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September 8, 2021

AAG Daniel Carr Guglielmo
RI Attorney General's Office
150 South Main St.
Providence, RI 02903

Dear AG Guglielmo -

Per the request of the Rhode Island State Police, I have reviewed the circumstances surrounding the use of force incident involving Officers from the Providence and Pawtucket Police Departments during the early morning hours of July 9, 2021.

In conducting this review, I examined the Use of Force policy and academy training records for the 68th and 69th sessions of the Providence Police Training Academy. I also reviewed applicable Rhode Island state law, Supreme Court case law, and relevant statements, reports and audio and video footage provided to me By Detective Steve Vinton of the Rhode Island State Police.

According to the US Supreme Court in *Graham vs Connor*, when conducting a review of a particular use of force, we must view the incident based on the totality of the circumstances from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The inquiry should focus not on what the most prudent course of action may have been or whether there were other options available but instead whether the force used falls within a *range of conduct* which is *objectively reasonable*. The appropriateness of a use of force decision is properly judged on the basis of the *reasonableness of an officer's perception* of the subject's actions with which he was confronted at the time he made the decision to use force and not with 20/20 hindsight.

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In order to properly evaluate the actions of the officers, we must start from the very beginning of this incident and put ourselves in the position of the officers, taking into account all the circumstances that led up to the eventual use of force.

Between the hours of approximately 8:16 p.m. on July 8, 2021 to approximately 1:23 a.m. on July 9, 2021, the Providence Police Department received 14 separate calls from different areas of the city stating that there were three males driving around with rifles, firing at random people, showing a complete disregard for the safety of the general public. In addition to the 14 felony assaults, there were also numerous reports of property damage. The three males can be seen on surveillance video exiting their vehicle and chasing people with rifles, firing at them as the victims fled. Some of the reports included people who had been shot in the head and chest by these three suspects.

It was initially reported that the rifles used may have been BB guns which under Rhode Island Law are still considered firearms (Appendix A). However, this had not been verified. At the time, the officers were told by their officer in charge to treat these as actual rifles. One of the firearms later found in the suspect vehicle was a Daisy Powerline 880. This rifle is actually rated as a potentially lethal weapon. There are warnings stamped right onto the rifle itself saying, "WARNING: Misuse or careless use may cause serious injury or death." (Appendix B). There are also numerous warnings on the manufacturer's website about the potential lethality of this rifle. The reason for these warnings is that a round fired from the Powerline 880 travels at 750–800 feet per second. This is only a slightly slower than the speed of a .45 caliber round which travels at approx. 830 feet per second.

Throughout the night, Officers made several attempts to stop the three individuals but they either lost them due to high speeds or the pursuits were terminated by supervisors. Officers from the Providence Police Department responded to these calls and after some investigation, came to the conclusion that it was the same three males committing all these assaults.

The Officer in Charge, Lieutenant Matthew Jennette spoke with a shuttle driver from Brown University and this driver was convinced that the rifles were real guns and not BB guns. This was when Lt. Jennette advised all units that for their safety and the safety of the general public, officers were to consider the rifles to be real guns. Due to

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the nature of the injuries reported as well as the report from the Brown shuttle driver, Lt. Jennette advised all officers that the three individuals were a threat to public safety.

A short time later, Providence Officer John Najarian locates the suspect vehicle as it turns into the parking lot of Santander Bank and Whole Foods on North Main St. As he attempts to slowly approach the suspect vehicle, the car turns in a half U-turn and the driver points a rifle at Officer Najarian. The driver then flees while Officer Najarian pursues. The suspects lead officers on a 40-minute pursuit through several jurisdictions, including Providence, Pawtucket, Johnston and North Providence. Officers report that the suspect vehicle almost causes several accidents and is operating extremely recklessly, at high rates of speed traveling on the wrong side of the road and running numerous red lights and stop signs.

At one point, the timeline states that one of the dispatchers reports over the inter-city channel that a rifle was being fired at officers from the suspect vehicle. This is corroborated by almost every Pawtucket officer that was involved in the pursuit. According to the narratives of Pawtucket Officers Croft, Tessier, Ortiz, Richards, Schumacher, McCabe, C. Karalis and Jesse, they were told by the dispatcher that the suspects were firing at Providence Officers with a rifle from the moving vehicle. This appears not to have happened but still played a factor into the totality of what was occurring. This phenomenon is known as "Dispatch Priming." (Appendix C) Dispatch Priming occurs when erroneous information is given to officers by dispatch prior to their arrival at the scene and can lead officers to act based off of that incorrect information.

