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November 26, 2019

Sheriff Dale Lancaster
Somerset County Sheriff's Office
131 East Madison Road
Madison, ME 04950

Dear Sheriff Lancaster:

We have completed our investigation and legal review of the incident in Madison on July 5, 2017, involving the use of deadly force by then Somerset County Chief Deputy James Ross, then Somerset County Detective Michael Ross, and Somerset County Deputy Sheriff Joseph Jackson, which resulted in the death of Carroll H. Tuttle, Jr., 52, of Madison. As you know, the three officers shot Mr. Tuttle during an armed encounter in which Mr. Tuttle shot Harvey Austin, 57, in the abdomen and neck. Preceding the shooting of Mr. Austin was a series of events in which Mr. Tuttle shot and killed three other persons – his longtime domestic partner Lori Hayden, 54, his son Dustin Tuttle, 26, and a neighbor, Michael Spaulding, 58. By law, the Office of the Attorney General investigates any use of deadly force by a law enforcement officer who, while acting in the performance of his or her duties, uses deadly force.¹

Factual Summary

On Wednesday, July 5, 2017, at 7:37 a.m., a woman visiting Michael Spaulding at 299 Russell Road in Madison called 911 and reported that a man – later identified as Carroll Tuttle – shot Mr. Spaulding and drove off in a silver pickup truck. The Somerset County Sheriff's Office dispatched a deputy, who arrived at the residence six minutes later. The deputy met the woman on the porch of the residence where she was administering CPR. It was apparent to the deputy that Mr. Spaulding was deceased and appeared to have gunshot wounds to the head and chest. Other deputies arrived and secured the scene.

At 7:48 a.m., a Norridgewock woman called 911 and reported that her 21-year-old daughter witnessed Carroll Tuttle shoot and kill his partner, Lori Hayden, and his son, Dustin Tuttle, at the Tuttle residence located at 316 Russell Road in Madison. She said she left the residence unharmed after Mr. Tuttle told her that he was going to his bedroom to kill himself. She drove the 10 miles

¹ Pursuant to 5 M.R.S. § 200-A

to her mother's residence in Norridgewock. She believed that the shootings of Lori Hayden and Dustin Tuttle occurred at about 7:30 a.m.²

At approximately 8:00 a.m., Somerset County Detective Michael Ross, aware only of the call involving Mr. Spaulding, arrived at the Spaulding residence at 299 Russell Road.³ At about the same time, Chief Deputy James Ross learned of the reported homicide at 299 Russell Road and that Carroll Tuttle, at large driving a silver pickup truck, was suspected of shooting Mr. Spaulding. Chief Deputy Ross was likewise unaware at that point of the reported shootings at the Tuttle residence. When Chief Deputy Ross arrived at 299 Russell Road, Harvey Austin also arrived and asked him if he checked on his sister-in-law, Lori Hayden. Chief Deputy Ross informed Mr. Austin that he had no reason to check on Ms. Hayden. Mr. Austin then went to the Tuttle residence where he found Ms. Hayden unresponsive on the living room floor of the mobile home she shared with Carroll Tuttle. Mr. Austin yelled to Chief Deputy Ross to come check on Ms. Hayden. Chief Deputy Ross drove the short distance to the Tuttle residence where he found Ms. Hayden deceased on the living room floor. Another deputy discovered Dustin Tuttle deceased on a bed with apparent gunshot wounds.

At about 8:15 a.m., after informing Mr. Austin that Ms. Hayden and Dustin Tuttle were deceased, Chief Deputy Ross and Mr. Austin began walking down the driveway toward the road. Mr. Austin heard and saw Carroll Tuttle driving at a high rate of speed down Russell Road. Despite the presence of several police vehicles, Mr. Tuttle did not slow down. He drove into his driveway at 316 Russell Road and, addressing Mr. Austin, exclaimed, "Harvey, you fuck! You're getting what's coming to you!" Both Chief Deputy Ross and Mr. Austin saw Mr. Tuttle pointing a handgun out the window of his truck. While opening the driver's door, Mr. Tuttle, armed with a .22 caliber semi-automatic pistol, shot Mr. Austin. Chief Deputy Ross fired his 9mm Glock semi-automatic handgun multiple times through the truck's windshield at Mr. Tuttle while Mr. Tuttle shot Mr. Austin again.

