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March 12, 2025

Colonel William G. Ross
Maine State Police
42 State House Station
Augusta, ME 04333

Dear Colonel Ross:

This office has completed its investigation and legal review of the incident on June 15, 2024, in Auburn, involving the use of deadly force by Trooper Patrick Hall and Detective Scott Duff of the State Police, that resulted in the death of Leein Hinkley, age 43, of Auburn.

Factual Summary

On June 15, 2024, at approximately 12:57 a.m., a woman called 911 (Lewiston-Auburn Regional Communications Center) to report that her ex-boyfriend, later identified as Leein Hinkley, was at her residence, 5 Russell Avenue in Auburn, and that he had a gun.¹ While on the call, the woman described how the ex-boyfriend was firing into the residence at the same time that shots could be heard in the background. Several Auburn officers were dispatched to the Russell Avenue address.

When Auburn Officer Steven Friedrich arrived on Russell Avenue, a clearly frightened woman emerged from a hiding spot in some woods and described that her ex-boyfriend, Mr. Hinkley, had shot multiple times through the windows. She then described how she had escaped through a window on the backside of the house, but her friend, Brian, may still be in the residence. Other responding officers could see that the residence was on fire and reported shouting coming from inside the residence. As Officers took up positions around the residence, they were fired upon from inside the residence. One of those rounds struck the ground between two of the officers.

¹ At the time of the 911 call, Mr. Hinkley had conditions of release that prevented him from being at her residence and an active protection order that prohibited contact with the female caller.

At 1:17 a.m. other agencies were requested to respond to assist. Units from Lewiston Police Department, Androscoggin Sheriff's Office, Mechanic Falls P.D, and Lisbon Police Department responded. Deputies from the Androscoggin County Sheriff's Department were assigned to cover the rear of the residence, which was on fire. As they were getting in place, Mr. Hinkley shouted at the officers. Multiple officers reported seeing Mr. Hinkley behind a propane tank with a firearm and then heard a shot before seeing Mr. Hinkley move to a shed located near the residence. Due to the fire at the residence, there were concerns about the propane tank exploding from being exposed to the extreme heat from the fire, so the officers were ordered to back up and extend the perimeter. At 1:50 a.m., a secure residence and shelter in place order was issued through the public alert system because Mr. Hinkley was last seen leaving the residence in possession of a firearm. Central Maine Power was also contacted to deenergize the grid due to the arcing power lines caused by the fire. Law enforcement personnel evacuated the residents in the surrounding residences. The Maine State Police Tactical Team was activated.

As Auburn Deputy Chief Timothy Cougal progressed down Russell Avenue to determine which residences needed to be evacuated, a male from 9 Russell Avenue came running towards him shouting the shooter was in his garage. The male said he didn't see him but heard a male voice that he did not recognize issue a warning to stay away. Deputy Chief Cougal escorted the male away from the residence and had personnel on scene set up a perimeter around 9 Russell Avenue, believing Mr. Hinkley was in the garage.

State Police tactical team members and negotiation team personnel began to arrive and were briefed by Deputy Chief Cougal. At approximately 4:18 a.m., Maine State Police Tactical Team Commander Greg Roy and his team attempted to contact Mr. Hinkley using the public alert system (PA) but he did not respond. They identified themselves as the Maine State Police and asked him to come out with nothing in his hands. Commander Roy also utilized a drone to monitor the area as well.

At 4:30 a.m., Commander Roy directed the operator of a tactical vehicle to breach the garage door at 9 Russell Avenue because Mr. Hinkley was not responding to commands. Once the door was breached, the drone was sent in and it was determined that Mr. Hinkley was not in the garage, although blood drops were observed near a window. A plan was made with tactical team members and a K-9 unit to track Mr. Hinkley. Commander Roy conveyed to members of the tactical team that Mr. Hinkley was most likely in possession of a 9mm Taurus handgun that was believed to be stolen from his mother.

