



OFFICE OF THE ATTORNEY GENERAL

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Cumberland County Deputy Sheriffs Fired in Self-defense

Synopsis

In the early morning hours of Sunday, November 27, 2016, two Cumberland County deputy sheriffs, Sgt. Andrew Feeney and Deputy Derek Brill, shot and killed Norman Strobel, 59, in Naples.

Background

Between 1984 and 2001, Norman Strobel established a significant criminal history in Rhode Island, consisting of violent offenses that resulted in convictions and incarceration, including conspiracy to commit robbery, first-degree sexual assault, threats, domestic assault, and obstructing a police officer. When he moved to Maine, he was a convicted felon, a status that prohibited him from possessing a firearm.

While in Rhode Island, Mr. Strobel met a woman with whom he would maintain a long-term relationship. The couple moved to Maine and continued the relationship while residing together in Casco where the woman owned a residence. Beginning in 2008, Mr. Strobel became the subject of complaints involving recurring disputes with neighbors. The Cumberland County Sheriff's Office investigated several of these complaints, one of which resulted in a protection from harassment order against Mr. Strobel. In 2010, while investigating a complaint from Mr. Strobel that a neighbor had fired a pellet gun at him, a deputy sheriff observed Mr. Strobel assaulting his domestic partner. There were later incidents in 2011 and 2012 involving reports of Mr. Strobel harassing neighbors, and an arrest for operating under the influence. In 2014, a third party caller reported to the Sheriff's Office a suspected domestic violence incident between Mr. Strobel and his partner, but the partner told the responding deputy sheriffs that nothing happened.

On July 1, 2016, while Mr. Strobel's partner was in the bathroom, Mr. Strobel reportedly mentioned the movie "The Burning Bed," and threatened to kick his partner in the face, knock off her glasses, duct tape her to the bed, and burn the house down, after which he would shoot himself in the head. The partner did not report the incident to law enforcement.

On July 2, 2016, the Sheriff's Office investigated a complaint that Mr. Strobel, while intoxicated, accosted some renters and ordered them to leave a residence in Casco owned by his partner. The renters, a couple from Florida, left the residence out of fear that Mr. Strobel would return. The owner of the property, Mr. Strobel's partner, requested that the Sheriff's Office serve a notice on Mr. Strobel that he could not return to the residence. Unable to locate Mr. Strobel, a deputy sheriff reached him by telephone and verbally warned him to stay off the property or face arrest for trespassing.

After these incidents on July 1 and 2, Mr. Strobel's partner petitioned the District Court for a protection from abuse order; the Court issued an *ex parte* temporary order on July 5. On the same day, the partner reported to the Sheriff's Office that Mr. Strobel trespassed on the Casco property. Two deputy sheriffs located Mr. Strobel at another residence owned by the partner, and served him with the protection from abuse order as well as a citation for trespassing. The deputies ordered him to leave the residence. The protection from abuse order, among other things, required that Mr. Strobel relinquish all firearms or other dangerous weapons in his possession. It also granted possession of two dogs, a Boxer and a Doberman, to the partner.

Almost immediately Mr. Strobel violated the terms of the temporary order by making numerous calls to the partner. In addition, on July 20, he went to the partner's residence in Casco, which resulted in a deputy sheriff arresting him for violating the order.¹ Mr. Strobel pled guilty to the violations and served five days in the county jail. Three days after his release from jail, a neighbor saw Mr. Strobel at his now former partner's residence in Casco. A deputy sheriff arrested him for the violation of the protection from abuse order. He again pled guilty and was sentenced to 120 days in jail, all but 40 days suspended, with two years' probation. He was released from the county jail on September 9, 2016.

Less than a week later, the former partner reported receiving numerous telephone calls from Mr. Strobel, a violation of the protection from abuse order. Initially unable to locate Mr. Strobel, a deputy sheriff obtained an arrest warrant. The next day, September 16, 2016, two probation officers arrested and jailed Mr. Strobel for violating his probation. They found two bottles of vodka in his vehicle, another violation of his probation. Mr. Strobel refused a blood alcohol test. Three days later, he again pled guilty to violating the protection from abuse order, which resulted in a suspended 364-day jail sentence and two more years of probation. The remaining portion of his prior probation revoked, Mr. Strobel spent the next 80 days in the county jail. He was released on November 19, 2016.

During his incarceration in the county jail, Mr. Strobel met Richard Diekema of Naples, who was serving a 48-hour sentence for an OUI conviction during the weekend of September 23-25, 2016. The two became friends, and after Mr. Strobel's release from jail, Mr. Diekema allowed

¹ On the same day, the Court issued a permanent protection from abuse order.

Mr. Strobel to move in with him at his mobile home on the Songo School Road in Naples. Mr. Diekema was struggling financially and Mr. Strobel promised to contribute to household costs, including heating fuel. Mr. Diekema also hoped that Mr. Strobel could drive him as needed until his license was reinstated. On November 19, 2016, Mr. Strobel went to Mr. Diekema's residence in Naples. He waited outside the residence until Mr. Diekema returned from work. Mr. Strobel began residing with Mr. Diekema at the Naples residence.

On November 21, 2016, two days after his release from jail, Mr. Strobel resumed his efforts to contact his former partner, in violation of the protection from abuse order still in effect. She reported to the Sheriff's Office that Mr. Strobel called her several times. A deputy sheriff was unable to locate Mr. Strobel. The next day, the former partner reported 20 or more additional calls from Mr. Strobel. She expressed concerns about Mr. Strobel's intentions, particularly given that her daughter would be visiting her for Thanksgiving. Also on November 21, Mr. Strobel told a relative in New Jersey, "I have guns and I will kill myself and take everyone with me. I have to do what I have to do. I'm going to take people out." While a deputy sheriff was at the former partner's residence in response to more harassing and threatening phone calls, Mr. Strobel called the former partner again. The deputy sheriff spoke with Mr. Strobel to inform him that he was in violation of the protection from abuse order. Mr. Strobel hung up. While the deputy sheriff was still at the residence, the former partner received a call from a former Strobel girlfriend. She reported that Mr. Strobel told the relative in New Jersey that he was going to kill the former partner and then kill himself.