Due to the information given by dispatch, that officers were being fired upon, as well as the totality of the circumstances thus far this may have contributed to the officers' perception that they were faced with a lethal force situation. Luckily, the officers were able to use less than lethal techniques to gain control.

As the pursuit continues, Officer Najarian reports that the suspect vehicle drives straight at him and would have hit him if he had not taken evasive maneuvers. The suspects continue to flee and eventually blow out both tires on the passenger side. Despite this, the suspects still refuse to stop and continue on nothing but the rims with sparks shooting out from under the car. The car eventually mounts the curb at the intersection of Salmon St. and King St. and comes to rest when the car crashes into a fire hydrant.

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This is what the officers involved had been exposed to for the previous five plus hours prior to any force ever being used. Their stress levels were extremely high and at that moment, based on the totality of the circumstances they were faced with up to this point, it was their perception that this was a lethal force situation.

Once the suspect vehicle comes to a stop, Officers exit their vehicles with their weapons drawn and immediately start issuing verbal commands to the occupants to show their hands. The driver, [REDACTED] and the back seat passenger, [REDACTED] comply and can be seen raising their hands straight up in the air over their heads. The front seat passenger, [REDACTED] does not comply despite numerous commands to do so from several officers. In addition to not complying with commands, the bodycam video from Officer Colicci shows that [REDACTED] began to open the passenger side door while the officers were ordering him to show his hands.

Placing myself in Officer Colicci's position, the first thing that comes to my mind is that these individuals have committed at least 14 felony assaults with a firearm. They then ran showing a complete disregard for public safety and only stop when the vehicle becomes disabled. The front passenger is not complying with verbal commands and is opening the door. It is very reasonable for Officer Colicci to perceive that the suspect may exit the car shooting.

Therefore, based on all this information and the circumstances Officer Colicci was faced with, I would say that lethal force could have been a reasonable response. Yet Officer Colicci did not use lethal force. Instead, he ran to the passenger side door, opened it and pulled [REDACTED] from the inside of the car onto the ground.

While Officer Colicci is trying to get [REDACTED] into handcuffs, [REDACTED] begins to resist and pulls his hands away from Officer Colicci's grasp and puts them under his body where he has a fanny pack strapped diagonally across his chest. Officers are trained that many suspects will keep weapons in these types of packs (Appendix D) and it is reasonable to believe that [REDACTED] was armed based on the fact that he had been shooting at people throughout the city for over five hours.

Officer Colicci and several other officers can be heard yelling repeatedly at [REDACTED] to, "Stop resisting!" and to, "Put his fucking hands behind his back." When [REDACTED] still does not comply, Officer Colicci does as he was trained to do and begins to deliver a series of closed fist strikes to the body in an attempt to get [REDACTED] to release his

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hand from under his body. The strikes are not effective and Officer Colicci ceases. At this point his body camera falls off and onto the ground but is pointing up at Officer Colicci and shows that he is still engaged with [REDACTED] but is no longer striking him. It appears as if he is trying to hold [REDACTED] still while other officers fight with [REDACTED] over control of his arms.

At the same time Officer Colicci is pulling [REDACTED] out of the car, Officer Voyer exits his cruiser which is on the driver's side of the suspect vehicle. There are already officers attempting to handcuff the driver so Officer Voyer climbs through the suspect vehicle and out the passenger side. Officer Voyer then straddles over the back of [REDACTED] and can be seen reaching down under his jawline.

When the video is slowed down, it becomes clear that Officer Voyer is attempting to apply pressure to what I was trained to be the Hypoglossal nerve which is located approximately $\frac{3}{4}$ of the distance from chin to the rear of the jaw. Officers are taught that pressure to this area is intended to cause a pain response which forces the subject to pull away from the source of the pain.

In this instance, [REDACTED] moves away from the source of the pain by moving his head back to relieve the pressure on the nerve. This is the desired response for this technique and it is important to note that as [REDACTED] head comes up, he appears to be bleeding from the mouth. This is prior to any strikes being delivered by Officer Diaz and is most likely the result of [REDACTED] striking his head on the windshield when the car crashed.

