



Independent Review of Maine State Police After Action Review (AAR):

Lewiston Active Shooter Tragedy

October 11, 2024

Overview:

The New England State Police Administrators Conference (NESPAC) is a statutorily created conference consisting of state police agencies in Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire and Vermont. The purpose of NESPAC is to coordinate and share statewide law enforcement information, training, intelligence and resources across New England.

On September 6, 2024, Maine State Police Colonel William Ross requested that NESPAC conduct an independent review of the Maine State Police After Action Review (AAR) of the Lewiston active shooter tragedy.

State police agencies in Massachusetts, Rhode Island, Connecticut, New Hampshire and Vermont participated in this review. It is important to note that the focus of the review was specific to the AAR document itself and is not intended to be a second after-action review of the incident.

We recognize the devastating toll an incident like this has on victims, their families, first responders and the entire community. It is with that understanding that we believe the response to any incident of this magnitude will never be without issues, but we also believe it is important to highlight those issues so we can learn, make necessary changes and prepare for the future.

We offer the following feedback and recommendations to ensure that the AAR was as thorough as possible and covered all the necessary points related to after action review best practices.

General

- The AAR appears to be missing the pre-event information, such as the actions or inactions of the National Guard, Sagadahoc Sheriff's Office and other agencies that may or may not have had a duty to act or file reports based on Maine Statutes.

The Maine State Police After Action Review intentionally did not add pre-event information because the agency was not involved with Robert Card prior to the October 25th incidents. The pre-event information was included as an Appendices: A. Lewiston Commission Final Report. (See MSP AAR page 2).

- Maine State Police should explore whether the creation of a Behavioral Threat Assessment Program would have the ability to prevent this type of incident from occurring in the future.

*The Maine State Police, for more than a year has been a partner of the Maine Threat Assessment Group (MTAG) who partners with the FBI, DHS, Department of Corrections, Department of Education and the Maine School Safety Center. The MTAG is a multi-disciplinary team designed to **identify, assess, and assist** individuals exhibiting behaviors indicating they are on the pathway to violence. MTAG aims to implement engagement strategies designed to **disrupt or prevent an act of targeted violence** by assessing needs and connecting these individuals to appropriate services through the participation of key stakeholders. Unfortunately, Robert Card was never referred to MTAG.*

- Recommend legislative review of at-risk protection orders to improve or create the ability for law enforcement/courts to seize weapons based on mental health concerns.

Maine law enforcement already has a “Yellow Flag Law” Title 34-B, § Extreme Risk Protection Orders. The law was recently amended during the second session of the 131st Legislature by Governor Mills’ legislative document 2224 which “An Act to Strengthen Public Safety by Improving Maine’s Firearm Laws and Mental Health System.”

- Trauma kits are addressed in the AAR for state police, but there are no details in the report on the types of injuries encountered by first responders or their ability to treat preventable causes of death.

Troopers were able to effectively provide emergency medical care for injured civilians with their issued Dark Angel trauma kits. The kits contain a tourniquet, quick clot, pressure bandages and were created specifically to slow or stop hemorrhaging. Having additional trauma kits available at State Police facilities around the State could augment the need for or rapid replacement of kits when needed.

- The report does not address the initial response/coordination at the shooting scenes by police, fire, and EMS personnel. If there were deficiencies, would an integrated response methodology fix any problems that were identified?

The Maine State Police After Action Review (AAR) focused on the State Police coordination of the event after the scenes were brought under control by the initial first responders. The AAR intentionally did not address the response / coordination of those initial active shooter events because but for our first responding officers, who we feel acted bravely and as trained, Maine State Police leadership had not yet taken command and control.

- Other NESPAC states have adopted Integrated Response to Active Shooter programs, which stress the importance of establishing incident command and staging areas early in an incident. Adopting this methodology may help with self-deployment by sending resources to a staging area to allow unified command to distribute resources as needed.

*Currently the Maine State Police provides Active Shooter response training to every new law enforcement officer in the BLETP (Basic Law Enforcement Training Program). We recognize that more comprehensive advanced training is warranted in Maine specifically regarding the **management** of an Active Shooter event to include self-deployment related issues and concerns.*

- If issues arose from identifying the lead agency during this incident, should legislation or policy be considered to clarify who becomes the primary agency for mass shooting events? In other states, a State’s Attorney determines who becomes the primary agency assigned to the investigation, which would include any follow-on manhunts.

