and another officer arrived, they saw Mr. Tibbetts standing outside the residence; he started walking toward them with the machete in his right hand. The officers ordered Mr. Tibbetts to drop the machete, but Mr. Tibbetts did not follow their orders and he continued walking toward the officers. Officer Broughton fired three rounds from his handgun, striking Mr. Tibbetts in the left cheek, abdomen, and leg. Mr. Tibbetts survived his injuries.

#34 – Waterboro – Fatal shooting of Tyler Woodburn

During the evening of September 7, 2022, a Waterboro woman called 911. She reported that her daughter's boyfriend, Tyler Woodburn, was driving while intoxicated on his way to buy more liquor and that her daughter was with him in his vehicle. The caller said that Mr. Woodburn would be violent or flee if confronted by law enforcement and that he may have a firearm in the vehicle. York County Deputy Sheriff Levi Johnson was dispatched to this call. He spoke with the 911 caller on the phone and learned that Mr. Woodburn had previously threatened to shoot a York County deputy sheriff in the head. Deputy Johnson located Mr. Woodburn's truck parked at the caller's Waterboro residence. He attempted to speak with Mr. Woodburn inside the residence, but Mr. Woodburn was uncooperative and attacked Deputy Johnson once outside the residence. Deputy Johnson tried to use his TASER, but it was ineffective, and he and Mr. Woodburn fought for control of the TASER. Mr. Woodburn tackled Deputy Johnson and got on top of him. He ultimately pinned Deputy Johnson and attempted to take his service weapon out of his holster. The girlfriend and her sister intervened and tried to help Deputy Johnson. When Deputy Johnson managed to get to his feet, Mr. Woodburn broke free and lunged at Deputy

Johnson's holstered service weapon again. Dep. Johnson drew his service weapon and shot Mr. Woodburn twice in the chest. Mr. Woodburn died at the scene.

#35 – Augusta – Fatal Shooting of Dustin Paradis

On Wednesday, October 13, 2021, shortly after 6 p.m., Augusta police officers responded to calls of a man with a knife, who was reported to have assaulted a resident at the Bread of Life Homeless Shelter and was cutting himself with the knife. Sgt. Christopher Blodgett and Officer Sabastian Guptill were directed inside the residence and encountered two people providing aid to an injured person in the close confines of the kitchen threshold. They observed a man, later identified as Dustin Paradis, holding a large knife in his left hand in the kitchen. Mr. Paradis, 10-12 feet away, taunted the officers to shoot him while the officers issued multiple commands to drop the knife. Instead, he started cutting his throat with the knife. When he charged the two officers with the knife in hand, both officers fired their handguns at him. Mr. Paradis, struck by the gunfire, fell to the kitchen floor and, despite lifesaving measures, died at the scene.

#36 – Livermore Falls – Injury to Donald White (Suicide)

In the early morning of March 8, 2021, Donald White, 45, of Jay, surreptitiously entered a residence on Knapp Street in Livermore Falls, occupied by its owner, age 64, and three other adults, all of whom were sleeping. Mr. White restrained two of the occupants with zip ties and handcuffs. Mr. White blocked another occupant, his former girlfriend, from communicating with 911, at one point threatening her with what she believed was a handgun. The 911 operator detected a struggle, and police were dispatched to the residence. The former girlfriend escaped to a neighbor's home and notified the police. She also reported that Mr. White was placing pipe bombs in the residence, one of which was thrown from the residence and detonated when the first officers arrived. The two other adults managed to escape the residence and told officers that there were several pipe bombs placed throughout the residence. A standoff ensued for the next 18 hours, during which time Mr. White held the homeowner hostage. It ended after Sergeant James Macdonald, a member of the State Police Tactical Team, shot and injured Mr. White, who then shot and killed himself.

#37 – Alton – Nonfatal shooting of Djvan Carter

On May 26, 2023, a woman called 911. She identified herself as Djvan Carter's ex-girlfriend. She stated that Mr. Carter told his sister in a telephone conversation that he had hit his current girlfriend in the head with a hammer. Law enforcement officers

looked for the girlfriend at her residence and discovered that her vehicle was missing. Her cellular telephone was determined to be in Alton. Within minutes, Trooper Jacob Ferland of the State Police located the girlfriend's car in Alton and was immediately joined by Corporal Blaine Silk of the State Police. The officers saw movement in the vehicle consistent with someone striking someone else. The occupants were instructed to get out of the vehicle but did not comply. As the troopers approached the car, they issued additional instructions for the occupants to get out. Trooper Ferland drove his cruiser toward the car while Corporal Silk walked beside it. The car sped directly at Corporal Silk; Corporal Silk fired several shots at the driver through the windshield of the car. The driver was later determined to be Djvan Carter. He was injured as a result of being struck by gunfire. The girlfriend suffered severe head trauma as a result of being hit in the head with a hammer by Mr. Carter.