The video then shows Officer Voyer administer closed fist strikes to the side of [REDACTED] neck where it meets the shoulder. I was trained that this area is known as the Brachial Plexis Origin. It is located 3–4 inches below the earlobe on the side of the neck where it meets the shoulder. Again, this is a trained technique taught to officers at the recruit level and Officer Voyer was delivering the strikes as he was trained to do. When delivered effectively, strikes to this area can stun the subject or can in some instances render a subject unconscious.

So first, the Hypoglossal pressure point technique is used and forces [REDACTED] to move his head back. Once this happens and [REDACTED] head is out of the way, Officer Voyer is able to deliver strikes to the Brachial Plexis Origin most likely with the intention of stunning him in order to gain control of his arm.

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Both of these pressure point techniques are trained techniques taught to recruits in the police academy. I have provided a copy the of the defensive tactics curriculum for the 68th class of the Providence Police Academy which Officer Voyer attended which lists pressure points as a force option.

As Officer Voyer is attempting to strike the Brachial Plexis Origin area, Officer Diaz enters the scene and Officer Voyer's brachial strikes become ineffective because both he and Officer Diaz are striking at the same time and seem to be getting in each other's way. Officer Voyer then disengages from [REDACTED] and attempts to assist other officers but all other suspects are under control and in custody at this point.

At the point that Officer Diaz approaches, [REDACTED] is still actively fighting the Officers and attempting to put his hands under his body where the fanny pack is. Officer Diaz delivers three closed fist strikes to the face of [REDACTED] but they appear to be ineffective again due to the fact that he and Officer Voyer get in each other's way. At this point Officer Diaz appears to discontinue the strikes to the face. As can be seen in several of the other body cam videos, Officer Diaz changes his position and delivers a series of strikes to the body of [REDACTED]. This occurs while [REDACTED] is still resisting and is still trying to get his hands under his body. As already stated, the officers believe that this a lethal force situation. In their minds, it is imperative that they gain control of [REDACTED] before he is able to reach the fanny pack. Officer Diaz continues to deliver body strikes in a series of three or four until he is pulled away by Sgt. Perez. Officers are typically trained to deliver a series of strikes to overwhelm the cognitive process of the subject before taking a very brief moment to assess the effectiveness of the strikes. If there is no effect, officers will either continue to strike or move onto another technique. This appears to be what Officer Diaz did.

In his interview Sgt. Perez states that he saw Officer Diaz administering strikes to the body and states that there were numerous officers in the area. Sgt. Perez stated that he told the officers to cuff [REDACTED] but as he is yelling this, it still does not appear that they had control of [REDACTED] arms yet. Despite being under a great deal of stress, Officer Diaz falls back on his training and continues to administer body strikes. When asked if he felt that the force used by Officers Voyer, Colicci and Diaz was justified and within department policy, Sgt. Perez stated that he believed it was.

I have reviewed and provided a copy of the curriculum from the 69th session of the Providence Police Academy, which Officer Diaz attended. Just like the curriculum from

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the 68th session, the 69th session also taught strikes and pressure points. These officers were trained to use these techniques and during a violent and stressful encounter, officers will rely on their training to take over.

Sgt. Perez stated that the reason he pulled Officer Diaz away was that he believed that Officer Diaz did not hear him. This is entirely possible due to the chaos of the situation. Stress levels are already extremely high due to what had already occurred and there were numerous officers trying to gain control of [REDACTED]. Several Officers are yelling commands as well as numerous lights and sirens going off. It is easy to understand how an officer's senses could have been overloaded. However, it would appear that Officer Diaz is not the only officer that did not hear the Sergeant's commands.

According to Sgt. Perez's bodycam footage, he tells the officers to handcuff [REDACTED] 11 times. Sgt. Perez yells seven times for officers to cuff [REDACTED] before pulling Officer Diaz away. However, once Officer Diaz is away, Sgt. Perez continues to yell at officers an additional four times to cuff [REDACTED]. If Officer Diaz was the only one who did not hear him and Diaz has been pulled away, then why give the command an additional four times? Most likely because the scene was so chaotic and stressful that most of the officers did not even see or hear the Sergeant. Based on my training, this is known as Inattentional Blindness and Auditory Exclusion, both of which are the result of a Sympathetic Nervous System response, which is often caused by extreme stress.