There was no confusion with regard to the primary responsible agency for this incident. The Lewiston Police Department immediately turned over control to the Maine State Police. Given the location of the suspect vehicle in the town of Lisbon, there was no question of who was in charge of

the manhunt given the suspect was wanted for the murders being investigated by the Maine State Police. The Attorney General's Protocol for the Investigation of Deaths, outlines on the first page, "The Office of the Attorney General and the Office of the Chief Medical Examiner will continue to rely upon the State Police Major Crimes Unit as its primary homicide investigative arm with such exceptions as will be noted here or in other written instructions from this office."

The federal agencies involved consulted the Maine State Police regarding primary control of the incident until they made the determination that the incident was not a terrorist event. The overall leadership in an event of this magnitude would be part of a Unified Command in the ICS model which for this event included the Lewiston Police Department as decision makers.

- There are several statements that lack sufficient context for readers who do not have the full details of the event. Several points were non-specific. There should be more information related to the initial response (i.e. flood of 911 calls, blue on blue incidents, etc.).

The Maine State Police After Action Review did not focus on the initial response however the Maine State Police Leadership spoke in length to the Independent Commission on February 15th and May 24th, 2024 regarding these issues. For more information and details please see the Independent Commission website at: <https://www.maine.gov/icl/>

- Discussion of financial considerations lacked detail and general recommendations. This should be its own focus point in the AAR.

The Maine State Police had a Finance Chief in the financial section of ICS. There was very little effort initially to track finances given the public safety urgency of the matter at hand. Had the event continued and the deployment of human resources and critical equipment assets remained for a sustained period of time, this section would have become more robust and their mission more critical as managers and elected officials looked closer at the amount of money being spent daily. This was very similar to the manhunt for Robert Burton in 2015, when significant resources were initially deployed for the manhunt, but as the event continued on for 68 days, the finance section began the critical accounting of those resources and scrutinizing all deployed assets.

- There are multiple occasions where changes to policy, protocols, or guidelines are suggested, but limited discussion on what action should be taken or next steps.

There are several instances in the AAR where policy changes are being considered and training recommendations are being implemented currently. This is an ongoing process with a timeline set forth by the Command Staff as related to staffing and financial constraints.

- Active-shooter training discussion is limited to internal department training. There should be multi-agency collaboration on a single training curriculum for the entire state.

This was touched on in the Maine State Police After Action Review, Primary Recommendations #3 with respect to "full-scale exercises with MSP leadership and partner jurisdictions...", The Maine State Police agrees that a single active shooter response model, for all of Maine law enforcement is a best practice.

Incident Management

- Incident Management Team discussion was hyper focused on operations. It is recommended that the report includes information on other sections such as financials, logistics, and planning sections.

All of the sections in ICS had been filled. There was a great deal of self-scrutiny in our After Action

Review of the Operations because that is where the Maine State Police put forth its maximum effort. On the logistics side, the Maine State Police saw the use of the Victim Advocates, the Family Services Unit, and provision of food and shelter for the involved teams. While logistics was very robust, it was certainly overshadowed by the Operations Section. Regarding the planning section, these Section Chiefs and Deputy Chiefs largely focused on documenting the objectives, strategies and tactics with the creation of the Incident Action Plan. IMAT Planning Section staff members plan for the next day's operational cycle and secure resources for the next day's operational and security plan. Additionally, mappers also fall into this section due to their technical capacity for documentation of areas searched. While this Planning Section unit was very robust, it was largely overshadowed by the extremely large nature of Maine State Police assets and resources devoted to the Operations.

- Maine utilizes the Maine State Police Incident Management Assistance Team, which seems to have been extremely effective. This group appears to have coordinated everything outside of tactical operations.

*The Maine State Police IMAT team has often been involved in deployment to homicides, searches and manhunts since 2007, but this was certainly the largest deployment ever undertaken by the team. As a general rule, because the Maine State Police IMAT is an Incident Management Assistance Team the Operations Section is **not** staffed with members of the Maine State Police IMAT but instead is staffed with leaders and technicians usually from the primary agency with the technical capacity for the operation at hand. This model makes the team very unique in the ICS world and very successful for deployments to different parts of the state in support of local, county and state agencies.*

- Additional recommendations should be included in the report to address documentation, record keeping of decisions, consistent methods of documentation and further integration of ICS with partner agencies.

