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August 25, 2025

Chief Sean Lally
Westbrook Police Department
570 Main Street
Westbrook, ME 04092

Chief Lally:

We have completed our investigation and legal review of the incident on November 30, 2024, in Westbrook, Maine, involving the use of deadly force by Sgt. Brian Grasser and Officer Maxwell Sawyer, resulting in the death of Ryan Nichols, age 37, of Westbrook.

Factual Summary

At approximately 3:22 a.m. on November 30, 2024, Westbrook's Emergency Communications Center received a 911 call from a woman requesting help for family members at a location in Westbrook. The caller stated that family members, including her 77-year-old stepfather, were being assaulted by her brother, Ryan Nichols, who she described as being mentally ill and assaultive.

Sgt. Brian Grasser, Officer Maxwell Sawyer, and Officer Marissa Eastwood of the Westbrook Police Department were on duty and responded in uniform with marked cruisers. Sgt. Grasser was familiar with the residence and its occupants, having been involved in prior interactions with Mr. Nichols. Sgt. Grasser was aware Mr. Nichols had been assaultive towards law enforcement in the past and had a documented mental health history. While enroute to the call, Sgt. Grasser learned Mr. Nichols had active arrest warrants for assault and theft.

Upon arrival at the residence, the officers approached the front door. Mr. Nichols' mother, who appeared to be crying, stepped out onto the porch. She reported to Officers Eastwood and Maxwell that she was afraid of Mr. Nichols, who had not been taking his medication, and she believed he had taken \$4,000 from her while she was sleeping.

While the officers were speaking with Mr. Nichols' mother, Mr. Nichols came outside onto the deck. Sgt. Grasser asked if they could step inside the house to talk. Mr. Nichols agreed

and invited Sgt. Grasser inside. Sgt. Grasser followed Mr. Nichols into the living room, where his 77-year-old stepfather was lying on the couch. Sgt. Grasser observed that the stepfather had a black eye. Mr. Nichols requested to speak with a specific officer, who was not on duty, and Sgt. Grasser informed him that he could not call an off-duty officer at 3:00 in the morning.

Mr. Nichols walked away, into the mudroom, and refused to return to the living room to be interviewed separately from his mother. Sgt. Grasser and Officer Sawyer then attempted to place handcuffs on Mr. Nichols, but Mr. Nichols wouldn't comply and resisted the officers' attempt to detain him. Mr. Nichols broke free and went out to the deck where the officers continued to try and restrain him, but Mr. Nichols continued to resist. The officers gave commands for Mr. Nichols to stop resisting, get on his stomach, and place his hands behind his back. Sgt. Grasser was on Mr. Nichols' left side, facing him, and Sgt. Grasser perceived that Mr. Nichols was trying to grab his taser and handcuffs. While the officers were on top of Mr. Nichols' back trying to subdue him, Mr. Nichols was able to get to his feet, lifting the officers while doing so. He then rushed Officer Eastwood and pinned her against the deck rail. Sgt. Grasser used his taser on Mr. Nichols to immobilize him, but it was ineffective. Officer Sawyer then deployed probes from his taser in Mr. Nichols' back and leg, but the probes had no effect.¹ He then deployed the taser in drive stun mode to the back of Mr. Nichols's leg, and still, it was ineffective. Sgt. Grasser and Officer Sawyer were able to pull Mr. Nichols off Officer Eastwood.²

Mr. Nichols was able to break free of the officers and run across the street to the back of a neighboring house. The officers followed Mr. Nichols, continuing to give commands to stop and get on the ground. Mr. Nichols picked up a ladder and took a couple of steps towards the officers with the ladder before throwing it aside. Sgt. Grasser and Officer Eastwood had their handguns drawn and the flashlights from the handguns provided light.

