

## February 25, 2022 - Pittsfield Use of Deadly Force Incident

As required by 5 M.R.S. § 200-K, the Maine Deadly Force Review Panel submits the following report of the use of deadly force incident in Pittsfield on February 25, 2022, involving Sgt. James Macdonald and Cpl. Paul Casey of the State Police Tactical Team, which resulted in the death of Gregory L. Lasselle, 27. By statute, after the release of the report of the Attorney General, the Panel shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer. The purpose of the examination is to find independently whether there was compliance with accepted and best practices under the circumstances or whether the practices require adjustment or improvement. The panel recommends methods of improving standards, including changes to statutes, rules, training, and policies and procedures designed to ensure best practices that prove 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 by law enforcement; discussions and recommendations of the panel are independent of the Attorney General.

### Synopsis

During the afternoon of February 24, 2022, the parents of 27-year-old Gregory L. Lasselle went to the Pittsfield Police Department and reported that Gregory had expressed suicidal ideations and threatened them with a tire iron and a large iron bar. They said they suspected that Gregory was having a mental breakdown or was under the influence of drugs. They said that there were multiple firearms in the house. Officers were unsuccessful in their attempts to contact Gregory via phone. They watched him at the home through binoculars, and it appeared that he was reading a book. The parents were not comfortable returning to their residence and stayed in a motel for the night. The next morning, the parents returned to their residence where Gregory threatened to kill them and the family dog with a rifle. Gregory's father wrestled the rifle from Gregory. The Lasselles fled their residence to the Pittsfield Police Department. After a 12-hour standoff, members of the State Police Tactical Team deployed a police dog to apprehend Gregory when he came outside the house, but Gregory dragged the dog across the icy ground to the entry of the residence where he retrieved a rifle. When officers tried to wrestle the rifle from him, Gregory discharged it, nearly shooting an officer. Officers shot and killed Gregory. In the hours leading up to the shooting, officers tried repeatedly to persuade Gregory to come out of the house unarmed.

### Information the Panel Reviewed

Before its review, the Panel received a complete copy of the investigative materials compiled by the Attorney General's Office. The materials consisted of all the original investigative data, including interview recordings and reports, forensic reports, photographs, cruiser camera video footage, emergency communications, criminal history, medical reports, and other materials. The Panel reviewed video recordings of the activities of the police and Mr. Lasselle during portions of the standoff that were made by a neighbor on one side of the Lasselle residence. The Panel was provided with audio recordings of Mr. Lasselle talking to himself in the hours leading up to the incident. The Panel also reviewed the Attorney General's report of August 22, 2022, as well as the December 28, 2022, report of the Incident Review Team convened by the State Police.

### Summary of Panel Discussion

On January 26, 2023, the Panel met via Zoom, reviewed the referenced incident, asked questions of the primary investigating Attorney General detective, Patrick Gagnon, and discussed aspects of the initial and later response by officers of the Pittsfield Police Department and members of the State Police Tactical and Crisis Negotiation Teams.

### Observations

1. The Panel observed that this situation implicated provisions of departmental policy for responding to mental health crises and domestic violence incidents. The initial police actions and responses did not sufficiently consider the threat level that Gregory Lasselle presented to his parents, possibly others, or himself, and whether safety considerations indicated an arrest or protective custody under the particular circumstances.
  - a. The first conversation between the Pittsfield Police Department and Mr. Lasselle's parents resulted in a plan for the parents to stay in a motel overnight to be safe and to provide some time to monitor Mr. Lasselle's behavior and consider appropriate next steps. When Mr. Lasselle's parents reached out to the Pittsfield Police Department the following morning, a different shift of officers than the previous evening was on duty. The parents reached out to the police to learn if there was any updated information on the situation with Mr. Lasselle and to inform the police that they needed to go to their home to retrieve necessary personal items. No officers went to the home to check on Mr. Lasselle or to assess for risk before the parents' return nor did any officers accompany the parents to the residence. This lack of law enforcement support exacerbated the risk of violence to the parents and the community.
  - b. When Mr. Lasselle's parents went into the home, Mr. Lasselle, armed with a rifle, threatened to kill the family dog, and struggled with his father over possession of the gun. His mother called the police, and the Somerset County dispatcher's response did not appropriately reflect the urgency she was expressing, e.g., not informing the mother that police units had been or were being dispatched, leaving her with the impression that her emergency call was not being taken seriously.
  - c. There were six or seven firearms in the house, unsecured and with ammunition readily available. These guns belonged to Mr. Lasselle's father, although the father had previously indicated that there may be other guns belonging to Mr. Lasselle. The availability of these firearms presented a substantial risk to the parents, neighbors, law enforcement, and Mr. Lasselle himself. There is no evidence that, despite having this information, the Pittsfield Police Department took any action to secure these weapons to prohibit access by Mr. Lasselle.
  - d. There is no evidence that the Pittsfield Police Department reached out to mental health professionals at any time for a consultation to inform their response strategy.
2. In past reports, the Panel recommended that all law enforcement agencies involved in the circumstances of a deadly force incident be included in the internal review process. Again,

this was not done in this case, resulting in no documented information or report for review by the Panel of the coordination or lack thereof among the law enforcement agencies involved and a review of the adequacy of the training, policies, and equipment of the Pittsfield Police Department. The Panel reiterates this recommendation below.

