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March 6, 2025

Sheriff Jason Trundy  
Waldo County Sheriff's Office  
6 Public Safety Way  
Belfast ME 04915

Dear Sheriff Trundy:

We have completed our investigation and legal review of the incident on June 10, 2024, involving the use of deadly force by Sgt. Nicholas Oettinger, which resulted in the death of Daniel Ryan, age 65, of Belfast.

#### Factual Summary

On June 10, 2024, at around 1:20 p.m., Mr. Ryan called the Waldo Regional Communications Center and demanded that the Belfast Police Department come to his home immediately and threatening to burn his house down. After the dispatcher confirmed that the caller was in fact Mr. Ryan, the dispatcher called Mr. Ryan back, who appeared even more agitated during the second call, telling the dispatcher, "You've got about 10 to 15 minutes before I burn this [expletive] down. Get the [expletive] over here."

Mr. Ryan was located on the second floor of a six-unit apartment building. Two Belfast police officers responded.<sup>1</sup> The officers engaged with Mr. Ryan from outside the building. Mr. Ryan continued threatening to burn the building down and "blow the place up." The officers attempted to evacuate the residents of the other units, but they were unable to contact the individuals in all the units. One of the officers observed large propane tanks behind the building and asked the fire department to shut the tanks off. In order to protect the residents, the officers decided to make entry into Mr. Ryan's apartment and take him into custody.

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<sup>1</sup>Both officers were familiar with Mr. Ryan because they had responded to the hospital a week earlier to help the staff restrain Mr. Ryan so that he could be treated. They had also been to Mr. Ryan's residence earlier on June 10 because they had been requested to conduct a welfare check on Mr. Ryan. After Mr. Ryan assured them that he was not planning to harm himself, they left his residence.

One of the officers requested that the fire department and emergency medical services stage at the scene and that additional law enforcement units come to the scene. Three Waldo County deputy sheriffs, including Sgt. Nicholas Oettinger arrived at the residence.

Officers could hear Mr. Ryan breaking glass and yelling that he would burn the place down. Sgt. Oettinger, a Belfast Officer, and another deputy approached Mr. Ryan's apartment by using an interior stairway. Sgt. Oettinger attempted to kick the door open but was unsuccessful. The other deputy retrieved a sledgehammer and knocked the door open. Sgt. Oettinger, armed with a rifle, entered first, with the other officer behind him with a Taser and the deputy. Sgt. Oettinger and the other officer were both equipped with body-worn cameras.

Mr. Ryan emerged from a room to the left of the officers. He was brandishing a red five-gallon gas can that had flames shooting out of the top. Sgt. Oettinger can be heard on his body camera yelling: "Get your hands up," "Put it down," "Drop it" among other commands. When Mr. Ryan did not comply with his commands, Sgt. Oettinger shot Mr. Ryan and yelled at the other two officers repeatedly to "get out!" Sgt. Oettinger later told investigators that he shot Mr. Ryan because he was concerned that the flaming gas can would blow up and he and the other two officers would be doused with gasoline and set on fire.

After the officers emerged from the apartment, one of the Belfast officers accompanied members of the fire department into the apartment to extinguish the flames. Mr. Ryan was dead at the scene with gunshot wounds to his chest and abdomen.

### 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.<sup>2</sup> 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 defense of others was reasonably generated by the facts.<sup>3</sup> 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

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<sup>2</sup> 5 M.R.S. § 200-A

<sup>3</sup> 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)

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. Oettinger shot Mr. Ryan, he reasonably believed that Mr. Ryan was posing an imminent threat of serious bodily injury or death, not only to Sgt. Oettinger, but also to the other two officers accompanying him, as well as other individuals occupying units in the apartment building. Sgt. Oettinger was aware that Mr. Ryan was threatening to burn down the apartment building and observed him break the apartment windows while yelling he was going to burn the building down. When the officers went into the apartment, Mr. Ryan came out of a room swinging the burning gas can in the direction of the officers and ignored Sgt. Oettinger's commands to put the gas can down. All the facts and circumstances point to the conclusion that Sgt. Oettinger reasonably believed he was acting in self-defense and the defense of others at the time he used deadly force.

Sincerely,

A handwritten signature in black ink that reads "Aaron M. Frey". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Aaron M. Frey  
Attorney General