



## OFFICE OF THE ATTORNEY GENERAL

July 21, 2017

### **Report of the Attorney General on the Use of Deadly Force by State Police Trooper on August 15, 2016, in Jefferson**

#### **Synopsis**

During the late evening of Monday, August 15, 2016, State Police Sergeant Jason Madore engaged in the use of deadly force when he shot at Shane Prior, 34, of Cushing. While none of Sgt. Madore's rounds struck him, Mr. Prior died from a self-inflicted gunshot wound to the head.

#### **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 Jefferson on August 15, 2016, which resulted in Sgt. Madore shooting at Mr. Prior, was to determine whether the facts reasonably generated a case of self-defense, including the defense of others, so as to preclude criminal prosecution of Sgt. Madore. 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

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<sup>1</sup> 5 M.R.S. § 200-A.

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.

There are two requirements with which any person, including a law enforcement officer, must comply to legally use deadly force in self-defense or in defense of a third party. First, the person must actually and reasonably believe that there is an imminent threat of deadly force against the person or against someone else; and, second, the person must actually and reasonably believe it is necessary to use deadly force to counter that threat. Whether the use of deadly 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 and Circumstances**

During the late evening of August 15, 2016, State Police Sgt. Jason Madore and several other troopers were in Augusta when they received information that Shane Prior had shot his former domestic partner at the home of the partner's friend in Jefferson. The officers also learned that Mr. Prior was still at the residence armed with a .45 caliber handgun. The officers responded to Jefferson where they met about one mile away from the residence of the former partner's friend. At the same time that the officers were gathering, they learned that Mr. Prior had left the residence in a tan-colored pickup truck. Within minutes, the officers saw a vehicle matching the description drive by them.

Sgt. Madore and the other officers followed the vehicle a short distance. One of the officers activated the emergency blue lights on his cruiser, and the vehicle pulled to the side of the road and stopped. The officer shouted commands for the driver, later determined to be Mr. Prior, to show his hands and get out of the vehicle. Within seconds, there was a gunshot from within the vehicle. Sgt. Madore was outside his cruiser, which was behind and to the left of Mr. Prior's vehicle. Hearing the sound of a gunshot, observing muzzle

flash, and hearing a round going through a wooded area, he believed that Mr. Prior was firing at him and/or the other officers. Sgt. Madore fired several rounds at Mr. Prior.

No further activity came from Mr. Prior's vehicle. After failed attempts to persuade Mr. Prior to get out of the vehicle, members of the State Police Tactical Team approached the vehicle and determined that Mr. Prior was deceased. He still held a handgun in his hand, and he had been shot in the head. The investigation included an autopsy, which disclosed that none of the rounds fired by Sgt. Madore struck Mr. Prior, but that Mr. Prior shot himself in the head with his own pistol.

Further investigation disclosed that a short time before August 15, 2016, Mr. Prior's partner ended a longtime relationship with Mr. Prior. The split was not amicable, and Mr. Prior made continual attempts at getting back together. In the meantime, the partner started a relationship with another man. The man became the subject of threats by Mr. Prior. The partner and her two young daughters by Mr. Prior were temporarily staying at a friend's home in Jefferson.

During the evening of August 15, 2016, the former partner, the two daughters, the owner of the Jefferson residence, and a friend were gathered around a campfire at the Jefferson home. The partner received a telephone call from Mr. Prior during which Mr. Prior made pleas to rekindle their relationship and expressed anger about her new relationship. During the call, Mr. Prior asked the former partner to meet him at a nearby convenience store to talk. However, she told Mr. Prior that she did not want to meet him.

At about 9:50 P.M., Mr. Prior arrived at the Jefferson residence. He parked at the end of a long driveway and approached the residence on foot. He startled his former partner by grabbing her cell phone out of her hand as she sat in her car with the door open while texting her boyfriend. The pair scuffled in the driveway for control of the cell phone. The physical altercation continued down the driveway and across the street. Mr. Prior pulled a handgun from the back of his waistband, chambered a round, and pointed it at the former partner saying that he would not allow another man to raise his children. The former partner ran back toward the residence; Mr. Prior discharged at least two rounds at the woman, one of which struck her in the

arm. She continued to run up the driveway and into the house, locking the door behind her.

Mr. Prior attempted to open the door without success. The owner of the residence confronted Mr. Prior in the driveway. Mr. Prior initially backed away from the house, but then tried the door again and attempted to kick it open. The homeowner again confronted Mr. Prior, who was still armed with a pistol, and escorted him off her property. Mr. Prior left in his tan-colored pickup truck, and was pulled over by the police moments later.

### **Conclusion**

Attorney General Janet T. Mills concludes that at the time Sgt. Madore shot at Mr. Prior, he reasonably believed that Mr. Prior presented an imminent threat of unlawful deadly force against himself and others. It was reasonable for Sgt. Madore to believe it necessary to use deadly force to protect himself and any other persons within range of Mr. Prior and his weapon. Sgt. Madore was also aware that Mr. Prior had shot his former domestic partner a short time prior to Mr. Prior's encounter with Sgt. Madore and other officers.

The basis for the Attorney General's conclusions includes interviews with numerous individuals, an extensive forensic investigation, a review of all the evidence available from all sources, and a thorough legal analysis. All facts lead to the conclusion that Sgt. Madore acted to defend himself and others from the imminent threat of unlawful use of deadly force by Mr. Prior.

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