As Officer Voyer disengages, Pawtucket Officer Croft arrives to assist with [REDACTED] at the same time Officer Diaz is delivering strikes to [REDACTED] body. To quote a section of Officer Croft's narrative, [REDACTED] was, ***"actively resisting arrest by flailing his arms and kicking his legs. I then straddled [REDACTED] legs and grabbed a hold of his right arm in an attempt to secure it behind his back. I repeatedly told [REDACTED] to stop resisting. [REDACTED] then rolled over on to this back, exposing a fanny pack slung across his chest. [REDACTED] was fighting my grip on his arm and it appeared as though he was reaching for the fanny pack. Through my experience and training, I know fanny packs are used to carry firearms. Due to the presence of a fanny pack and the nature of the call I was concerned that [REDACTED] was reaching for a firearm. I was then able to turn [REDACTED] back on to his stomach, using his bodyweight to pin the fanny pack to the ground while I attempted to secure his right hand. [REDACTED] continued to resist and I then delivered approximately four closed fist strikes to the right side of [REDACTED"***

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back, with the desired effect. I secured [REDACTED] right hand behind his back and another officer took control of [REDACTED] right arm and hand while I removed the fanny pack from [REDACTED] person. I then disengaged from the scene in an effort to remove a possible firearm from the situation while multiple Providence officers took [REDACTED] into custody.” Once [REDACTED] is handcuffed and under control, all force ceases.

Officer Croft’s narrative gives a very detailed and realistic view into the perception of the officers on scene that were attempting to gain control over [REDACTED] as he fought. Once Officer Croft has control of the fanny pack, he disengages and removes it from the scene in order to avoid a potential firearm coming into play.

To summarize, this starts with 14 reports of felony assault by three males reported to be terrorizing the city driving around for over five hours shooting random people with what were considered to be real rifles. A 40-minute pursuit ensues starting with the driver of the suspect vehicle pointing a rifle at a Providence Police Officer. Officers are told by their Officer in Charge that the suspects are a threat to public safety and officer safety and to continue with the pursuit. During the pursuit, a dispatcher broadcasts over inter-city channel that a rifle is being fired at police from the suspect vehicle. As they continue to flee, the suspects operate with complete disregard for the safety of the general public and almost cause numerous accidents as well as almost striking two police officers. The suspects blow out two tires and are driving on rims yet continue to flee. They lose control of the vehicle and crash into a fire hydrant. Verbal commands are given to all three suspects to show their hands. The driver and back seat passenger comply. The front seat passenger does not comply and begins to open the passenger side door. Rather than resort to lethal force, the Officers rush forward and remove [REDACTED] from the vehicle. As soon as he is on the ground, he immediately begins to fight the officers and reaches under his body where he is wearing a fanny pack strapped across his chest. The subject continues to fight and resist officers so they use pressure point control tactics and closed fist strikes to gain control of the subject’s arms and get him into handcuffs. According to the Providence Fire Dept. rescue report, [REDACTED] only injuries were the result of the car accident. It is believed that he was not wearing a seatbelt and this is supported by the spider web shaped break in the windshield in front of where [REDACTED] was seated. It appears that when the car struck the fire hydrant, [REDACTED] was propelled forward striking his head on the windshield hard enough to break it. There were no apparent injuries that resulted from the force used by the officers.

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During this incident, Officer Diaz is clearly emotional and under a great deal of stress. All of the officers were. Despite numerous commands from multiple officers, [REDACTED] continues to ignore the officers and fight and reach under his body toward the fanny pack. Officers will often react based on the compliance of a command from another officer. If one officer continues to give commands, another officer may perceive that the subject is non-compliant and still fighting and may continue their use of force. The officers' perception here is that this is a violent and potentially lethal situation. The officers involved are trying to process and evaluate the circumstances while in the middle of a crisis. The decisions they make are based on cues and indicators that were learned during their training.

In instances like this, officers are trained that a person who is noncompliant, ignoring commands and resisting arrest by tensing up, pulling away and reaching under their body may be going for a weapon. Add to that, the fact that [REDACTED] was wearing a fanny pack which is a known location to carry weapons (Appendix D), and the 14 counts of felony assault that led up to this incident, and it is understandable why the officers acted as they did.

In this case, it was the perception of the officers at the moment they made the decision to use force, that this was a lethal force situation and as a result, could have been met with lethal force. Yet less lethal options were used. It comes down to one simple question: In a lethal force encounter, are the use of pressure points and closed fist strikes unreasonable when lethal force would have been reasonable?

