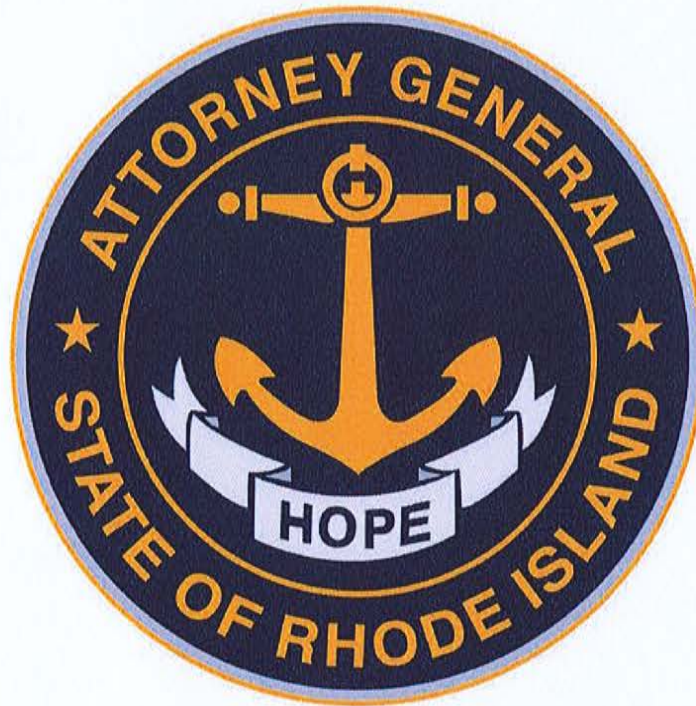


**STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL**

*Peter F. Neronha
Attorney General*



**INVESTIGATIVE REPORT
September 12, 2022**

Incident Type: Officer Involved Shooting/Deadly Force
Incident Location: Cumberland High School, Cumberland, RI
Incident Date: May 9, 2020
Police Department: Cumberland Police Department
Officer Involved: Officer Michael Petrarca

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EXECUTIVE SUMMARY

Pursuant to The Attorney General's Protocol for the Review of Incidents Involving the Use of Deadly Force, Excessive Force, and Custodial Deaths ("the Attorney General Protocol"), this Office, together with the Rhode Island State Police and the Cumberland Police Department, has reviewed the use of force by Cumberland Police Officer Michael Petrarca on May 9, 2020. Specifically, we evaluated whether Officer Petrarca's discharge of his service weapon at Brennan Cronin was lawful under Rhode Island law. Mr. Cronin suffered gunshot wounds to his left arm and left leg as a result of the shooting.

A two-part test determines whether a police officer used excessive force in effectuating an arrest, and, if so, whether his or her conduct warrants a criminal charge. First, we must determine whether the officer's use of force was objectively reasonable. Tennessee v. Garner, 471 U.S. 1 (1985). If it was, the inquiry ends there. If, however, we find that the officer's use of force was not objectively reasonable, we must also establish that the conduct meets the elements of the applicable criminal offense – in this case, felony assault, R.I. Gen. Laws § 11-5-2. The applicable law is discussed in more detail below.

For the reasons set forth below, we have concluded that Officer Petrarca's actions were objectively reasonable. Officer Petrarca discharged his service weapon after he was stabbed in the thigh by Mr. Cronin, causing an arterial bleed. Mr. Cronin was still in possession of the knife as he began fleeing from Officer Petrarca. As such, Mr. Cronin was not only a fleeing violent felon, but he also presented a serious risk to Officer Petrarca and others.

SUMMARY OF THE FACTS

On Saturday, May 9, 2020, at approximately 4:44 p.m., Officer Brandon Correia of the Cumberland Police Department was dispatched to Coffee Connection, 2364 Mendon Road, for a suspicious person. The person was described as a male wearing black pants, carrying a backpack, and acting strangely. The male had left by the time Officer Correia arrived at the location.

At approximately 6:00 p.m., Officer Correia was on patrol on Mendon Road when he observed a male party smoking a cigarette, outside Universal Fasteners, matching the description of the suspicious person at Coffee Connection. Officer Correia briefly spoke with the male party, who denied being at Coffee Connection. Officer Correia described the man's behavior as "normal." Having no additional reason to further his interaction with him, Officer Correia cleared the location. This person was later identified by Officer Correia as Brennan Cronin.

At approximately 6:49 p.m., Officer Michael Petrarca of the Cumberland Police Department conducted a routine check of Cumberland High School. In the rear parking

lot, Officer Petrarca observed a male party going through the trash cans in the rear of the building. Officer Petrarca approached the male, who verbally identified himself as Brennan Cronin. Officer Petrarca informed dispatch of his encounter with Mr. Cronin. Another officer came over the radio asking for a description of Cronin's clothing. Petrarca responded with a description. Shortly after hearing this radio transmission, Cronin proceeded to run from Officer Petrarca.

