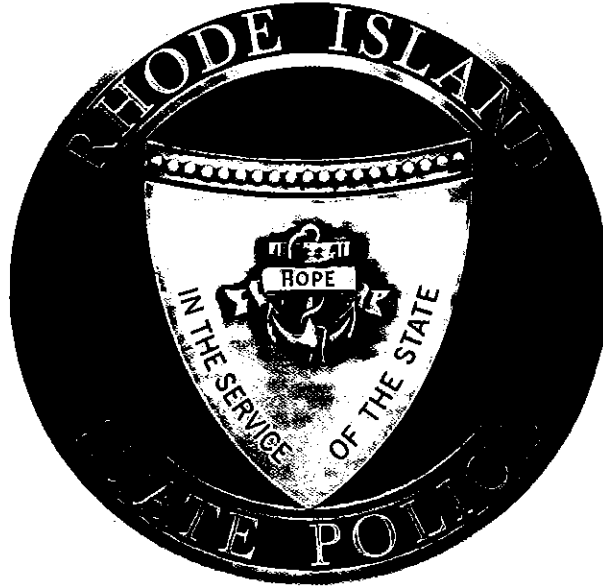


Rhode Island State Police



Officer Involved Use of Force Investigation

Involved Agencies: **Providence Police Department**
Pawtucket Police Department

Date: **Friday, July 9, 2021**
Time: **2:02 AM**
Location: **Salmon Street at King Street**
Providence, Rhode Island

Detective Stephen W. Vinton
Major Crimes Unit
Rhode Island State Police

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	23. <u>Patrolwoman Damaris Sanchez – Providence Police Department</u>	

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- 27. Officer Anthony Richards – Pawtucket Police Department
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6. Sergeant Michael Troia – Providence Police Department
7. Detective Mitchell Guerra – Providence Police Department
8. Patrolman Jason Bibeault – Providence Police Department
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28. Officer Neftalie Ortiz – Pawtucket Police Department
29. Officer Anthony Richards – Pawtucket Police Department
30. Officer Justin McCabe – Pawtucket Police Department
31. Officer Tyler Mobrice – Pawtucket Police Department
32. Lieutenant Thomas Miller – Providence Fire Department
33. Rescue Technician Justin Lyons – Providence Fire Department
34. [REDACTED] DOB: [REDACTED]

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INTRODUCTION

On Friday, July 16, 2021, members of the Rhode Island State Police Major Crimes Unit were assigned to work in conjunction with members of the Office of Attorney General and the Providence Police Department, to conduct an investigation regarding Providence Police Officers utilizing physical force to effect the arrest of a juvenile suspect on Friday, July 9, 2021, at approximately 2:02 AM. During the evening of Thursday, July 8, 2021, through the early morning hours of Friday, July 9, 2021, the juvenile suspect was involved in several Assaults with a Dangerous Weapon (ADW) on civilians throughout the City of Providence and one (1) Felony Assault upon a uniformed Providence Police Officer. Members of the Rhode Island State Police, Rhode Island Office of Attorney General, and Providence Police Department conducted a cooperative investigation into the use of force by members of the Providence Police. The incident occurred at the corner of Salmon Street and King Street in the City of Providence, after the suspect vehicle crashed into a fire hydrant and came to rest. The forensic scene examination was conducted by members of the Providence Police Department's Bureau of Criminal Identification (BCI).

OFFICER INVOLVED USE OF FORCE

The United States Supreme Court ruled in *Graham v. Connor* that excessive use of force claims must be evaluated under the "objectively reasonable" standard of the Fourth (4th) Amendment. The standard requires courts to consider the totality of the circumstances surrounding an officer's use of force.

According to *Graham v. Connor*, 490 US 386 (1989), the degree of force used in effecting an arrest, investigatory stop, or other seizure is analyzed under the Fourth Amendment and its reasonableness standard. The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. The reasonableness of a particular use of force is judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances confronting the officer at the time. These facts and circumstances include 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.

The calculus of reasonableness embodies allowance for the fact that police officers are often forced to make split-second judgements – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. The reasonableness inquiry in an excessive force case is an objective one: the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

The review of this incident is centered around the interpretation of the body worn camera (BWC) videos of the officers on scene. It should be noted that there are limitations that come with reliance on a video alone to determine whether a use of force was reasonable and prudent. Video is two (2) dimensional, and important dangerous or threatening behavioral cues cannot be observed or are not recorded. The video does not tell the whole story, as it is only a piece of the evidence available to evaluate the officer's perception and decision-making process. In determining whether the force is objectively reasonable, evaluators must also take into account the testimony of the officer(s), the witnesses, and other evidence that shed light on the facts and circumstances of the arrest.

DEFINITIONS

(Per Providence Police Department General Order 300.01 - Use of Force)

Use of Force: Any physical effort used to control, overpower, restrain or overcome the resistance of an individual.

Lethal Force: Any tactic or use of force that is likely to cause serious bodily injury or death.

Less-Lethal Force: Any use of force other than that which is considered lethal force.

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.

Passive Resistance: A lack of physical movement characterized by a suspect neither complying with an officer's command nor taking action to prevent being moved or taken into custody; including but not limited to lying down, purposefully going limp, refusing to walk and in turn dragging one's legs when being moved or escorted.

De-escalation: Taking action, both verbally or non-verbally to decrease an emotional, physical and/or mental stress situation.

Reasonable Belief: Those facts and circumstances that would lead a normally prudent police officer to believe that an imminent threat of death or bodily injury exists.

Imminent Threat: Such an appearance of an impending threat as would cause a reasonable police officer to immediately act to stop the threat.

Significant: Such an appearance of a highly probable threat as would cause a reasonable police officer to immediately act to stop the threat.

Soft Empty-Hand Control Techniques: Weaponless joint manipulation, leverage, pressure point, control hold, gripping, and similar techniques aimed at inducing compliance while reducing the risk of injury to the suspect.

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.