The circumstances and dynamics of a use of force encounter are rapidly evolving and often violent in nature and most of the time Officers never know what is going to happen next. Often times a use of force incident is disturbing to watch and serious injury and sometimes death can result. Unfortunately, the use of physical force is sometimes required in this profession and it is usually the result of the officers reacting to the suspect's aggressions. According to the United States Supreme Court, it does not matter how ugly or awful the incident is to look at. The standard of measurement is that the officer's actions fall within a range of conduct that is objectively reasonable.

In addition to the US Supreme Court standard, Rhode Island General Law (Appendix E), Providence Police Training curriculum, Providence Police Use of Force Policy (Appendix F) and even the Rhode Island Attorney General's recruit training program (Appendix G)

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all support the fact that the force used by Officers Colicci, Voyer, Diaz and Croft was reasonable and justified within legal parameters, training standards and within department policy.

In my opinion, Officers Voyer, Colicci and Diaz of the Providence Police Department and Officer Croft of the Pawtucket Police Department acted reasonably based on the information and circumstances that they were faced with at the moment they decided to use force.

Before I conclude, I would like to briefly touch on the behavior of Officer Domingo Diaz that occurred after the use of force was over. Although the actions of Officer Diaz are not criminal, I found them to be inexcusable. This was not a heat of the moment reaction by Officer Diaz. The incident was done and the suspects were in custody. Officer Diaz had plenty of time to remove himself from the situation and begin to calm his emotions and deal with the stress of the incident. Instead, Officer Diaz makes the choice to return to where [REDACTED] is handcuffed and seated on the ground and spit at him. Officer Diaz can also be seen and heard on bodycam yelling and swearing at a large and vocal crowd of people that had come out of their homes to watch the incident.

Not only was this unprofessional, it was extremely dangerous. Officer Diaz put the safety and well-being of every officer at the scene at risk. He had no idea if anyone in that crowd was in possession of any kind of weapons and his actions could have easily antagonized an already angry mob into violent action against his fellow officers. His behavior was reckless and dangerous and was a disservice not only the honorable men and women of the Providence Police Department but also to the profession itself.

I hope that this review has been helpful and I thank you for the opportunity. Please feel free to contact me at any time should you have any questions or require further assistance.

Sincerely,



Lieutenant David F. Bissonnette

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Appendix A

Rhode Island General Laws

§ 11-47-2 (6) Definitions.

(6) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," or other instrument from which steel or metal projectiles are propelled, or that may readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and except instruments propelling projectiles that are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under the provisions of this section.

History of Section.

(P.L. 1927, ch. 1052, § 1; G.L. 1938, ch. 404, § 1; P.L. 1950, ch. 2452, § 1; G.L. 1956, § 11-47-2; P.L. 1959, ch. 75, § 1; P.L. 1974, ch. 184, § 1; P.L. 1975, ch. 278, § 1; P.L. 1988, ch. 660, § 1; P.L. 1989, ch. 542, § 7; P.L. 1991, ch. 333, § 1; P.L. 1995, ch. 153, § 1; P.L. 1996, ch. 275, § 1; P.L. 2012, ch. 213, § 1; P.L. 2012, ch. 232, § 1; P.L. 2018, ch. 5, § 1; P.L. 2018, ch. 8, § 1; P.L. 2020, ch. 9, § 1; P.L. 2020, ch. 10, § 1.)

Appendix B

(Taken from Providence Police BCI photos)



Powerline 880 Product Manual

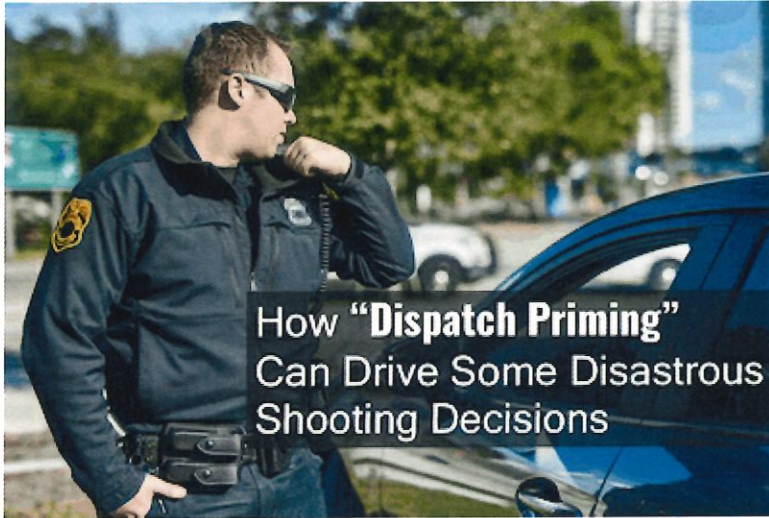
[880 manual condensed \(daisy.com\)](http://daisy.com)

