

MAINE

DrummondWoodsum

ATTORNEYS KASIA PARK AND ED BENJAMIN OBTAIN FEDERAL JURY VERDICT IN FAVOR OF POLICE OFFICER WHO USED DEADLY FORCE AGAINST PSYCHIATRIC PATIENT



Kasia Park



Ed Benjamin

A federal jury returned a verdict in favor of Augusta police officer Laura Drouin, who shot Jason Begin three times after he suddenly brandished a knife during a meeting with mental health workers in the office of the Assertive Community Treatment (ACT) team at the Ballard Center in 2015. Begin had been found not criminally responsible by reason of mental disease or defect in 2004 for the theft of an airplane, which he flew to Canada before crashing. At the time, Begin was facing criminal charges for sexually abusing minor family members. While prosecutors believed Begin was attempting to flee the U.S. to avoid prosecution, Begin contended that it was actually a suicide attempt. After he was found not criminally responsible for the airplane theft, Begin was committed by the Maine Superior Court to Riverview Psychiatric Center in Augusta, and the sexual assault charges were dismissed. The commitment order was for an indefinite period of time, and prohibited Begin's release from custody unless and until a court had found that his release did not pose a danger to himself or others.

After being held at Riverview for approximately ten years, Begin was given a Modified Release Order by the court in early 2014, which allowed him to leave Riverview's premises and to live in a group home with other patients who had been found not criminally responsible for their actions. The

court placed numerous restrictions on Begin's travel and activities, as he remained in state custody even while residing in the group home. In January, 2015, the members of Begin's ACT team received information that Begin was using marijuana, as well as selling it to other residents of the group home. Because of these violations of his Modified Release Order, Riverview officials made the decision to remove Begin from the group home and recommit him to Riverview. Due to their concerns about Begin's reaction to being told he was being recommitted, a member of the ACT team contacted the Augusta Police Department and requested that a police officer be present at the ACT team office when Begin was given the news, and that the officer be responsible for transporting him back to Riverview.

On January 12, 2015, as the meeting between Begin and members of the ACT team was taking place, Officer Laura Drouin was dispatched to the ACT team office in the Ballard Center. Dispatch advised Officer Drouin that the ACT team member who called had only expressed concern that Begin might "get a little disorderly" when he was told of his recommitment. On arrival at the Ballard Center, Officer Drouin had a brief conversation with the team member who had met her to escort her to the second floor waiting area where the meeting was taking place. When Officer Drouin asked if Begin had a history of violence, the team member indicated that he did have a history of violence, without providing any details. When they exited the elevator on the second floor, Officer Drouin was directed to take a position in the hallway outside the room where ACT team members were meeting with Begin, so she would not be seen by him.

From her position in the hallway, Officer Drouin heard a member of the ACT team tell Begin that the decision had been made to recommit him while they investigated the claim that he was using and selling marijuana. Begin had brought a pocket Dictaphone to the meeting and was recording this conversation, though the mental health workers meeting with him were unaware they were being recorded. After hearing Begin becoming more agitated as he professed his innocence and claimed he was being punished unfairly, Officer Drouin heard Begin declare: "I am not going back to the hospital." Begin was then told by a team member that he had no choice, and that police were already there to take him back to Riverview. At that point, Officer Drouin was directed to step into the doorway to the room, where she could be seen by Begin for the first time.

As Officer Drouin got her first glimpse of Begin, he was standing up from the chair in which he had been seated while speaking with ACT team members in the room. She saw Begin go toward his waist with his hands, believing he was tucking in his shirt. Suddenly, however, Begin brandished a knife that he had concealed in his pants pocket. After raising the knife above his head, Begin violently slashed his own arm with the knife. At trial, the ACT team member closest

to Begin testified that he was only four feet from Begin when he pulled out the knife, with another team member standing right behind him, and a group home employee seated only a few feet away. Upon seeing Begin pull the knife in close proximity to the others in the room, and after hearing him defiantly declare that he was not going back to the hospital, Officer Drouin instantly decided that she needed to use her firearm to stop Begin before he could turn the knife on those near him or herself. Officer Drouin was approximately fifteen feet from Begin when she fired, hitting him with three bullets. At trial, Officer Drouin testified that Begin posed an imminent risk of death or serious bodily injury to the team members near him, and also to her if he decided to rush her, at the moment she made the decision to use deadly force. The audio recording that was made by Begin was played for the jury at trial, and showed that only four seconds had elapsed from the time the knife was pulled until Officer Drouin's shots were fired.

Jason Begin asked the federal court jury to award him \$320,000 in medical bills, and additional sums for pain and suffering, permanent paralysis of his left arm, and his loss of enjoyment of life. Begin's attorneys also asked the jury to award punitive damages against Officer Drouin, to punish her and to serve as a deterrent for other officers when assessing the need for the use of deadly force. The jury needed only an hour, however, before returning a verdict in favor of Officer Drouin, finding she did not use excessive force in violation of Begin's 4th Amendment rights. It was the first civil verdict in a case involving an officer's use of deadly force in Maine in over 30 years. Officer Drouin was represented at trial by Drummond Woodsum attorneys Kasia Park and Ed Benjamin.