Typically, the planning section attends all of the briefings and would have taken the notes necessary to document the decisions related to the identification of objectives, strategies and tactics, but this unit had fewer support staff than in other deployments due to being stretched thin across the other sections and for other IMAT supported functions. Despite that shortcoming, the event was documented in IAPs as submitted by the IMAT commander post-incident. As related to the integration of our partner agencies, the After Action Review identifies the need for tabletop exercises involving our partner agencies and the consideration of partner agencies participating on and contributing to the Maine State Police Incident Management Assistance Team.

Investigative Response

- Further review and recommendations related to a tactical liaison embedded with the investigative branch to share critical information in real-time should be considered.

Investigative leadership with the Maine State Police have already been briefed and trained (Fall Major Crimes Unit Training 2024) as to the provision of an investigative liaison to embed with professionals running the search or the manhunt so that the critical sharing of investigative intelligence can be shared more easily.

Victim and Family Services

- Further review and recommendations related to timely and accurate death notification should be considered.

The Maine State Police continue to review and consult with our partner agencies as related to the timely notification of family members. Several factors contributed to the legitimate frustration and despair many families felt on the evening of October 25th. Because the murders happened in a public place with many witnesses who quickly communicated the event to family members of loved ones, there existed a gap in timing by authorities who had to coordinate resources, assets and equipment to properly document each scene and each victim in preparation for what was expected to be a criminal prosecution. Additionally, police did not know or personally recognize most of the victims. Once victims were identified, police also had to identify and

*locate next of kin, many of whom had already been aware that their loved ones were at one of the active shooter locations and had been informed by friends that their loved one had not made it out of the respective venue. This gap between the time the family members heard **unofficially** from family/friends and **officially** from state authorities caused frustration and anxiety for many family members. The Maine State Police see and feel this recommendation personally and remain committed to making the necessary adjustments for notifying family members as early as possible.*

- Victim Services should not be an assignment for Major Crimes Unit investigators.
While Major Crimes Unit leadership members were assigned to the Victim Services Unit, it was largely in a support role and not a coordinating capacity. The investigative leadership team assigned to Victim Services were there to assist with the identification and documentation of the return of personal effects taken initially as evidence from each of the scenes. The team was also there to assist with interviews of witnesses and to be the conduit through which the investigative team could share information with family members about the death circumstances for their family member. Having this investigative team embedded with the Red Cross and the FBI at the Family Assistance Center was an indispensable asset to share information between the investigative team and the victim's family members.

Communication

- Further review and recommendations related to mandatory command post assignments by all agencies involved should be considered.
All LEO in the state are given Incident Command System (ICS) training. This training can be refreshed with multi-jurisdictional tabletop exercises and pre-planning.
- Further review and recommendations related to the management of public information and the Public Information Officer (PIO) should be considered.
Large scale incidents require a multifaceted response from the PIO that includes, written press releases, press conferences and timely social media updates. The DPS PIO provided timely and comprehensive communications as exhibited in the MSP AAR Appendices C. MSP Communication Platform.
- One of the six primary recommendations relates to serving deaf, hard of hearing, and non- English speaking individuals, however this is not discussed elsewhere within the document.
The Maine State Police has a robust policy (E-116) that gives Troopers a guide to the appropriate resources they need to communicate with those that do not use English as their primary language, to include individuals of the deaf community. MSP is in the process of reviewing this policy (E116) to make any necessary improvements.
- The communications section provided little to no coverage relating to dispatching services.
Emergency Communications Specialists (ECS) are imbedded in the Incident Management Team and were present in the Lewiston High School Command Post for the duration of the incident. We saw no deficiencies with our ECS and the services they provided.

Tactical Operations

- Further review and recommendations related to self-deployment of local and federal tactical teams should be considered. This became more of a liability than an asset.
Following the Lewiston incident, critical incident debriefings were held with local and NESPAC tactical teams. Self-deployment was identified and discussed by the team leaders and commitments were made to prevent this in the future. Ongoing clear communication, identifying Tactical Command will help prevent this in the future. Since the Lewiston incident there have been several mutual aid deployments with State and Local teams with no self-deployment issues.