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Appendix C

From “Force Science News” by Chuck Remsberg, January 8, 2019

[How “Dispatch Priming” Can Drive Some Disastrous Shooting Decisions | Force Science Institute](#)



A study of a little-explored phenomenon called “dispatch priming” reveals how erroneous information given to officers before they reach a scene can set them up unwittingly for making disastrous shooting decisions once they confront the subject of the call.

Officers expecting a gun to be present, based on pre-arrival communications, are much more likely to shoot a suspect who is holding nothing more threatening than a cell phone, for example.

Such “mistake-of-fact” confrontations—where police perceive someone as “armed and dangerous” but who turns out post-shooting to have been “neither armed nor immediately dangerous”—are among the most controversial events in the criminal justice system, the new study notes.

“Officers often have to make decisions in situations where information, though provided by apparently trusted sources, may be incomplete and/or inaccurate. Understanding the human factors that drive these tragedies is critical for OIS investigators and use-of-force reviewers. And understanding the risk of being unconsciously influenced by inaccurate dispatches should be a strong reminder to street officers to maintain alertness, and maximize time, distance, and cover whenever possible in their approaches.

– Dr. Bill Lewinski, Executive Director, Force Science Institute

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The study was conducted by Force Science instructor Paul Taylor, an Advanced Force Science Specialist and former municipal officer and sheriff's deputy who is currently a doctoral candidate at the [University at Albany, SUNY](#).

At this writing, his paper, "**Dispatch Priming and the Police Decision to Use Deadly Force**," is pending publication in the journal [Criminology](#).

Here are highlights of his findings, along with their associated psychological underpinnings.

VARIED DISPATCHES

Taylor tested the reactions of roughly 300 active-duty LEOs to decision-making scenarios in an interactive firearms training simulator. Most of these volunteers were male patrol officers, ranging in age from their 20s to their 60s, with an average of 11 years on the job. They represented 18 agencies in two states and were believed to be a typical cross-section of US law enforcement.

Facing a blank simulator screen one at a time with a laser training pistol, all the officers heard the same audio dispatch: a "possible trespass in progress" involving an unfamiliar male who was walking around a house in a residential neighborhood, "peering in the windows." His race (white), behavior, and clothing were described.

That's all that a control group of 100 officers was told about the call. The other officers were randomly given a supplementary dispatch "update" while they were "en route" to the scene. Half of them were advised that the "subject appears to be holding a gun," the other half that the "subject appears to be talking on a cell phone."

All the volunteers were then exposed to a video flashed on the screen of a man matching the description of the suspect, standing facing the officers with his hands in his jacket pocket. Officers were told to regard him as the first person they met at the scene.

For about half the volunteers, the man after a few seconds "rapidly pulled his right hand from his pocket and pointed a cell phone at the officers as if to film them." For the other half, the man quickly withdrew a handgun and pointed it at them "as if to shoot them."

The officers had to make a time-pressured decision to shoot or not shoot, with their life potentially at stake.

Shooting at any time during the cell phone scenario was considered an error, Taylor explains, as was not shooting during the gun scenario.

Taylor's goal going into the tests was to see whether inaccurate pre-arrival information about what a subject was holding in his hand would unconsciously "prime" officers to make improper shooting decisions at the scene—and it did.

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PRIMING CONSEQUENCES

“[P]riming officers with incorrect dispatched information about what a subject was holding significantly increased the likelihood” for a shooting error, Taylor writes, while “priming officers with the correct information...significantly decreased the likelihood for error.” Specifically:

- Officers who were told en route that the subject appeared to be holding a gun shot the person who actually presented a cell phone more than twice as often as officers in the control group did (62% v. 28%); a significantly high rate of mistake-of-fact decisions.
- Only 6% of officers who had been advised that the subject appeared to be talking on a cell phone ended up inappropriately shooting the suspect who then did present a cell phone in the video—an error rate 10 times less than the inaccurately gun-primed group and nearly five times less than the control group. The 94% majority who did not shoot “were able to [accurately] anticipate what the subject was holding and responded appropriately, despite the speed” with which the object in question was presented, Taylor states.
- Interestingly, all officers who experienced the pointed-gun video accurately responded by shooting, regardless of what prior priming, if any, they may have received. However, Taylor observed anecdotally that officers who had received the cell phone prime “shot much later [when the gun came out] than officers who had received either the gun prime or control dispatch treatments.”