Notified of the discovery of Lori Hayden's body, Detective Ross, who had been investigating the shooting of Michael Spaulding at 299 Russell Road, started walking towards 316 Russell Road when he saw a pickup traveling at a high rate of speed turn into the Tuttle residence, nearly striking Chief Deputy Ross. Det. Ross saw the driver, later identified as Carroll Tuttle, reach out the window and fire two shots at Mr. Austin. Det. Ross saw Mr. Austin stagger backward and saw Chief Deputy Ross stagger backward and believed that both men had been shot. Det. Ross observed Mr. Tuttle getting out of the pickup and fired at him with his .45 Glock pistol until he fell to the ground.

Deputy Joseph Jackson was at 316 Russell Road when he observed Mr. Tuttle point a silver handgun out his window toward Mr. Austin and Chief Deputy Ross. Deputy Jackson heard gunshots and saw Mr. Austin fall and Chief Deputy Ross stumble backward. Believing that Chief Deputy Ross was shot and that Mr. Austin may also have been shot, Deputy Jackson fired his .45 Glock pistol at Mr. Tuttle, who was still in his truck. Mr. Tuttle got out of his truck. The truck

² The Maine State Police conducted a homicide investigation and determined that Carroll Tuttle shot and killed Lori Hayden and their son, Dustin Tuttle and then his neighbor, Michael Spaulding.

³ 299 Russell Road in Madison is located across the street and a couple of hundred yards from the Tuttle residence located at 316 Russell Road.

rolled forward and came to rest against a nearby camper. Mr. Tuttle, still maintaining control of his firearm, attempted to get up off the ground while all three officers continued to fire at Mr. Tuttle until he stopped moving. Mr. Tuttle died at the scene. It was later determined that Mr. Tuttle shot Mr. Austin twice. Mr. Austin survived the gunshot wounds.

A post-mortem examination by the Office of Chief Medical Examiner determined that Mr. Tuttle's cause of death to be multiple gunshot wounds. Eight bullets and two bullet fragments removed from his body were consistent with the 9mm and .45 caliber ammunition used by the three officers. A projectile recovered from a wound to his buttocks appeared consistent with .22 caliber ammunition. Examinations of Lori Hayden, Dustin Tuttle, and Michael Spaulding determined the cause of death of each to be gunshot wounds. Ms. Hayden sustained three gunshot wounds to the head, chest, and abdomen, Dustin Tuttle two gunshot wounds to the head and chest, and Michael Spaulding three gunshot wounds to the head and chest.

Discussion and Legal Analysis

The Attorney General's Office 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. The detectives who conduct the investigation of these incidents are independent of any other law enforcement agency. The purpose of the criminal investigation of the incident in Madison on July 5, 2017, was to determine if the use of deadly force by Chief Deputy James Ross, Det. Michael Ross and Joseph Jackson when they shot and killed Carroll Tuttle was legally justified. The investigation did not include an analysis of whether any personnel action might be warranted, of whether the use of deadly force could have been averted, or of whether there might be civil liability. Indeed, state law provides justifiable conduct under the Criminal Code does not abolish or impair any other remedy available under law.

Under Maine law, for any person, including a law enforcement officer, to be justified in using deadly force in self-defense or the defense of others, two requirements must be met. First, the officer must reasonably believe that deadly force is imminently threatened against the officer or against someone else, and, second, the officer must reasonably believe that deadly force is necessary to counter that imminent threat. The legal analysis requires careful attention to the facts and circumstances of the particular case. Further, 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 Chief Deputy Ross, Det. Ross, and Deputy Sheriff Jackson shot Mr. Tuttle, they were aware that Mr. Tuttle was using unlawful deadly force against Mr. Austin and Chief Deputy Ross and was continuing to use unlawful deadly force. It was reasonable for the officers to believe it necessary to use deadly force to protect Mr. Austin and

themselves from serious bodily injury or death. All the facts and circumstances point to the conclusion that the deputies acted in self-defense and in defense of third parties.

Sincerely,

A handwritten signature in black ink that reads "Aaron M. Frey". The signature is written in a cursive style with a horizontal line underneath it.

AARON M. FREY
Attorney General