- There was a failure to limit the scope of the response in the early phases of the incident, which resulted in self-deployment of any agency with a tactical team. The self-deployment issue should be addressed in greater detail.
See the first comment in this section.
- The self-deployment issue resulted in lack of accountability and duplicate work being conducted.
See the first comment in this section.
- NESPAC was quickly activated. New Hampshire & Massachusetts State Police teams quickly responded to assist Maine State Police.
This is a result of decades of mutual aid/ relationship building and commitment to similar training practices. This allows NESPAC teams to activate together as seamless as possible.
- Further review and recommendations related to communication between Tactical Command and Incident Command should be considered.
The introduction of a investigative/tactical liaison as well as Maine State Police leadership participation in additional tabletop training exercises will help in preparing law enforcement personnel for these communication challenges.
- Tactical review could have more detail, specifically the search of the recycling center and use of technology.
The Maine State Police is currently identifying technology that both Troopers and assisting agencies can use to track and map movements. This information can be collected by the Command Post to map progress and clearly identify where units have been. This information can be used to identify areas that need attention and aid in planning operations. This technology will also aid in accounting for personnel assigned to the incident.
- Continuity of operations should include recommendations on how to establish a rotation of resources to ensure freshness and availability of personnel. Those recommendations should include the duration of operational periods.
This has already been identified by the Maine State Police AAR as a specific challenge. Leadership participation in future tabletop exercises will help with the identification of and strict adherence to operational cycles and personnel replacement during those cycles.

Transparency

- The section on transparency and FOAA generally recited legal verbiage without specific recommendations.
Maine has a well-established FOAA process that is managed by the Maine State Police staff attorney. The Maine State Police organized the distribution of records for most of the agencies involved. By October 31st Maine State Police created a public facing web page and immediately began releasing redacted information to the public. This included a known timeline of events, search warrants and affidavits and police reports.
- Redaction software was easily defeated.
Maine State Police use the same industry standard redaction software that is used by most law enforcement agencies. The engineers for this company have yet to be able to explain the failure. MSP immediately took steps to correct the issue and successfully re-established documents to the public facing web page.

Training and Equipment

- Maine State Police mandated department-wide training on extreme risk protection orders.
All of MSP has had updated training this year on Title 34-B, § Extreme Risk Protection Orders.
- It is recommended that the report provide specific recommendations related to ongoing training for active shooter scenarios.
Currently MSP provides Active Shooter response training to every new law enforcement officer in the Basic Law Enforcement Training Program. More comprehensive advanced training is warranted in Maine regarding the management of an Active Shooter event.
- It is recommended that the report address training related to establishment of a Family Assistance Center.
Maine State Police recognizes the importance of a Family Assistance Center. The Maine State Police will continue to collaborate with partner agencies related to the formation of such services for victims and the training of Maine State Police staff for this essential service.
- The implementation of shelter in place order needs clarification.
The Maine State Police has consistently acknowledged the need for statutory clarification with regard to a formal shelter in place order.

Primary Recommendations

- Incorporate active shooter training for Maine State Police.
*Currently the Maine State Police provides Active Shooter response training to every new law enforcement officer in the BLETP (Basic Law Enforcement Training Program). We recognize that more comprehensive advanced training is warranted in Maine specifically regarding the **management** of an Active Shooter event to include self-deployment related issues and concerns.*
- Develop crime scene protocols for MCIs.
- Limit self-deployment through training.
- Train supervisors in identifying signs of psychological trauma in employees.
- Training should be provided on post-mission briefing and incident documentation.
- Deploy tips and leads software.
- Utilize civilian analysts to scrutinize data.
- Develop plans for a secondary location of the command post.
- Establish a clear policy directing ICS roles, such as staging manager.
- Assign a full-time assistant to the PIO to document information collected during briefings.
- Increase staffing to PIO office.
- Implement training for public speaking following MCI events.
- Work to strengthen relationships with partner agencies through regular communication and frequent joint training across the ranks.
- Develop a Mass Casualty Incident Plan.
- Create a training exercise that requires an ICS structure.
- Create a regional peer support unit.
- Review and revise mutual aid protocols.
- Incorporate advanced ICS training.
- Conduct regular tabletops and full-scale exercises.
- Include training in the designation of personnel, briefings, liaison, operations cycles, post incident response and establishment of Family Assistance Center.
- Relevant partner agencies should be included in this training.