MENTAL PROCESSES

Taylor draws on his Force Science training and other psychological research findings to explain why such outcomes likely occurred.

“When dispatched to a call, an officer’s initial understanding of the incident will be formed almost entirely by the information received from dispatch,” he writes. “[I]n the face of uncertainty, people tend to cling to their initial interpretation of an unfolding event, even when presented [subsequently] with better data.”

Forced to make a difficult decision, people tend to give “greater credence to available information, as opposed to that which is not [yet] known, [and they] will overestimate the accuracy of the information at hand,” Taylor explains. “This is particularly true [in] novel situations,” and for most officers an urgent life-or-death moment is a “relative rarity.”

In situations where only fragmentary information is available and there isn’t time to carefully weigh relevant options, people depend on “heuristics” for quick decision-making, Taylor points out. Heuristics are “cognitive shortcuts,” based on patterns people recognize from their personal experience.

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In the context of Taylor's experiment, the heuristic would be the mental model likely triggered for experienced officers by a suspect suddenly withdrawing a hidden hand and shoving an object forward in an aggressive manner. Under time pressure and the potential of imminent death, plus the psychological influence of gun-oriented dispatch priming, this behavior could readily be interpreted as warranting an immediate deadly force reaction.

Such a shortcut could save an officer's life. But the downside of heuristics, Taylor explains, is that they "can and regularly do result in error."

He cites two real-world mistake-of-fact shootings in which the psychology of erroneous dispatch priming likely played a fateful role. In one, officers were sent to deal with a subject "brandishing a knife." Moments after the first officer arrived, he shot and killed a man who approached him with a pen in his hand. In the other case, officers were dispatched to see about an elderly man "brandishing a revolver." He was fatally shot when he pulled a wooden crucifix from his pocket.

AWARENESS NEEDED

Other psychological concepts are discussed in Taylor's analysis of his findings: confirmation bias, goal conflict, "brittle" decision-making, "opaque problem space," and so on.

But the main take-away is a message of awareness—for officers, for investigators, for trainers, for police attorneys, for review-board members, and for PIOs, all of whom may be challenged to explain how some mistake-of-fact shootings, which may seem patently irrational in reflection, could reasonably look much different in the moment.

Taylor writes: "[I]t is unlikely and unrealistic to assume dispatchers will not pass information about the presence of a weapon on to responding officers. It is just as unlikely, unrealistic, and perhaps even unreasonable to assume officers won't use the information dispatch provides them to inform their decision-making in the field.

"[U]nderstanding that officers will rely on dispatched information to make decisions and that that, in turn, will increase the risk of error may encourage officers and agencies to employ tactics that, where possible, allow officers more time in which to evaluate a situation before being forced to make such consequential decisions."

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Appendix D

[Fanny packing: Criminals increasingly stashing guns in tourist staple \(nypost.com\)](#)

[Falls police find loaded guns in fanny packs at park | Crime | niagara-gazette.com](#)

[Dover brothers charged with carrying around loaded guns in fanny packs | The Latest from WDEL News | wdel.com](#)

[Police: More teens are carrying guns than in the past | Local News | andovertownsmen.com](#)

[Gun falls out of man's fanny pack in Berkeley, linking him to an assault in Antioch, police say \(sfchronicle.com\)](#)

[Westcott murder: Man whips gun from red fanny pack during drug deal gone bad, police say \(syracuse.com\)](#)

[Teen arrested after bringing loaded gun in his fanny pack into N.J. mall, cops say \(nj.com\)](#)

[bpdnews.com - The Boston Police Department's Virtual Community](#)

[Police: Officers found loaded gun after traffic stop, foot chase \(boston.com\)](#)

[2 Guns, Laser Sight Found During Evanston Traffic Stop: Police | Evanston, IL Patch](#)

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Appendix E

Rhode Island General Laws

12-7-9. Conditions justifying force dangerous to life.

A police officer may use force dangerous to human life to make a lawful arrest for committing or attempting to commit a felony, whenever he or she reasonably believes that force dangerous to human life is necessary to effect the arrest and that the person arrested is aware that a peace officer is attempting to arrest him or her.

