

## September 27, 2021 – Auburn Use of Deadly Force Incident

As required by 5 M.R.S. § 200-K, the Maine Deadly Force Review Panel submits the following report on the use of deadly force in Auburn on September 21, 2021, by Sergeant Steven Gosselin of the Auburn Police Department, which resulted in the death of Joseph Arbour, age 36. By statute, after the release of the Attorney General’s determination on the legal justification of the use of deadly force, the Panel shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer. The purpose of this examination is to independently determine whether there was compliance with accepted best practices under the circumstances or if the practices require adjustment or improvement. The Panel may recommend methods to improve standards, including changes to statutes, rules, training, policies, and procedures designed to ensure best practices that enhance public and officer safety. It should be noted that the Panel’s “Observations” are case-specific bullet points drawn directly from the incident case file and are primarily intended to highlight key pieces of information. The Panel’s “Recommendations” should be viewed as potential system-level issues that agencies should consider during future critical incidents. The Panel is not tasked with conducting a *de novo* review of the Attorney General’s determination regarding the legality of the use of deadly force by law enforcement; discussions and recommendations from the Panel are independent of the Attorney General.

### *Synopsis*

On September 27, 2021, Sergeant Steven Gosselin of the Auburn Police Department shot and killed Joseph Arbour, 36, after Mr. Arbour pointed a pistol at Sgt. Gosselin and fled on foot toward people and businesses in a highly congested area of Center Street in Auburn during the midmorning. Sgt. Gosselin was investigating a report that a woman was being held against her will at the motel.

### *Information the Panel Reviewed*

Before their meeting, the Panel members received and reviewed all the investigative material compiled by the Attorney General. This material included the original investigative data, such as interview and video recordings, reports, forensic reports, photographs, emergency communications, and other materials. The Panel also reviewed the Attorney General’s April 16, 2024, report and the Auburn Police Department Incident Review Team report of May 17, 2022.

### *Panel Discussion*

On March 27, 2025, the Panel convened via Zoom to review the referenced incident. Several issues were discussed, including the thoroughness of the IRT report, handling of the 911 call by Dispatch, the decision by Dispatch to call an involved officer by phone rather than coding it as a hostage situation and putting the information out on the radio, body camera issues, the suspect's toxicology report findings, and Sgt. Gosselin’s commendable foresight in assessing the backdrop before firing to mitigate potential risks to other individuals in the area.

### **Case Specific Observations**

1. The 36-year-old suspect involved in this incident had a lengthy criminal history dating back to 2004, which included multiple felony convictions. On March 5, 2021 (approximately six months before this incident), the suspect was convicted of multiple offenses, including Aggravated Assault, for which he had received a sentence of 5 years, all but 9 months suspended, and 3 years' probation.
2. In addition to methamphetamine and fentanyl, the toxicology report was positive for several substances, suggesting that the suspect was likely a polydrug user. At the time he was shot, the suspect was carrying a backpack that contained 58 grams of methamphetamine. A post-incident search of the suspect's hotel room yielded 45 grams of fentanyl and approximately 3 grams of crack cocaine.
3. The suspect's handgun that he had pointed at Sgt. Gosselin was identified as a Hi Point JCP 40SW pistol. The suspect's backpack contained a loaded sawed-off Marlin 200 12-gauge shotgun.
4. Less than two minutes elapsed between Sgt. Gosselin's initial encounter with the suspect in the hotel parking lot and the use of deadly force along Center Street.
5. Sgt. Gosselin was wearing a body camera at the time of the incident, but this camera was not functioning properly and did not capture the deadly force incident. The IRT report addresses this issue.
6. Dispatch did not properly code the 911 call, and the dispatcher elected to phone the beat officer instead of dispatching it over the radio. The IRT report discusses this issue in more detail, and the Panel concurs with the remedial action outlined in the report.
7. The Auburn Police Department appropriately submitted an ATF trace on the suspect's firearms to determine, if possible, from whom the suspect, a convicted felon prohibited from acquiring or possessing firearms, obtained the firearms and whether the individual who may have gifted, sold, or otherwise transferred the firearms to the suspect may be subject to prosecution.