At 5:35 a.m., the resident of 33 Russell Avenue called to report that someone was on his roof. Tactical Team members, including Detective Scott Duff, communicated on the radio to Commander Roy that they had contact with Mr. Hinkley at 33 Russell Avenue, which is near where they were positioned. Det. Duff reported observing a person matching Mr. Hinkley's description

on the roof holding a gun to his head, then under his chin, then outward while yelling at officers who were positioned on the ground around a cruiser. Det. Duff told investigators he was concerned because Mr. Hinkley was not pointing the gun straight up or straight down but in the direction of the Auburn officers on the street below. Det. Duff reported that another Trooper started walking down the middle of the road, apparently unaware that Mr. Hinkley was on the roof. Det. Duff said he directed the Trooper to get cover. Det. Duff, aware of Mr. Hinkley's superior vantage point on the roof of the house with multiple officers on the ground, moved to the corner of a sport utility vehicle for cover and observed Mr. Hinkley running toward the back of the house with the gun in his hand. Det. Duff reported that he fired two rounds at Mr. Hinkley as he ran toward the back of the roof. Det. Duff reported on the radio that he had fired two rounds. Det. Duff told investigators that he shot at Mr. Hinkley because Mr. Hinkley had failed to follow multiple commands to surrender safely, he was aware that Mr. Hinkley had shot at other officers, and was concerned for the safety of the officers in the street as well as tactical team members behind the house.

Trooper Patrick Hall was in the wood line behind 33 Russell Avenue and said he could hear yelling, but could not tell what was being said. He then heard the two gun shots. Trooper Hall took a kneeling position behind the house where Mr. Hinkley was located on the roof. Trooper Hall could see Mr. Hinkley on the roof with his back to the chimney. He could see Mr. Hinkley's right hand open and close around the handle of a pistol, like he was adjusting and tightening his grip, indicating that Mr. Hinkley was getting ready to fire his gun. As he was adjusting the grip, he was looking over his shoulders. It appeared to Trooper Hall that Mr. Hinkley was about to fire his gun at officers. Trooper Hall fired a round that appeared to have no impact, so he fired a second round and Mr. Hinkley dropped. Trooper Hall told detectives he shot Mr. Hinkley because it appeared to him that Mr. Hinkley was about to shoot the officers in front of the residence and based on all of Mr. Hinkley's conduct, he posed an ongoing, immediate threat to the public. At 5:44 a.m., the tactical team accessed the rooftop and determined that Mr. Hinkley was deceased.

An autopsy and postmortem examination conducted by the Office of Chief Medical Examiner determined Mr. Hinkley died as a result of a gunshot wound to the head. Toxicology reports indicate he had cocaine and methamphetamine in his system.

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, while acting in the performance of the officer's duties, uses deadly force.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-

² 5 M R S. § 200-A

defense or the 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 Maine law does not abolish or impair any other remedy available under the law. Whether the use of force by a law enforcement officer is reasonable is based on the totality of the particular circumstances and is 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 Det. Duff fired two rounds at Mr. Hinkley, he was concerned about Mr. Hinkley's failure to follow commands to surrender safely and was aware that he had previously shot at other officers. Det. Duff observed Mr. Hinkley with a pistol and reasonably believed that Mr. Hinkley was about to use unlawful deadly force from his position on the roof of the residence at the officers located around 33 Russell Avenue. Trooper Hall reasonably believed that Mr. Hinkley was going to use unlawful deadly force on officers located around 33 Russell Avenue. Mr. Hinkley was in a superior vantage point to the officers on the ground, appeared to be preparing to use his pistol while he looked down from the roof in the direction of officers located at ground level, and he had previously demonstrated his willingness to use deadly force against law enforcement and civilians. All the facts and circumstances point to the conclusion that Det. Duff and Trooper Hall acted in defense of themselves and others when they used deadly force against Mr. Hinkley.

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).