#38 – Chelsea – Injury to Frank Foss, Jr. (Suicide)

On Sunday, July 23, 2023, law enforcement officers were searching for Frank Foss, Jr., who was wanted on an arrest warrant for possessing a firearm by a prohibited person and violating the conditions of release. Information from cellular phone analysis led officers, including Detective Scott Duff of the State Police Tactical Team, to a wooded area between Hankerson Road, Davenport Road, and Central Maine Power lines in Chelsea. Mr. Foss's history and information learned during the search for Mr. Foss indicated that he was likely armed with a firearm, that he was actively eluding capture, and that he might force the police to shoot him if they confronted him. After unsuccessfully searching the wooded area for some time, Detective Duff rested at the base of a tree. While resting, he heard someone approaching his location. When he turned to see who was coming, Detective Duff recognized the person as Mr. Foss. Detective Duff identified himself as a law enforcement officer and ordered Mr. Foss not to move. When Mr. Foss raised a handgun and pointed it directly at him, Detective Duff shot Mr. Foss. Mr. Foss shot himself in the head with the handgun he was carrying and died at the scene.

#39 – Deer Isle – No Injury to Aaron Bulger

On September 10, 2023, Hancock County deputy sheriffs went to Deer Isle to arrest Aaron Bulger on a warrant charging burglary. Mr. Bulger resisted, assaulted a deputy, and evaded three Taser deployments. Mr. Bulger fled, and deputies and a police canine pursued him to an adjoining residence. Mr. Bulger ran up an exterior staircase onto a deck at the residence's rear. When the pursuing canine latched onto Mr. Bulger's clothing, Mr. Bulger lifted the canine by its throat and threw it down the stairs at the pursuing officers. Mr. Bulger then fled across the deck and shattered

a glass sliding door that led into a living area of the residence. Two deputies shot at Mr. Bulger, fearing that occupants of the residence would be in jeopardy if Mr. Bulger entered their residence. A total of five shots were fired, but none of them struck Mr. Bulger. Mr. Bulger entered the residence. The State Police Tactical Team responded. After a six-hour standoff, Mr. Bulger was taken into custody.

The statute 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 was not within its statutory authority to do so.

Recommendations to Law Enforcement Agencies:

Measures should be in place for victims of criminal behavior to be offered follow-up for issues, including mental health and substance use disorder services and services to address the trauma associated with the incident. The Panel is concerned that there may be inadequate post-incident liaison services for victims and observed that the Investigation Division of the Attorney General’s Office would greatly benefit from adding a victim witness advocate as a staff member.

The Panel recommends that future Internal Review Teams state whether or not a referral was made for follow-up support and services for victims.

When dealing with armed individuals, people in nearby buildings vulnerable to risk should be evacuated as resources and time allow. Shooting with a residential building as a backdrop is undesirable and should be avoided whenever possible. Evacuation should occur after the threat has been contained within an established perimeter.

An armed, passive, and stationary individual should not be approached without cover but should be surrounded and contained, and de-escalation attempts should be initiated.

All firearms should be inspected and function-tested before being issued to officers to ensure they feed or fire as designed, will not fire if jostled or subjected to routine handling, and will stay assembled if jostled or dropped. They should also be inspected and tested periodically after that.

Unless a tactical team is on the scene, the ranking officer from the jurisdiction where an incident occurs should assume command and control unless the responsibility is expressly transferred to another officer.

Training should stress the undesirability and the inherent risks of “weapons confusion” in simultaneously wielding a firearm and a less-lethal weapon.

Officers who use deadly force in any incident should be removed from the scene as soon as possible for their well-being.

All law enforcement agencies should obtain non-lethal munitions and train officers on their use. Officers should have ready access to less-lethal munitions and body-worn cameras.

Whenever possible, even in evolving and pressing situations, some *ad hoc* response planning should occur before arrival on the scene.

More consideration should be given to using police vehicles as cover for responding officers and other first responders.

Responding officers should have the audio pack for the cruiser camera on their person when responding.

Once the officer arrives at a potentially serious incident scene, body-worn cameras should be turned on as soon as possible.

Whenever possible, e.g., when there is no imminent danger or harm to anyone, an officer should request backup in domestic violence calls since the presence of several officers usually discourages a suspect who may be prone to struggle with a single officer.

Depending on the particular circumstances of a deadly force event, agency heads may consider adding representatives of other disciplines to the Internal Review Team, e.g., persons certified as defensive tactics instructors and emergency communications specialists.

Law enforcement agencies should partner with facilities like Bread of Life to train and develop a response plan for various emergencies.

The Panel recommends that Attorney General detectives or other investigators retrieve relevant behavioral and medical health records.

Officers should be fully briefed on the pros and cons of a traction control system if their cruisers are equipped with one and consider that information when making strategic driving decisions.

The Panel urges law enforcement agencies to issue binoculars to officers.

When firing into the glass, a bullet's trajectory will change when it impacts the glass at an angle. The Panel recommends that all law enforcement officers be trained in such awareness.

The Panel requests that each department whose officers are involved in a deadly force incident respond in writing to the Panel within 90 days of receipt of a report detailing any questions, concerns, and corrective actions taken in response to the observations and recommendations noted in the report.

Recommendation to Dispatch Centers:

Dispatch centers should consider creating call types, such as domestic violence calls, that automatically trigger a two-officer response.