On November 23, Mr. Strobel forcibly entered the former partner's residence in Casco while she was away and stole her two dogs, a Doberman Pincher and a one-eyed Boxer. While deputy sheriffs tried to find Mr. Strobel and arrest him for burglary and theft and for violating the protection from abuse order, they were unable to locate him. The next day, the former partner's daughter and her boyfriend arrived in Maine to celebrate the Thanksgiving holiday. They stayed at a separate residence in Casco owned by the former partner. On November 26, the former partner looked into acquiring a firearm for her personal protection and registered for a firearms safety course.

Deadly Force by Sergeant Feeney and Deputy Brill

Late at night on Saturday, November 26, the daughter of Mr. Strobel's former partner called 911 and reported that a man was banging on the door of the Casco residence, and the man was shouting "Sheriff's Office, open up." While speaking with the 911 operator, gunshots erupted and the daughter reported that Mr. Strobel had just shot her boyfriend. Several Cumberland County deputy sheriffs responded. They found the boyfriend suffering from several gunshot wounds, but still alive. Mr. Strobel was nowhere to be found.

Less than an hour later, Mr. Strobel called the former partner's cell phone several times and spoke to her twice. He also spoke with the owner of the residence at which the former partner was then visiting. A deputy sheriff was also at the residence. Mr. Strobel asked the whereabouts of the former partner, and said that he had just killed her daughter and the daughter's boyfriend. When the owner of the residence disputed the assertion, Mr. Strobel replied, "OK, then, they got

wounded,” and “you and her (referring to the former partner) are next motherfucker, you hear me?” The owner challenged Mr. Strobel to come to the residence.

Sergeant Andrew Feeney and Deputy Derek Brill were among the deputy sheriffs involved in the search for Mr. Strobel. Sergeant Feeney called Mr. Strobel’s cell phone and Mr. Strobel answered. He appeared intoxicated. Sergeant Feeney was unable to persuade Mr. Strobel to surrender. Mr. Strobel was agitated and dominated the conversation. He was upset that he had no legal ownership of residences owned by the former partner despite their long-term relationship. Mr. Strobel terminated the phone call and did not answer when Sergeant Feeney called again.

By 4:45 a.m. on Sunday, November 27, deputies learned that Mr. Strobel was possibly at the residence of Richard Diekema on the Songo Hill Road in Naples.² Sergeant Feeney went to the residence where he saw a pickup truck that generally matched the description of one seen by the former partner’s daughter when Mr. Strobel shot her boyfriend in Casco. Sgt. Feeney illuminated the residence with a spotlight. Receiving no response, he drove his cruiser into the driveway and used its public-address system to announce his presence. Still receiving no response, Sgt. Feeney activated the cruiser siren several times. There was still no response. No one answered telephone calls to the residence. Other deputies, including Deputy Brill, arrived at the residence.

Through a window, Deputy Brill and Sergeant Feeney saw Mr. Diekema sitting in a recliner, apparently asleep. When the deputies saw what appeared to be blood on his face and an injury around the right eye, they decided to enter the residence to check on the welfare of Mr. Diekema. The deputies also observed inside the residence two dogs, a Doberman Pinscher and a one-eyed Boxer, believed to be the dogs stolen in the alleged burglary of Mr. Strobel’s former partner’s residence.

Deputy Brill and Sergeant Feeney entered the residence. They were immediately met by Mr. Strobel, who was armed with a handgun and displaying it in a threatening manner. He refused multiple commands to drop the gun and when he raised the gun in the direction of the deputies, Sergeant Feeney and Deputy Brill simultaneously fired their weapons at Mr. Strobel. The shots were fatal.

Mr. Diekema was found deceased, having been shot in the face. Later investigation determined that Mr. Strobel shot him earlier that night.

A post-mortem examination by the Office of Chief Medical Examiner determined Mr. Strobel’s cause of death to be multiple gunshot wounds. At the time of his death, his blood-alcohol concentration was 0.308%, nearly four times the amount that would constitute driving under the influence.

Legal Discussion and Conclusion

² Mr. Diekema was the former county jail inmate befriended by Mr. Strobel a month prior and with whom he was residing, although the deputy sheriffs were unaware at the time of any connection between Mr. Diekema and Mr. Strobel.

The Office of 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.³ The detectives in the Office of the Attorney General who conduct the investigation of these incidents are independent of and unaffiliated with any other law enforcement agency. The purpose of the criminal investigation of the incident in Naples on November 27, 2016, which resulted in Mr. Strobel's death, was to determine whether self-defense, including the defense of others, was reasonably generated by the facts so as to preclude criminal prosecutions of the deputy sheriffs who shot Mr. Strobel. 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.

Two requirements must be met for any person, including a law enforcement officer, to legally use deadly force in self-defense or in defense of a third party. First, the person must have an actual belief that deadly force is imminently threatened against the person or against someone else, and the belief must be a reasonable one. Second, the person must actually and reasonably believe that deadly force is necessary to counter that imminent threat. 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.

The Office of the Attorney General has concluded that at the time Sergeant Feeney and Deputy Brill shot Mr. Strobel, each of them reasonably believed that unlawful deadly force was imminently threatened against them. It was reasonable for each officer to believe it necessary to use deadly force to protect himself and each other from deadly force. These 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 the officers in this case acted in self-defense.

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³ 5 M.R.S. § 200-A.