



OFFICE OF THE ATTORNEY GENERAL

January 11, 2016

**Report of the Attorney General on the Use of Deadly Force
by Augusta Police Officer on January 12, 2015**
Finding: Officer fired in defense of self and others

Synopsis

On January 12, 2015, Jason Begin, 36, of Augusta, was shot and seriously wounded by Augusta police officer Laura Drouin at a mental health facility in Augusta.

Discussion

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 officer's duties, uses deadly force.¹ The detectives in the Office of the Attorney General who investigate these incidents are independent of and unaffiliated with any other law enforcement agency. The purpose of the criminal investigation of the incident in Augusta on January 12, 2015, which resulted in Mr. Begin being shot, was to determine whether self-defense, including the defense of others, was reasonably generated by the facts so as to preclude criminal prosecution of Officer Drouin. 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, of whether the use of deadly force could have been averted, or of whether there might be civil liability. Indeed, state law provides that the fact that conduct may be justifiable under the Criminal Code does not abolish or impair any other remedy available under the law.

In order for any person, including a law enforcement officer, to legally use deadly force in self-defense or in defense of a third party, two requirements must be met. First, the person must actually and reasonably believe that deadly force is imminently threatened against the person or against someone else; and, second, the person must actually and reasonably believe

¹ 5 M.R.S. § 200-A.

that deadly force is necessary to counter that imminent threat. Further, whether the use of force by a law enforcement officer is reasonable must be based on the totality of the particular circumstances and must be 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.

Facts

Jason Begin was committed to the Riverview Psychiatric Recovery Center in Augusta in the spring of 2004 after having been found not criminally responsible by the Androscoggin County Superior Court on several charges of sexual assault. In the fall of 2013, a court order authorized Mr. Begin's entry into an outpatient program that included his residing in a group home in Augusta. The order required that Mr. Begin attend sex offender and alcohol counseling and prohibited his use or possession of alcohol or unlawful drugs. The court order also prohibited Mr. Begin from engaging in criminal conduct, and from using or possessing any dangerous weapon.

In January 2015, the Riverview superintendent received information that led him to suspect that Mr. Begin was using marijuana and selling it to other patients, and that Mr. Begin had skipped a required alcohol counseling session. The superintendent directed a team of mental health workers, including a psychiatrist and a nurse practitioner, to address the suspicions. The team was an established group designed to provide consistent and frequent treatment to patients with chronic mental illness in need of more intensive support to remain in the community and avoid hospitalization. The team, consisting of five members, met with Mr. Begin during the afternoon of January 12, 2015, at a facility on East Chestnut Street in Augusta.² Notwithstanding Mr. Begin's denial of the allegations and his willingness to take a drug test, the team, after consulting with the superintendent, decided to send Mr. Begin back to the Riverview hospital. Before informing him of the decision, the team discussed concerns that Mr. Begin, who had a well known history of assaultive and threatening behavior³ and who was 5'11" and weighed 265 pounds, could become aggressive. A member of the team called the Augusta Police Department and requested that a police officer be present when Mr. Begin was informed of the decision by the team to readmit him to the psychiatric hospital and to also assist in transporting Mr. Begin the short distance to the hospital.

Officer Laura Drouin, a uniformed patrol officer, was dispatched to the facility on East Chestnut Street. Upon arrival, she was told that Mr. Begin seemed calm but there was

² According to Mr. Begin, who was interviewed as part of the investigation, he was anxious to attend this meeting and defend what he said were false allegations against him. He said he had already lost certain house privileges as a result of the allegations and wanted them restored. Mr. Begin was armed with a concealed folding knife at the meeting, and he said it was his intention to kill himself with the knife if the team decided to send him back to Riverview.

³ Prior to his commitment to Riverview, Mr. Begin was convicted in 1999 for terrorizing and in 2000 for assault. More recently, he had been the subject of several complaints of similar conduct reported to the Augusta Police Department.

significant concern that he would become agitated and potentially assaultive when informed of the decision to return him to the hospital. Officer Drouin was escorted to the second floor that contained the room⁴ in which Mr. Begin was waiting and she was asked to remain outside the room out of view of Mr. Begin.⁵

Mr. Begin was seated in the room facing the access corridor. Three of the team members were within easy reach of Mr. Begin, while two others waited at the threshold to the room. When one of the team members informed Mr. Begin of the decision to recommit him to Riverview, Mr. Begin stood, reached into his pocket, and pulled out a knife⁶ he had been concealing, and raised it over his head while pointing it at the team member closest to him. Mr. Begin said that he was not going back to the hospital and that "I should have done this moons ago." Mr. Begin slashed his own arm with the knife and again pointed it at the same team member, who was backing away. As the team members retreated from the room, Officer Drouin advanced toward Mr. Begin after having been summoned by the team members at the room's threshold. She saw Mr. Begin stand, retrieve the knife from his pocket, and slash his own arm as various team members tried to escape the room past her. While drawing her service weapon, Officer Drouin shouted with no success for Mr. Begin to stop. Officer Drouin fired three shots at Mr. Begin as he continued to raise the knife and slash at his arm. Mr. Begin was struck by the gunfire and collapsed to the floor.⁷ While seriously wounded, Mr. Begin remained conscious and was provided immediate medical aid by Officer Drouin and members of the mental health team until transported by ambulance to a local hospital for treatment of the gunshot wounds and the self-inflicted deep cuts to both arms.

Conclusion

Attorney General Janet T. Mills concludes that at the time Officer Drouin shot Mr. Begin, she reasonably believed that unlawful deadly force was imminently threatened against not only herself but the other persons in the narrow confines of the room with Mr. Begin. It was reasonable for Officer Drouin to believe it necessary to use deadly force to protect herself and the other persons within range of Mr. Begin's weapon. The Attorney General's conclusions are based on an extensive forensic investigation, on interviews with numerous individuals, and on a thorough review of all evidence made available from any source. All facts point to the conclusion that Officer Drouin acted to defend herself and others from the unlawful use of deadly force by Mr. Begin.

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⁴ The room in which Mr. Begin was situated measured about 7' x 9'. It was accessed by a narrow seven-foot corridor. The walls of the room were lined with chairs, tables, a bookcase, a floor lamp, and a water cooler, all of which reduced its accessible floor space to about 5' x 6'.

⁵ From where she was positioned, Officer Drouin could not see how many people were in the room.

⁶ The knife was an "ExtremeOps" folding knife measuring 7-1/4" overall with a 3-1/8" blade.

⁷ Less than seven minutes had elapsed from the time Officer Drouin arrived at the facility. Later investigation determined that all three rounds struck Mr. Begin, one in the left shoulder, one in the right chest, and one in the lower left rib cage.