3. The Panel discussed the lack of video from vehicular or body-worn cameras or audio recordings due to the State Police Tactical Team not having this equipment. Equipping the team members with body-worn cameras is currently in process. A neighbor made a series of recordings of the actions of Mr. Lasselle and law enforcement on one side of the residence during the period of attempted negotiation with Mr. Lasselle and the actions taken that resulted in law enforcement shooting him. The Panel observed that these recordings were very helpful in understanding the circumstances just before and including the shooting. The lack of such contemporaneous information hampers accountability and independent reviews by the Attorney General and the Panel.
4. A Tactical Team member, using less-lethal weaponry, shot out a work light that Mr. Lasselle had set up to make it difficult to see inside the house. Eventually, Mr. Lasselle left the house, went down the driveway, got down on his knees, sat on his feet, gun across his lap, hands on his head with fingers interlocked. A negotiator told him to stand up, intending that the gun fall to the ground and Mr. Lasselle submit to arrest. He stood up with the rifle in hand and returned to the house. While the Panel observed that this may have constituted a missed opportunity to take Mr. Lasselle into custody, the Panel also recognized that it is generally unlikely that a K-9 would be deployed against an armed suspect, and that any attempt to take an armed suspect into custody is too dangerous when the time and distance between officers and the suspect are too great to successfully restrain the suspect without substantial risk to the responding officers.
5. Postmortem toxicological testing disclosed the presence of THC, the active ingredient of marijuana, in Mr. Lasselle's system. The Panel notes that for some people, cannabis exacerbates psychosis, which may have been a factor in this case. Investigators collected a large bag of empty cannabis containers that Mr. Lasselle had accumulated and learned that Mr. Lasselle had made recent purchases of and used cannabis.
6. The State Police Critical Incident Review Report included the State Police summary of the facts, the facts included in the Attorney General's report, and a timeline of the events of the incident. The report listed the policies considered applicable, a summary of the recent training received by the officers directly involved in the shooting, and their equipment. The report made a couple of recommended language changes in the "Policy Regarding Response to Incidents Involving Mental Health Crisis." The Panel observed that the report did not offer any comments on the application of the relevant policies to the incident and the effectiveness of that application during the course of the incident.
  - a. No guidelines or policies regarding the use of the armored vehicle were referenced.
  - b. The Panel observed that the first K-9 did not engage and had the second K-9 been tethered to a long line, Mr. Lasselle may not have been able to get back to the house.

Yet, there was no reference to the deployment of the K-9s, any applicable policies, observations about performance, or training concerns.

- c. There is no mention of any consideration given to using less-lethal direct impact munitions, possibly in conjunction with a K-9 deployment.

The Panel reiterates its concern that the internal review reports appear *pro forma* and lack any indication that the actions of an incident are afforded meaningful review by the agencies involved nor does the Panel have any information that the substance of the IRT report is reviewed by the officers involved in the incident and their supervisors.

### Recommendations

1. All departments whose officers participated in an incident should participate in the internal review, not just the department whose officer(s) used deadly force, an earlier recommendation of this Panel when a deadly force incident involves more than one agency.
2. The Panel has made recommendations to the Board of Trustees of the Maine Criminal Justice Academy in two of its annual reports to enhance the standards for the internal review team process. The Panel reiterates the earlier recommendations that these requested changes and others receive priority from the MCJA Board.
3. The Panel recommends that law enforcement agencies ensure that their policies and procedures regarding calls for service, including domestic violence and mental health crises, include mechanisms for ensuring the transfer across shifts of all information regarding unresolved cases that require continuing attention.
4. Observing that the Pittsfield Police Department had the information that Mr. Lasselle had threatened his parents and that there were multiple firearms available to Mr. Lasselle in the home, the Panel recommends that law enforcement consider Maine's weapons restriction law as a framework for intervention. (34-B M.R.S. § 3862-A.)
5. The panel recommends that, whenever possible, all tactical and negotiating team interventions and communications are recorded with video/audio equipment. All relevant material, including video/audio recordings, must be available to the Attorney General's Office and the Deadly Force Review Panel for their independent investigations and reviews. Current law is sufficient to shield proprietary tactical and operational techniques from public dissemination.

### Timeline and Detail

On February 24, 2022, at 4:27 p.m., the parents of 27-year-old Gregory Lasselle went to the Pittsfield Police Department and reported that Mr. Lasselle was out of control at their home. They said he had expressed suicidal ideations and threatened them with a fire poker and a tire iron. They suspected that Mr. Lasselle was having a mental breakdown or was under the influence of drugs. They reported that there were multiple firearms in the house. Officers went to the vicinity of the house and observed Mr. Lasselle from a distance through binoculars; he appeared to be reading a book. Several attempts by the police to reach Mr. Lasselle by telephone were unsuccessful. They left voice messages and sent text messages offering help and asking Mr.