Officer Petrarca chased Cronin across the high school's rear parking lot, until Cronin tripped and fell to the ground. As Officer Petrarca stood over Cronin, Cronin stabbed Officer Petrarca in his right upper thigh with a large, fixed blade knife. Upon being stabbed in the leg, Officer Petrarca immediately began to bleed heavily. Officer Petrarca drew his firearm and gave verbal commands to Cronin to drop the knife and get down on the ground, at which point Cronin again fled from Officer Petrarca.

Cronin proceeded to flee from Officer Petrarca while still in possession of the knife. Officer Petrarca took several steps and fired two (2) shots. Officer Petrarca then took several additional steps, and fired three (3) shots, striking Cronin in his left leg and left arm, causing him to fall to the ground. After shooting Brennan Cronin, Officer Petrarca limped back to his cruiser and applied a tourniquet to his right leg to stem the heavy bleeding. Officer Petrarca remained at his cruiser, waiting for assistance to arrive.

Officer Ryan Rei of the Cumberland Police Department was the first officer to arrive on scene. Officer Petrarca directed Officer Rei to Cronin's location. Cronin was taken into custody by Officer Rei and Officer Matthew Paradis of the Lincoln Police Department. They observed a large, blood-stained knife on the ground next to Cronin. While being taken into custody, Cronin resisted arrest and was found to be in possession of a second large knife.

Officer Petrarca was transported to Rhode Island Hospital by Cumberland EMS Paramedic 1. EMS determined that Officer Petrarca's femoral artery was punctured. Cronin was transported to Rhode Island Hospital by Cumberland EMS Paramedic 2. EMS determined that Cronin suffered a gunshot wound to his left leg and a wound to his left arm which likely resulted from a bullet grazing his arm.

EVIDENCE REVIEWED

Crime Scene Documentation and Analysis

On May 9, 2020, the Rhode Island State Police (RISP) Forensic Services Unit (FSU) was requested to respond to the rear parking lot of the Cumberland High School to document the scene. Members of the FSU arrived on scene at approximately 8:00 p.m. and pursuant to the Attorney General's Use of Force Protocol met with members of the RISP Detective Division, Cumberland Police Department (CPD) and the Rhode Island Attorney General's Office (RIAG). The following is a summary of the FSU investigative report which is attached hereto.

FSU members photographed, searched and documented the area. The scene was also documented with a 3-D scan station. A marked CPD SUV (Police registration # 6970) was parked facing in a southeasterly direction near the rear of the school buildings. The front passenger door was open, and the engine was running. A single black boot was located on the ground near the passenger side rear quarter and the ground was heavily stained with suspected blood in the area of the passenger side. Five (5) cartridge casings were located west of the police vehicle. In the vicinity of the casings, FSU members noted several suspected bloodstained areas on the pavement. The stains proceeded in a westerly direction and then changed to an easterly direction, back towards the Cumberland Police vehicle. The stained areas tested positive for the presumptive presence of blood.

FSU members seized two (2) knives, a backpack, clothing, and two (2) tan boots from the grass area west of the parking lot. One of the knives had a gray handle, with a blade that measured 4 $\frac{3}{4}$ inches long, and had stains which later tested positive for the presumptive presence of blood. The second knife had a black handle with a blade that measured 3 $\frac{3}{4}$ inches long and had a sheath. FSU also located a loose fired projectile during the examination of Cronin's jeans. Cronin's jeans, jacket and sweatshirt had holes consistent with gunshot holes. FSU tested the clothing for the presence of gunshot residue. Due to the heavy staining around the hole of the blue jeans, chemical testing could not be conducted. The area around one of the holes in the winter coat was examined and residues were found which were consistent with the passage of a bullet. Nitrite residue patterns resulting from burned or partially burned gunpowder were not detected. The FSU report notes that several factors, including the distance from the weapon to the item, weather conditions, the handling and storage of the clothing, can contribute to the lack of residue.

FSU members secured Officer Petrarca's service weapon, a Glock 22, .40 caliber semi-automatic pistol, one loose cartridge, and a magazine. The magazine had a 15-round capacity and contained nine (9) .40 caliber S&W cartridges. FSU later test-fired the weapon and found it to be operable.

