

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

October 15, 2025

Chief Marc Hagan
Topsham Police Department
100 Main Street
Topsham, ME 04086

Dear Chief Hagan:

This office has completed its investigation and legal review of the incident on January 21, 2025, in Topsham, involving the use of deadly force by Officer Mathew Bowers and Officer Frasier Vachon of the Topsham Police Department, that resulted in non-fatal injuries to Joseph Mendez, then 33, of Topsham.

Factual Summary

On January 21, 2025, at approximately 1:32 a.m., a man, later identified as Joseph Mendez, called Sagadahoc County Regional Communications Center (Sagadahoc RCC) and thanked the dispatcher for everything he did and told him he was an honorable man. The dispatcher asked Mr. Mendez if he had an emergency, and he told the dispatcher they would find him eventually. Dispatch personnel traced Mr. Mendez's phone and discovered he was located on the Merrymeeting Bridge (Rt. 196 in Topsham). Mr. Mendez's mother also called the police after receiving a text from her son. Sagadahoc RCC dispatched Topsham Officers Mathew Bowers and Frasier Vachon to the bridge and advised there was a male with possible mental health issues.

Officer Bowers arrived at the bridge first but drove past Mr. Mendez and made a U-turn facing his cruiser in the direction of Mr. Mendez. He observed Mr. Mendez standing on one of the horizontal railings on the bridge. Believing that Mr. Mendez was likely suicidal, Officer Bowers intended to negotiate with Mr. Mendez to get him off the railing. Initially, Officer Bowers did not see a weapon. The sidewalk across the Merrymeeting Bridge has a Jersey barrier that runs parallel with the sidewalk to protect pedestrians on the sidewalk. As Officer Bowers was getting out of his cruiser, he observed Mr. Mendez holding a machete. He radioed this information to dispatch. Officer Bowers then drew his firearm and stood behind his driver's side door repeatedly

commanding Mr. Mendez to drop the weapon. Officer Bowers told investigators that Mr. Mendez said something about the FBI, refused to drop his weapon, and started running at Officer Bowers with the machete. Officer Bowers' body-worn camera captured Officer Bowers' commands to Mr. Mendez to drop the weapon, and Mr. Mendez's refusal to drop the machete while he kept running towards Officer Bowers. Officer Bowers fired once at Mr. Mendez. Officer Bowers later told investigators that he believed he needed to fire his weapon to stop Mr. Mendez before he overtook him with the machete. Officer Bowers believed that Mr. Mendez was approximately 20 feet from him and although there was a jersey barrier between them, it would not have stopped Mr. Mendez from getting to Officer Bowers.¹

When Officer Vachon arrived on the bridge, he observed a male who appeared to be elevated as if standing on something. He activated his emergency lights and stopped his vehicle in the travel lanes to stop oncoming traffic. As he was getting out of his cruiser, Officer Vachon heard Officer Bowers say over the radio that the male had a weapon. Officer Vachon then saw the machete and drew his firearm as he was exiting his cruiser. Officer Vachon could hear Officer Bowers giving commands to drop the knife or machete to Mr. Mendez. Officer Vachon also gave repeated commands to Mr. Mendez to drop the knife or machete. Mr. Mendez was yelling something about the mafia and moving in the direction of Officer Bowers and not stopping. Officer Vachon, who was in the middle of the bridge, fired his weapon three times at Mr. Mendez, who dropped onto the sidewalk. These events were captured on Officer Vachon's body-worn camera. Officer Vachon later told detectives that based on Mr. Mendez's actions as he was closing the distance to Officer Bowers with the machete, he believed that Mr. Mendez was going to seriously injure or kill Officer Bowers if he reached him.

After being shot, Mr. Mendez continued to move towards Officer Bowers while on the ground with the machete still in his hand. Both Officers repeatedly told Mr. Mendez to drop the weapon. Officers Bowers and Vachon both deployed their tasers to try to immobilize Mr. Mendez but were unsuccessful. Officer Bowers repeatedly asked Mr. Mendez to discard the machete so they could help him, but he refused. Officer Owen Beattie from the Brunswick Police Department arrived and observed Mr. Mendez on the sidewalk with the machete. He described Mr. Mendez swinging the machete while on his knees, trying to move towards the officers. Officer Beattie tased Mr. Mendez twice and it had no effect although Mr. Mendez did drop the machete and tried unsuccessfully to pick it up again. Mr. Mendez continued towards the officers on his knees. Officer Joshua Sensor, of the Brunswick Police Department, tased Mr. Mendez and it had no effect, however Brunswick Officer Joshua Bernier deployed his taser and Mr. Mendez fell to his stomach, allowing officers to secure Mr. Mendez and provide first aid. Mr. Mendez was transported to the hospital. He suffered three gunshot wounds. Medical personnel also observed what appeared to be self-inflicted lacerations to his neck. Mr. Mendez later apologized for the situation to Officer Beattie and said he cut his own neck.

The machete was later located by investigators on a piece of ice on the Androscoggin River below the bridge. The machete's blade measured 18 inches, and the overall length measured 23 inches. The sheath to the machete was located on the sidewalk on the bridge as well as a pocketknife with red-brown stains and other belongings of Mr. Mendez.

¹ It was later determined by an investigator with the Attorney General's Office that Officer Bowers was approximately 32.5 feet from Mr. Mendez when he fired his weapon.

Mr. Mendez has been indicted by the Sagadahoc County Grand Jury for the crimes of criminal threatening with a dangerous weapon and refusing to submit to arrest. He is due in Court in October of 2025.

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 officers' 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-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.

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 Officers Bowers and Vachon shot Mr. Mendez, they reasonably believed that Mr. Mendez was going to use unlawful deadly force against Officer Bowers with the machete. The Officers repeatedly demanded that Mr. Mendez drop the knife/machete and Mr. Mendez refused to do so. Instead, he continued to run at Officer Bowers in a manner which suggested to both officers that deadly force was necessary to protect Officer Bowers from the reach of the machete. Officers told investigators they felt Mr. Mendez would cause death or serious bodily injury to Officer Bowers if deadly force was not used. All the facts and circumstances point to the conclusion that Officers Bowers and Vachon acted in self-defense and defense of another when they shot at Mr. Mendez.

Sincerely,

A handwritten signature in black ink that reads "Aaron M. Frey". The signature is written in a cursive, flowing style.

Aaron M. Frey
Attorney General