### **System Level Recommendations**

1. As occurred in this case, in those situations where the suspect is identified as a convicted felon, the Panel encourages law enforcement to initiate an ATF trace of the suspect's firearm(s) to determine, if possible, from whom the suspect obtained the firearm(s) and whether the individual who may have gifted, sold, or otherwise transferred the firearm to the suspect may be subject to prosecution under state or federal law.

### *Factual Summary*

On the morning of September 27, 2021, the Auburn Police Department received an anonymous call from a man who reported that another person had told him that a “kid” had guns in Room 233 at the “budget hotel” on Center Street (later identified as the Center Street Value Inn ) and was holding a “girl” hostage. The caller reported that the man went by "Joey," whose last name was “something like Arbour." The caller also identified the woman being held in the room as "Brianna" or "Bre." The caller refused to provide his name.

Auburn police units were notified by mobile data terminal transmission that someone named "Joey" was holding a female named "Bre" hostage at the motel. Officer Andrew Shute responded. The front desk clerk confirmed that a man named Joseph Arbour was in room 233, and a “girl” was with him. Officer Shute called for backup and proceeded to the hallway outside room 233. He could hear a man and a woman arguing, but the room went silent when he knocked on the door. Officer Shute knocked two times but did not get an answer. Unknown at the time by Officer Shute, four occupants, including Joseph Arbour and the woman believed to be held hostage, fled Room 233 via a second-floor balcony.

Sgt. Steven Gosselin learned of the potential hostage situation from another officer, both of whom had just completed an FBI hostage crisis negotiations training session. Believing this training to be relevant to the call, Sgt. Gosselin went to the motel. Sgt. Gosselin learned from Officer Shute that the people they sought were on the motel's second floor. Sgt. Gosselin noticed balconies on the second-floor rooms. He parked his cruiser in a rear parking area. As he exited his cruiser, he observed a man, later identified as Joseph Arbour, walking from the motel area, past the entrance and lobby at what he thought was a fast pace toward Center Street. Sgt. Gosselin described Mr. Arbour as "suspicious" because of his mannerisms and the way he was acting. Sgt. Gosselin reported that he thought it was possible that this could be the man who was holding the female hostage in the second-floor room because he could have climbed down the balcony to avoid the officers in the hallway.

Sgt. Gosselin, who was in uniform and clearly identifiable as a police officer, called out to Mr. Arbour, asking to speak with him and telling him to stop, but he kept walking. Mr. Arbour was hunched over, donning a backpack, and appeared to have something in his hand. Mr. Arbour made eye contact with Sgt. Gosselin but refused to stop despite repeated requests. Sgt. Gosselin reached out to grab hold of Mr. Arbour, but Mr. Arbour turned, raised his right hand, and pointed a black handgun at Sgt. Gosselin. Sgt. Gosselin pulled out his sidearm and told Mr. Arbour to stop and put the gun down. Mr. Arbour then put the gun to his head and threatened to kill himself. Sgt. Gosselin believes they were approximately five to six feet apart. After another request to put the gun down, Mr. Arbour lowered the gun to his side and continued walking towards Center Street at a fast pace. Mr. Arbour told Sgt. Gosselin to leave him alone.

Sgt. Gosselin followed Mr. Arbour across the street toward businesses on Center Street, still refusing to stop and relinquish his handgun. Sgt. Gosselin, fearing that Mr. Arbour would shoot at him or someone else or take a hostage, fired three shots at Mr. Arbour. Mr. Arbour, struck by the gunfire, died at the scene.

The Office of the Chief Medical Examiner later determined that Mr. Arbour died as a result of a gunshot wound to the back. Toxicology findings were positive for multiple substances, including fentanyl and methamphetamines.

**Panel Members**

Fernand LaRochelle, Chair

Stephen Burlock, Esq., Assistant District Attorney (Retired), Vice Chair/Secretary

Michael Alpert, Greater Bangor Area Branch NAACP

John Chapman, Esq.

Jack Clements, Chief of Police, Saco

Sandra Slemmer, designee of Alice J. Briones, D.O., Chief Medical Examiner

Anna Love, Chief, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Joshua Daley, designee of Jack Peck, Director, Maine Criminal Justice Academy

Michael Sauschuck, Commissioner, Department of Public Safety

Benjamin Strick, Vice President of Adult Behavioral Health, Spurwink

Note: The individuals who serve on the Panel are appointed to bring their professional expertise to bear on discussions of 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 excused from voting on the panel's observations and recommendations regarding that case.