Lasselle to call them. All the calls and messages went unanswered. Citing information that Mr. Lasselle was reported to be suicidal with access to firearms, the officers returned to the police station where the parents were waiting. The parents opted to stay in a nearby motel for the night and return to their residence in the morning.

The parents returned to their residence at about 7:45 a.m. the next morning, February 25<sup>th</sup>. Mr. Lasselle insisted that his father read to him from the Bible. When the father stopped reading, Mr. Lasselle declared that the dog needed to die. He ran upstairs to get a gun and the father took the dog outside where he heard a gunshot from inside the residence. He rushed back into the house to find Mr. Lasselle pointing a rifle at him and again demanding that he read aloud from the Bible. Mr. Lasselle turned the rifle toward his mother, who was on the telephone with 911. The dispatcher heard sounds of a struggle before the call terminated. The father wrestled the rifle from Mr. Lasselle, and the parents fled again to the Pittsfield Police department.

Officers from the Pittsfield Police Department, the Somerset County Sheriff's Office, and the State Police established a perimeter around the residence, restricted traffic, and attempted to evacuate neighbors. At approximately 9:30 a.m., the State Police tactical and crisis negotiation teams were activated. Negotiators tried to contact Mr. Lasselle on both Mr. Lasselle's and his father's cell phones with no success. During the entire day and evening, crisis negotiators placed approximately 61 calls to Mr. Lasselle's phone or his father's cellular phone. Mr. Lasselle answered on a few occasions but would not engage in conversation beyond making religious references. After arrest and search warrants were issued, the commander of the tactical team directed that an armored vehicle, occupied by a reaction/arrest team and members of the crisis negotiation team, enter the driveway of the Lasselle residence. The emergency blue lights on the armored vehicle were activated. At approximately 4:00 p.m., a negotiator announced over the public address (PA) system that the State Police had an arrest warrant for Mr. Lasselle and that he was under arrest. Mr. Lasselle emerged from the residence and shouted at the armored vehicle.

At approximately 6:00 p.m., Mr. Lasselle placed a bright work light in a window. He directed the light toward the armored vehicle and held up a gasoline can in front of the light. Blinded by the bright light, tactical team operators were unable to see inside the residence. A trooper disabled the light by firing a less-lethal munition after which a negotiator immediately announced to Mr. Lasselle that the police were shooting at the light and not him. This allowed the team members to see the kitchen and living room area of the house. Mr. Lasselle, armed with a rifle, emerged from the house and walked down the driveway toward the armored vehicle with the rifle while yelling at the vehicle. A negotiator issued several commands over the PA system for Mr. Lasselle to drop the weapon. Mr. Lasselle ignored the commands but stopped his approach to the armored vehicle, went to his knees, sat on his feet, placed the rifle on his lap across his legs, placed his hands on top of his head, and interlocked his fingers. A negotiator instructed him several times to keep his hands on his head and to stand up. Instead, he stood up with the rifle in hand and walked back to the house.

The Tactical Team planned for a K-9 apprehension should Mr. Lasselle come back outside the house unarmed. As time passed, Mr. Lasselle was seen shoveling ashes from a wood stove. Mr. Lasselle exited the house with the ashes. He appeared unarmed. He threw the ashes to the side of the driveway in front of a pickup truck. Recognizing it was too dark to see Mr. Lasselle, the armored vehicle was repositioned to illuminate the driveway with the vehicle's spotlight. A K-9 was deployed but slid past Mr. Lasselle on the ice-packed snow, turned, and engaged a bite

hold of Mr. Lasselle's left forearm. Trooper Miles Carpenter and Sgt. George Neagle were following the K-9. Mr. Lasselle dragged the dog onto the porch of the residence where he retrieved his rifle. Trooper Carpenter tried to strike Mr. Lasselle with his firearm but slipped and fell. Mr. Lasselle was on his back on the threshold of the doorway of the residence and the police dog was on top of him with a bite hold on his left arm. Mr. Lasselle fired a round from the rifle. Sgt. Neagle, now on top of Mr. Lasselle and the police dog, covered the rifle's trigger with the palm of his hand and pushed the rifle against Mr. Lasselle's chest to prevent him from firing another round.

Sgt. James Macdonald leaned over Sgt. Neagle and shot Mr. Lasselle. Mr. Lasselle continued to fight over control of the rifle. Sgt. Macdonald fired another round at Mr. Lasselle at the same time that Corporal Paul Casey fired multiple shots. Mr. Lasselle died at the scene.

The interval from the point that the K-9 was deployed to when Mr. Lasselle was shot and killed was 25 seconds.

The Office of the Chief Medical Examiner later determined that Mr. Lasselle died from gunshot wounds to the head, neck, and chest. Toxicological testing disclosed the presence of THC, the active ingredient of marijuana, in Mr. Lasselle's system.

### Panel Members

Michael Alpert, President, Greater Bangor Area Branch NAACP

Stephen Burlock, Esq., Assistant District Attorney (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

Fernand Larochelle, Secretary

Anna Love, Chief, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Michael Sauschuck, Commissioner, Department of Public Safety

Benjamin Strick, Senior Director of Adult Behavioral Health, Spurwink

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 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 that 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.