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June 27, 2025

Sheriff Scott Nichols
Franklin County Sheriff's Department
123 County Way
Farmington, Maine 04938

Dear Sheriff Nichols:

We completed our investigation and legal review of the incident on October 29, 2024, in Phillips, involving the use of deadly force by Franklin County Sheriff's Office Deputy Jesse Clement that resulted in the death of 61-year-old Lawrence P. Scott.

Factual Summary

On October 29, 2024, Deputy Jesse Clement was working a day shift for the Franklin County Sheriff's Office. At approximately 5:30 p.m., Deputy Clement was dispatched by Franklin County Regional Communications Center (FCRCC) to do a welfare check on Lawrence Scott. It was reported that Mr. Scott left his residence located at 9 Wheeler Road in Phillips on foot, and he was highly intoxicated. The caller also reported that Mr. Scott had a BB gun in his possession, and she believed his intention was 'death by cop'. Deputy Alan Elmes heard Deputy Clement get dispatched to the call and advised the FCRCC that he would respond as well. While enroute, both deputies learned that Mr. Scott had a bail condition of no use or possession of alcohol.

While responding to Wheeler Road, Deputy Clement and Deputy Elmes were advised of a second call by the FCRCC of a suspicious male, dressed in dark clothing, waving a gun in the air near the bridge on the Salem Road in Phillips. The deputies did not know if the calls were related but due to the close proximity of the two calls, they suspected that the call on Salem Road could also be Mr. Scott.

When Deputy Clement arrived on the north side of the bridge, he began speaking with Mr. Scott, who Deputy Clement could see had a gun in his right hand. Deputy Clement told Mr. Scott to put the gun down numerous times and told him he wanted to get him some help. Mr. Scott told Deputy Clement to come to him if he wanted to talk and Deputy Clement said he would not come to him while he was holding a gun. Mr. Scott told Deputy Clement he could help him by shooting him.

At approximately 5:55 p.m., Deputy Elmes arrived at the south side of the bridge. Mr. Scott asked Deputy Clement if he was a cop to which Deputy Clement responded yes. Mr. Scott

then started walking towards Deputy Elmes with the gun in his hands.¹ Deputy Clement yelled out to Mr. Scott, who then turned and started walking back towards Deputy Clement. Deputy Clement told Mr. Scott to stop, and to put the gun down. Deputy Clement also offered to help Mr. Scott and told Mr. Scott he hadn't done anything wrong. Mr. Scott said that he could see where Deputy Clement was standing and said that he was going to shoot. Deputy Clement repeatedly said to Mr. Scott don't do it and Mr. Scott responded by saying "you better" and pointed the gun at Deputy Clement. Deputy Clement fired one shot at Mr. Scott because he feared for his life. Deputy Clement said Mr. Scott told him he was going to shoot him, and he believed he was going to shoot him. Deputy Clement said that he was aware that Mr. Scott may have a BB gun but said that the information was from a third party and frequently third-party information can be wrong. Deputy Clement said the gun looked real to him.

When Deputy Clement approached Mr. Scott, Mr. Scott told him the gun was not real, but thanked him after telling the Deputy he has just killed him.. The gun was later examined and turned out to be a Daisy Powerline model 93 CO2 BB gun, however, it looked very similar to a real gun. An autopsy performed by the Office of the Chief Medical Examiner determined that Mr. Scott died as a result of a gunshot wound to the torso. His blood-alcohol content was a .17.

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 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.

¹ Deputy Elmes was unable to communicate with Deputy Clement or hear the conversation between Deputy Clement and Mr. Scott because of issues that he was trying to resolve with his body-worn camera.

² 5 M.R.S. § 200-A

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).

Conclusion

When Deputy Clement fired at Mr. Scott, he reasonably believed that Mr. Scott posed an imminent threat of serious bodily injury or death to himself. Deputy Clement reported that he thought Mr. Scott was going to shoot him because he told him that he was going to shoot, and he pointed a gun at him. Deputy Clement tried to communicate with Mr. Scott while they interacted, but Mr. Scott would not comply with commands to put the gun down. Ultimately, Mr. Scott began walking towards Deputy Clement and raised his gun, pointing it at Deputy Clement. Deputy Clement reasonably believed he was acting in defense of himself at the time he used deadly force.

Sincerely,

A handwritten signature in cursive script that reads "Aaron M. Frey".

Aaron M. Frey
Attorney General