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April 16, 2024

Chief Jason Moen
Auburn Police Department
60 Court Street
Auburn, Maine 04210

Dear Chief Moen:

We have completed our investigation and legal review of the incident on September 27, 2021, involving the use of deadly force by Sgt. Gosselin, which resulted in the death of Joseph Arbour, age 36, of Oxford.

Factual Summary

On the morning of September 27, 2021, Auburn Police Communications received an anonymous call from a man who relayed that he had been told by another person that a 'kid' in room 233 had guns at the budget hotel on Center Street (later identified as the Value Inn Motel) and was holding a girl hostage. The caller reported the man goes by the name "Joey" and his 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. Officer Andrew Shute responded to the Value Inn Motel on Center Street. The front desk confirmed for Officer Shute that a man named Joseph Arbour was in room 233 and that 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.¹

¹ Unbeknownst to responding law enforcement officers, video footage from an exterior camera showed four occupants of room 233 fleeing the room via the balcony, one of whom was later identified as Joseph Arbour.

Sgt. Steven Gosselin, who was at the Auburn Police Department, learned of the potential hostage situation from Sgt. Chris Hatfield, both of whom had just completed a week-long hostage crisis negotiations training with the Federal Bureau of Identification. Believing this training may be put to use, Sgt. Gosselin set out to the Value Inn Motel. Sgt. Gosselin learned from Officer Shute that the people they were looking for were on the second floor of the Motel. Sgt. Gosselin noticed balconies on the second-floor rooms. Sgt. Gosselin parked in the back parking area across from the Value Inn Motel. As Sgt. Gosselin exited his cruiser, he observed a male walking from the motel area, past the entrance and lobby at what he thought was a fast pace toward Center Street. Sgt. Gosselin described the male 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 that 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 said he called out to the man, asking to speak with him and telling him to please stop but the man kept walking. Sgt. Gosselin described the person as hunched over with a backpack, who appeared to have something in his hand. While the male made eye contact with Sgt. Gosselin, he refused to stop despite repeated requests. Sgt. Gosselin was in uniform and was clearly identifiable as a law enforcement officer. Sgt. Gosselin reported that he tried to reach out and grab him, but the man turned, raised his right hand and pointed a black handgun at him. In response, Sgt. Gosselin pulled his firearm and told the man to stop and put the gun down. The man then put the gun to his own head and threatened to kill himself. Sgt. Gosselin believes they were approximately 5 to 6 feet apart.

After again asking the man to please put the gun down, the man put the gun down to his side and continued towards Center Street at a fast walk with Sgt. Gosselin following him. The man told Sgt. Gosselin to leave him alone. Sgt. Gosselin said he followed the man across the street and the man started heading towards businesses on Center Street. Sgt. Gosselin, believing this may be the man who took a person hostage, who just pointed a gun at him and ignored repeated commands to drop the weapon, fired 3 shots at the man. He later reported that he feared that the man would turn and shoot at him, or someone else, or that the man would take a hostage. Several bystanders reported to law enforcement that they observed a man with a gun being chased by a law enforcement officer, who also had a gun.

The man was identified as Joseph Arbour. The Office of the Chief Medical examiner determined that Mr. Arbour died as a result of a gunshot wound to the back. The toxicology findings were positive for multiple substances including fentanyl and methamphetamines. The weapon that Mr. Arbour pointed at Sgt. Gosselin, that was recovered near his body, was a HiPoint pistol.

Discussion and Legal Analysis

The Office of the Attorney General has exclusive responsibility for the direction and control of any criminal investigation of a law enforcement officer who uses deadly force while *acting in the performance of the officer's duties.*² The detectives who conduct these investigations are independent of any other law enforcement agency. The sole purpose of the investigation in this matter was to determine if a criminal prosecution was warranted or if self-defense or the

² 5 M.R.S. § 200-A

defense of others was reasonably generated by the facts.³ Any such prosecution would require the State to disprove self-defense or the defense of others beyond a reasonable doubt. The investigation did not include an analysis of whether any personnel action might be warranted, whether the use of deadly force could have been averted, or whether there might be civil liability. Indeed, state law provides that the fact that conduct may be justifiable under the law does not abolish or impair any other available legal remedy.

Whether the use of force by a law enforcement officer is reasonable is based on the totality of the particular circumstances and judged from the perspective of a reasonable officer on the scene, allowing for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a given situation. The legal analysis requires careful attention to the facts and circumstances of each case, including the severity of the crime threatened or committed and whether the suspect poses an immediate threat to the safety of others.

Conclusion

When Sgt. Gosselin shot Mr. Arbour, he reasonably believed that Mr. Arbour was posing an imminent threat of serious bodily injury or death to himself and the public. Mr. Arbour pointed a gun at Sgt. Gosselin, refused repeated commands to stop and drop the gun and continued to flee towards multiple businesses. Sgt. Gosselin also believed he could have been the person responsible for holding a hostage at the Motel. All the facts and circumstances point to the conclusion that Sgt. Gosselin reasonably believed he was acting in self-defense and defense of others at the time he used deadly force.

Sincerely,



Aaron M. Frey
Attorney General

³ Under Maine law, for a law enforcement officer to lawfully use deadly force in self-defense or the defense of others, two requirements must be met. First, the officer must reasonably believe that unlawful deadly force is imminently threatened against the officer or another person and, second, the officer must reasonably believe that the use of deadly force is necessary to defend the officer or other person. 17-A M.R.S. § 107(2)(A).