



## OFFICE OF THE ATTORNEY GENERAL

June 28, 2016

### Report of the Attorney General on the Use of Deadly Force by Caribou Police Officer on January 8, 2016

#### Synopsis

Shortly after midnight on January 8, 2016, Caribou police officer Chad Cochran shot at Norman Plourde, 44, of Caribou, in response to Mr. Plourde firing his pistol in the direction of Caribou police officers who were attempting to persuade him to disarm. Neither Mr. Plourde nor any other person was injured.

#### 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.<sup>1</sup> 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 Caribou on January 7, 2016, 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 Cochran. 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 conduct determined to be permissible 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 that deadly force is necessary to counter that imminent threat. Further, whether the use of deadly

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<sup>1</sup> 5 M.R.S. § 200-A.

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

In December 2015, Norman Plourde, 44, had no place to live. An acquaintance he had recently met allowed Mr. Plourde to stay with him at his residence in Caribou. During the afternoon of January 7, 2016, the homeowner confronted Mr. Plourde when he discovered that he was intoxicated. Mr. Plourde admitted to drinking and told the acquaintance he wanted to die. The homeowner, knowing that Mr. Plourde owned at least three firearms, asked Mr. Plourde not to shoot himself in the house. Later that day, the acquaintance told Mr. Plourde he was uncomfortable with his presence in the house and he would have to move out.

At about 11:30 p.m., the Caribou Police Department was notified by the emergency dispatch center of a telephone call from a man who refused to identify himself, but wanted the police to shoot him. It was determined that the call was made from the residence in Caribou at which Mr. Plourde was staying, and later established that the caller was Mr. Plourde. The dispatcher informed the caller that the police wanted to help him, and he responded that he had a gun and would shoot the police when they arrived. Three officers, Douglas Bell, Daniel Ballanger, and Chad Cochran responded to the call. Each was in uniform and each was operating a marked police cruiser. Another officer called the residence. The call was answered by the homeowner, Mr. Plourde's acquaintance, who was unaware that Mr. Plourde had called the police. The homeowner told the officer that Mr. Plourde was sitting on the porch with a pistol in his hand. While on the phone with the officer, he opened the door to the porch and told Mr. Plourde to put the gun down. Mr. Plourde told him to shut up and go back into the house. During the telephone call with the officer, the homeowner told the officer that Mr. Plourde had consumed a fifth of vodka, and that earlier in the day he had told Mr. Plourde that he could no longer stay at the residence.

When the officers arrived outside the residence, they saw Mr. Plourde sitting on the steps of the porch. Mr. Plourde was armed with a pistol. Mr. Plourde got up and started walking toward Officer Bell's cruiser, all the while pointing the pistol in the direction of the cruiser. For nearly a half hour, Officer Bell attempted to talk Mr. Plourde into giving up the weapon. Mr. Plourde refused to relinquish the weapon and, instead, responded at various times with the following:

Please fucking shoot me!

I want to die right now, Please shoot me!

I want to die right now, put a bullet in my head or I'm going to shoot you!

Please fucking shoot me! Just fucking shoot me or I'm coming after you!"

Let's just do this!

I don't want to talk with anyone. I want you to shoot me!"

During this time, Mr. Plourde also put the gun to his head and at another point fired the gun into the ground and said, "Please, Please Just shoot me. Motherfucker, let's do this!" Further attempts by Officer Bell to persuade Mr. Plourde to disarm were unsuccessful. Shortly after midnight, Mr. Plourde again approached Officer Bell's cruiser. Mr. Plourde was still armed with the pistol. He pointed the pistol in the direction of the cruiser and shouted to Officer Bell to "shut up." Mr. Plourde then fired another round into the ground while moving toward the cruiser. About ten feet from the cruiser, Mr. Plourde fell to the ground. He was facing Officers Cochran and Ballanger. He raised his pistol and fired two shots in their direction and in response, Officer Cochran fired twice at Mr. Plourde. Both rounds missed. Mr. Plourde raised his pistol again but discovered it was empty of rounds. At that point, Mr. Plourde followed the officers' commands to put the pistol down by throwing it into the roadway. Mr. Plourde was taken into custody. While enroute to a local hospital for a mental evaluation, Mr. Plourde remarked to the two officers with him, "Are you fucking retarded? I shot at you. Why didn't you shoot me?"

Mr. Plourde's blood alcohol content when evaluated at the hospital was 0.43%. Mr. Plourde was later charged with criminal threatening with a firearm (Class C crime), aggravated reckless conduct (Class B crime), and discharging a firearm near a dwelling (Class E crime). The charges are pending in the Aroostook County Superior Court.

### Conclusion

Attorney General Janet T. Mills concludes that at the time the shots were fired at Mr. Plourde by Officer Cochran, it was reasonable for the officer to believe that deadly force was imminently threatened against him, as well as at least two other officers, and it was reasonable for him to believe that it was necessary to use deadly force to protect himself and the other officers from the imminent threat of deadly force posed by Mr. Plourde's actions. The Attorney General's conclusions are based on numerous interviews, a forensic investigation, and a review of all the evidence available from all sources. All facts lead to the conclusion that Officer Cochran acted to defend himself and others.

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