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November 7, 2025

Chief Lee Miller
Lincoln Police Department
29 Main Street
Lincoln, Maine 04457

Dear Chief Miller:

This office has completed its investigation and legal review of the incident on February 12, 2025, in Lincoln, involving the use of deadly force by Sergeant Michael Winslow and Officer Kristofer Milner of the Lincoln Police Department, that resulted in the death of 37-year-old Derek Beach of Lincoln.

Factual Summary

On January 14, 2025, Mr. Beach was involved in a domestic incident with his estranged wife. Later that day, Mrs. Beach applied for and was granted a Protection from Abuse Order. The Protection Order prohibited Mr. Beach from having contact with Mrs. Beach and their two minor children. The Protection Order also prohibited Mr. Beach from being at the family residence, located at 7 Whalen Street in the Town of Lincoln. Shortly after being served a copy of the Protection Order, Mr. Beach contacted Mrs. Beach via text message and also called and spoke with one of the minor children, in direct violation of the Protection Order. The violation was reported to the Lincoln Police Department. When Mr. Beach was located, he was taken into Protective Custody and brought to a hospital for a mental health evaluation.

Upon release from the hospital, Mr. Beach was arrested for a violation of the Protection Order based on the contact with Mrs. Beach that occurred on January 14, 2025. Mr. Beach was later released on bail with conditions of no contact with Mrs. Beach or the two minor children and that he was not to return to the family residence, located at 7 Whalen Street in the Town of Lincoln.

At approximately 8:36 pm, on February 12, 2025, Penobscot County Regional Communication Center (PCRCC) received three 911 calls reporting that Derek Beach was at 7 Whalen Street in Lincoln in violation of the Protection Order. Mr. Beach's presence at the home would also have been a violation of his bail conditions. One caller also reported that Mr. Beach

had a knife.¹ Mr. Beach's two minor children and two other adults were at the residence when Mr. Beach forced his way into the residence. While inside the residence, Mr. Beach spoke with Mrs. Beach on the phone. Mrs. Beach was not at the residence when Mr. Beach forced his way into the residence.

At approximately 8:39 pm, Officer Milner was dispatched by PCRCC to 7 Whalen Street. Sgt. Winslow overheard the dispatch and advised PCRCC that he would also respond. Both officers were aware that Mr. Beach was not permitted at the residence because of a protection from abuse order and he was currently in the kitchen of the home with a knife. Officer Milner was familiar with Mr. Beach because of prior employment with the Town of Lincoln.

Sgt. Winslow arrived first and entered the mudroom of the home. Sgt. Winslow observed Mr. Beach in the kitchen with a wet, red/brown stain in the area of his left chest. When Sgt. Winslow first arrived, he did not see the knife but could hear what he perceived was the tapping of the handle of a knife on a counter. When Sgt. Winslow asked Mr. Beach about the injury, Mr. Beach escalated his behavior so Sgt. Winslow did not inquire about the injury again. Officer Milner arrived a short while later. He also observed the injury to Mr. Beach's left chest and radioed for EMS to standby. Officer Milner explained to Mr. Beach that he might recognize him because they both worked for the town. Both Officers implored Mr. Beach to allow them to help him. While the officers were attempting to de-escalate the situation, Mr. Beach became increasingly agitated and said that he wasn't going back to the hospital or to jail.²

Mr. Beach asked the officers to allow him to speak with Mrs. Beach, who had arrived at the home. Sgt. Winslow advised that seeing Mrs. Beach under these circumstances could not happen at this time but perhaps in the future. Mr. Beach took the knife and pointed it against his chest in the area where he was already injured. Sgt. Winslow warned Mr. Beach to drop the knife, or he would be tased. When Mr. Beach refused to drop the knife, Sgt. Winslow stepped into the kitchen and tased Mr. Beach, who stiffened and fell to the floor, suggesting to Sgt. Winslow and Officer Milner that it was a successful taser deployment. Sgt. Winslow noted he still had the knife in his hand when he was tased. Sgt. Winslow approached Mr. Beach with the intent of taking him into Protective Custody. Officer Milner had also entered the kitchen. When Sgt. Winslow got close to arm's reach of Mr. Beach, Mr. Beach suddenly stood and charged at Sgt. Winslow. Sgt. Winslow dropped his taser, pulled out his firearm and attempted to retreat backwards, but Mr. Beach continued charging at him. Sgt. Winslow fired his gun while Mr. Beach was charging him. Although he did not see the knife in Mr. Beach's hand at this time he fired, he believed Mr. Beach was coming at him with the knife. Sgt. Winslow described being

¹ It was later determined that Mr. Beach took the knife from a knife block located in the kitchen of the residence.

² While Sgt. Winslow and Mr. Beach were talking, Mr. Beach suggested to Sgt. Winslow several times that Sgt. Winslow's firearm was the only solution to his problems which lead Sgt. Winslow to believe that Mr. Beach wanted Sgt. Winslow to shoot him. Sgt. Winslow told him that was not going to happen.

very close to Mr. Beach at the time he shot. Although Officer Milner could not see the knife in Mr. Beach's hand, he believed it was still in his outreached hand as he was approaching Sgt. Winslow so he fired his gun. Officer Milner later told investigators that he was approximately 2-3 feet from Mr. Beach and Mr. Beach was within arm's reach of Sgt. Winslow when he fired his gun. Officer Milner believed that Mr. Beach was attempting to stab Sgt. Winslow in hopes law enforcement would shoot him.

Mr. Beach was pronounced dead at the scene. A post-mortem examination was conducted by the Medical Examiner's office who concluded that Mr. Beach died as a result of multiple gunshot wounds.

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 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.

Conclusion

It is our determination that when Sgt. Winslow and Officer Milner fired at Mr. Beach, they reasonably believed that Mr. Beach was charging at Sgt. Winslow with a knife in his hand with

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).

the intent to cause death or serious bodily injury to Sgt. Winslow. The Officers tried to reason with Mr. Beach to put the knife down and tried to use less than lethal force to take Mr. Beach into custody. Although neither officer saw the knife in Mr. Beach's hand at the moment of the shooting, Mr. Beach had the knife in his hand when he was tased and neither officer saw him drop the knife after he was tased. Officer Milner saw Mr. Beach's outstretched hand as he was charging Sgt. Winslow and believed he was about to use unlawful deadly force against Sgt. Winslow, so he shot Mr. Beach in defense of Sgt. Winslow. At the time that Mr. Beach charged Sgt. Winslow, he came close to arm's reach of Sgt. Winslow before Sgt. Winslow fired his gun. It was reasonable for Sgt. Winslow to believe it necessary to use deadly force to protect himself. All the facts and circumstances point to the conclusion that Sgt. Winslow and Officer Milner acted in self-defense and defense of another when they shot Mr. Beach.

Sincerely,

A handwritten signature in blue 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