Recommendations to the Criminal Justice Academy:

The firearms training and situational use of force protocol should be reviewed at the Maine Criminal Justice Academy to determine if it still follows national best practices with a special focus on hostage situations.

The Panel again recommends that the Board of Trustees of the Maine Criminal Justice Academy 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 evaluation, the time between an incident and its review, and composition of the review team. In addition, the currently required elements of the internal incident review should be evaluated for adequacy and relevancy to assist officers in learning from and training for such incidents. The Panel again recommends that all agencies involved in a deadly force incident participate in the internal review process.

Training should stress the undesirability and the inherent risks of "weapons confusion" in simultaneously wielding a firearm and a less-lethal weapon.

The Maine Criminal Justice Academy Board of Trustees is encouraged to require continuing training beyond the basic school on the Mechanics of Arrest, Restraint, and Control (MARC) and situational use of force.

Additional training on electronic weapons, such as the TASER, is also encouraged. This less-lethal tool is ineffective at close range in probe deployment mode unless the officer can complete a three-point contact. When officers immediately resort to the TASER near a suspect, they are at an immediate disadvantage when a suspect grabs onto them.

The Panel recommends that the Maine Criminal Justice Academy consider using Panel reports when developing and debriefing scenario-based training.

Hostage situations are fast-moving and complicated scenarios that inevitably require split-second decision-making. Complicating a decision to use deadly force is the reality that if the force is not immediately incapacitating, any remaining hostage(s) may be put in imminent danger.

When firing into the glass, a bullet's trajectory will change when it impacts the glass at an angle. The Panel recommends that all law enforcement officers be similarly trained in such awareness.

Firearms

Firearms remain the predominant weapon used by individuals confronting law enforcement. Among the 39 cases reviewed by the Panel up to now, the types of dangerous weapons included six (6) vehicles, five (5) knives, one (1) machete, and one (1) incident involving both pipe bombs and a firearm, while the remaining 26 cases involved firearms.

In 2024, law enforcement requested and received approval for 482 weapons restriction orders under Maine's extreme risk protection order law, also known as the "yellow flag" law. This led to the seizure of hundreds of firearms from individuals deemed mentally ill, who exhibited suicidal and/or homicidal thoughts, and for whom law enforcement had probable cause to believe they possessed, controlled, or might acquire firearms or other dangerous weapons, and who had been found by a medical professional to pose a significant risk of foreseeable harm.

Panel Membership

The panel is composed of 15 members as follows:

The Commissioner of Public Safety, ex officio – **Michael Sauschuck**.

The Director of Investigations for the Office of the Attorney General, ex officio – **Anna Love**.

The Director of the Maine Criminal Justice Academy, ex officio – Jack Peck, represented by **Joshua Daley**.

The Chief Medical Examiner, ex officio – Alice Briones, D.O., represented by **Sandra Slemmer**.

An attorney representing plaintiffs in actions under 42 United States Code, Section 1983, appointed by the Attorney General - **Vacant**.

A municipal police chief appointed by the Attorney General – **Jack Clements**, Chief of Police, City of Saco.

A county sheriff appointed by the Attorney General – **Joel Merry**, Sheriff, Sagadahoc County.

A mental health professional appointed by the Attorney General – **Benjamin Strick**, Vice President of Adult Behavioral Health, Spurwink Services.

A representative of a statewide collective bargaining organization for law enforcement employees, appointed by the Attorney General – **Vacant**.

A representative of a statewide civil rights organization whose primary mission is related to racial justice, appointed by the Attorney General – **Michael Alpert**, Greater Bangor Area Branch NAACP.

An attorney representing defendants in actions under 42 United States Code, Section 1983, appointed by the Attorney General – **John Chapman, Esq.**, Kelly & Chapman;

A criminal prosecutor appointed by the Attorney General – **Stephen Burlock, Esq.**, Panel Vice-Chair & Secretary.

Three citizens, each of whom is not and has never been a sworn law enforcement officer, appointed by the Attorney General – **Fernand LaRochelle**, Panel Chair.

Remaining two citizen seats – **Vacant**.

Staff

Brian MacMaster, Retired Chief of Investigations, Maine Office of the Attorney General.

An ex-officio panel member may appoint a designee to represent the ex-officio member on the panel for one or more meetings. A designee, once appointed, qualifies as a full voting member of the panel and may hold office and enjoy all the other rights and privileges of full membership on the panel. The panel members appointed

by the Attorney General serve for three years or until their successors are duly appointed. There are currently four vacancies on the Panel.

The panel shall annually elect a chair and a vice-chair from among its members. The vice-chair shall also serve as secretary. The panel shall meet at such times as may be reasonably necessary to carry out its duties, but it shall meet at least once in each calendar quarter at such place and time as the panel determines or at the chair's call. The Panel met nine times in 2024.

All Panel members, as well as staff, serve without compensation.

The individuals serving on the Panel are appointed to bring their professional expertise to discuss these complex cases. Thus, members of the Panel may know or have had contact with individuals involved in the case under review. In such situations, members report such affiliations to the Panel, and that information is recorded in the meeting minutes. If Panel members determine that they have a conflict of interest, they are recused from voting on the Panel's observations and recommendations regarding that case.