History of Section.

(G.L. 1938, ch. 625, § 68; P.L. 1941, ch. 982, § 1; G.L. 1956, § 12-7-9.)

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Appendix F

Providence Police Department Use of Force Policy (effective 4/4/2021):

- Pg. 2: “The level of force used may be based directly upon the level of resistance exhibited by a subject, and may escalate in relation to that level of resistance. Justification for the use of force is guided by the principle of objective reasonableness, as defined within this policy.”
- Pg. 3&4 – Definitions:
 - “Objectively Reasonable Force: Objectively reasonable force is that level of force which is necessary and appropriate to bring a situation safely under control when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. Important factors to be considered when deciding upon the force to be used to apprehend or subdue a subject and/or bring a situation safely under control include, but are not limited to: the severity of the crime at issue; whether the subject poses an imminent or significant threat to the safety of the officers or others; the suspect’s behavioral cues; the number of officers and/or offenders present; and whether the subject is actively or passively aggressive, actively or passively resisting arrest, or attempting to evade arrest by flight.
 - Active Resistance: Physically evasive movements made by a suspect with the intent to interfere with an officer’s attempt at gaining or maintaining control of said suspect; including but not limited to bracing, tensing, pushing or pulling away, punching, kicking.
- Pg. 5 – Definitions:
 - A. Hard Empty-Hand Control Techniques: Kicks, ***punches, weaponless striking techniques***, tackling, wrestling, and similar techniques aimed at inducing compliance with only a moderate risk of injury to the suspect.

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- Pg. 6 - Parameters of Lethal Force –
 - A. A police officer is authorized to use lethal force in order to:
 1. Protect himself/herself, another officer, or other person(s) when the officer has a reasonable belief that an imminent or significant threat of death or serious bodily injury exists to himself/herself, another officer, or other person(s).
 2. Effect the capture of, or prevent the escape of, a fleeing violent felon who the officer has probable cause to believe poses an imminent or significant threat of death or serious bodily injury to the officer or others.
- Pg. 7&8 - Parameters for Use of Less Lethal Force

Less-lethal force options shall be utilized in an objectively reasonable manner, consistent with Department policy and training. Officers are authorized to use Department-approved less lethal force options to accomplish lawful objectives, as follows:

 1. To protect themselves or another from physical harm or the imminent use of physical force.
 2. To effectively deal with an actively or passively resistant individual.
 3. To resolve an unlawful situation safely and effectively.
 4. To effect an arrest or prevent the escape of a suspect whom the officer reasonably believes has committed, is committing, or is about to commit an offense.
- Pg. 10 - Medical Attention
 - A. Appropriate medical attention will be summoned as needed and/or as requested by the arrestee, and as soon as is practicable, in all instances where the use of force results in injury, the appearance of injury, or an allegation of injury.

Appendix G

Rhode Island Attorney General's PowerPoint, used in the training of new recruits at the Providence Police Academy.

- Slide 113:

Fourth Amendment: Using force *to take a subject into custody* is analyzed under the Search & Seizure Clause.

Courts Examine: 1.) The Severity of the crime at issue, 2.) Whether the suspect poses an immediate threat to your safety or the safety of other officers or citizens, and 3.) Whether he or she is actively resisting arrest or attempting to evade arrest by flight. Graham v Connor, 490 US 386 (1989)

- Slide 117:

The use of deadly force by members of law enforcement was addressed by the United States Supreme Court in the case of Tennessee v. Garner, 471 U.S. 1, 105 (1985). In that decision, the Supreme Court stated:

“When the officer has probable cause to believe that [a] suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.”

- Slide 118:

“Under Rhode Island law, a police officer’s use of force is guided by statute and case law. “It is a well accepted principle that in effectuating an arrest an officer has the right to use such force as he may reasonably believe necessary in order to properly discharge his duty.” State v Gelinis, 417 A2d 1381, 1385. Further, in determining whether the force used by law enforcement is excessive under a fourth amendment claim, the United States Supreme Court has stated, “all claims that law enforcement officers have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’

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standard, rather than under a ‘substantive due process’ approach.” Graham v. Connor, 490 US 386, 395 (1989),

- Slide 119:

The proper application of the reasonableness test “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” Graham, 490 US at 396. The Court continued stating, “[t]he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” Id.

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