Sgt. Grasser called over the radio for additional officers to respond, requesting they bring a "bean bag" which is a non-lethal shotgun, to assist with apprehending Mr. Nichols. Sgt. Grasser, Officer Sawyer, and Officer Eastwood continued to give commands for Mr. Nichols to get on his stomach and put his hands behind his back. Mr. Nichols refused to comply and climbed a set of stairs, up to a deck. Mr. Nichols' dog came to the scene and Mr. Nichols removed the dog collar and held onto it. Officer Sawyer, who had no other taser cartridges, holstered his taser and drew his firearm.

Officer Dean Hannon and Sgt. Michael Hinckley of the Gorham Police Department responded to the request for assistance. Both officers were in uniform with marked police cruisers. Officer Hannon had a 40 mm "less than lethal" shotgun which shoots rubber projectiles intended to assist with the apprehension of a non-compliant person.

Officer Hannon and Sgt. Grasser started up the stairs leading to the deck where Mr. Nichols was located, to deploy the 40 mm less lethal shot. Sgt. Hinkley, Officer Eastwood, and

¹ A taser is a handheld device that uses electrical current to temporarily incapacitate the target. The probe mode is intended to incapacitate, while the drive stun mode is intended to subdue through pain.

² During this portion of the altercation, the body worn cameras of all three officers were dislodged from their uniforms resulting in no body worn camera video of the use of deadly force.

Officer Sawyer remained at ground level. The officers repeatedly told Mr. Nichols to lie down. Mr. Nichols threw the dog collar in the direction of the officers on the stairs and then grabbed at a large set of wind chimes, consisting of five long, metal pipes, hanging at the top of the deck stairs. Officer Hannon discharged a 40 mm rubber projectile, striking Mr. Nichols. This appeared to have no effect on Mr. Nichols. Officer Hannon was near the top of the stairs when Mr. Nichols turned and swung the set of wind chimes in the direction of Officer Hannon and Sgt. Grasser. Officer Hannon stepped back to avoid getting struck with the metal pipes and fell down the stairs.

Upon seeing Mr. Nichols swing the metal pipes towards the officers, Sgt. Grasser and Officer Sawyer discharged their firearms. Officer Sawyer later reported he fired because he perceived Mr. Nichols was swinging the metal pipes down toward Officer Hannon who could have been seriously injured or killed. Sgt. Grasser reported he shot because he perceived Mr. Nichols was swinging the metal pipes of the wind chimes in the direction of Officer Hannon's head and serious injury or death could result if struck in the head with the metal pipes.

Mr. Nichols was declared dead at the scene. A post-mortem examination conducted by the Chief Medical Examiner's Office determined he died of multiple gunshot wounds. Toxicology test results showed that Mr. Nichols tested positive for both alcohol and cocaine.

The wind chimes were recovered by investigators at the base of the stairs. They consisted of five hanging aluminum poles that were approximately 18 inches long and 1 inch in diameter.

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.³ 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.⁴ 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 for 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

³ 5 M.R.S. § 200-A

⁴ 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).

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

This office made a thorough review of all the evidence and an evaluation of the justification for the use of deadly force under 17-A MRS §107(2)(A). We conclude when Sgt. Grasser and Officer Sawyer deployed deadly force against Mr. Nichols, they could have reasonably believed he was about to use unlawful deadly force against Officer Hannon and Sgt. Grasser. Mr. Nichols swung a set of wind chimes, consisting of five long, metal pipes, as a deadly weapon in the direction of the officers, who were in a vulnerable position below Mr. Nichols on the stairs leading to the deck. He had already successfully fought with the Westbrook officers and refused multiple commands to surrender, resisting even after he had been hit with taser probes and a rubber projectile. The metal pipes of the wind chimes were swung so close to Officer Hannon's head that he ducked and lost his balance on the stairs. All the facts and circumstances point to the conclusion Sgt. Grasser and Officer Sawyer could have reasonably believed they were acting in defense of the officers on the stairs at the time they used deadly force.

Sincerely,



Aaron M. Frey
Attorney General