Video Surveillance – Cumberland High School

On Saturday, May 9, 2020, RISP Detective Kennett collected video surveillance footage from Cumberland High School. The footage was turned over to the RISP FSU for analysis. Five (5) separate camera recordings were viewed. Notably, none of the video recordings captured the shooting itself. The following is a summary of what is observed on the three pertinent recordings:

CHS 1 Ch. 16 (CHS Facilities Garage)¹

View: Facing east toward recycle bins/trash containers in the rear of Cumberland High School.

¹ All surveillance camera footage times listed are the times on the recordings themselves and may not reflect the actual time of the events.

- 17:13:36 hrs. - Subject (Cronin) first enters camera view. Subject is holding an article in his left hand which he discards in a recycle bin.
- 17:49:08 hrs. - Police vehicle enters camera view and heads toward subject.
- 17:49:26 hrs. - Police officer (Petrarca) exits vehicle and approaches subject.
- 17:52:28 hrs. - Police officer returns toward the driver's side of the police vehicle then returns to subject. Subject is holding white object in left hand that has the appearance of a white paper bag.
- 17:54:23 hrs. - Subject starts to run west in parking lot and officer begins to pursue subject.
- 17:54:28 hrs. - both subject and officer are out of view.
- 17:55:38 hrs. - Officer returns in camera view, heads east in parking lot towards police cruiser.
- 17:55:45 hrs. - Officer opens front passenger door of police vehicle, leans into vehicle then places tourniquet on his leg.
- 17:56:51 hrs. - Officer lying on the ground against passenger side of police cruiser.
- 17:58:49 hrs. - Second police vehicle enters camera view, drives toward officer.

CHS 3 Ch. 14 (CHS Facilities Garage)

View: Facing east toward northeast corner of parking lot at rear of Cumberland High School. Similar to Camera CHS 1 Ch. 16 with additional coverage to the west of the recycle bins/trash containers.

- 18:11:39 hrs. - Subject (Cronin) appears in camera at the recycle bins.
- 18:48:36 hrs. - Police vehicle in camera, drives toward subject.
- 18:50:28 hrs. - Police officer (Petrarca) is out of police vehicle, standing facing subject.
- 18:54:23 hrs. - Subject runs west in rear parking lot, officer in pursuit on foot. Subject is observed with a white object in his right hand which appears consistent to that noted previously.
- 18:54:24 hrs. - Last camera view of officer while headed west in parking lot. Subject had already exited view.
- 18:57:58 hrs. - Officer is observed lying on ground with back against rear passenger side of police vehicle with front passenger door open.
- 18:58:48 hrs. - Second police vehicle enters view.
- 18:58:56 hrs. - Rescue vehicle enters view.

CHS 4 Ch. 6 (Back scan)

View: Panning camera which scans in a clockwise direction and captures views of building doors, north, east and west sections of the rear parking lot.

- 17:49:26 hrs. - Police vehicle is in view. Officer Petrarca exits vehicle and approached Cronin in rear school parking lot.
- 17:54:26 hrs. - The two subjects are observed in the southwest corner of the rear parking lot and adjacent grass area.

- 17:54:58 hrs. - The subject in the parking lot moves northwest and the subject in the grass moves north in grassy area abutting the park.
- 17:55:15 hrs. – Subject in parking lot walks east toward police vehicle.
- 17:56:48 hrs. - front passenger door of police vehicle is observed to be open.
- 17:58:54 hrs.- Another police vehicle is observed driving toward original police vehicle.
- 17:58:56 hrs. - rescue and another police vehicle enter parking lot.

Cellular Phone Videos

As a result of the investigation, several cellular phone videos were obtained from civilian witnesses depicting the events after the officer-involved shooting. None of the videos depicted Officer Petrarca's interaction with Cronin or the discharge of Officer Petrarca's weapon. The following is a summary of the events captured on the cellular phone videos.

Cellphone Video from Civilian Witness #1

On Saturday, May 9, 2020, Detective Hopkins obtained cellular phone videos from Civilian Witness #1 (file names: IMG_4005.MOV & IMG_4006.MOV). The two (2) video files were taken at different points in time. The video file ending in 4005 is approximately 00:03:49 minutes and the video file ending in 4006 is approximately 00:03:55 minutes in length. The videos do not depict the encounter between Officer Petrarca and Cronin. They depict Cumberland Officer Rei running to Cronin's location. Officer Rei had his gun drawn. Shortly thereafter Lincoln Officer Paradis arrives in his cruiser. The video then depicts the officers taking Cronin into custody and the subsequent arrival of other police and rescue vehicles. The videos then depicted officers securing the scene.

Cellphone video from Civilian Witness #2

On Sunday, May 10, 2020, Detective Hopkins obtained cellular phone video from Civilian Witness #2 (file name: IMG_0196.MOV). The video file contained on Civilian #2 cellular phone was unable to be exported. Subsequently, Detective Hopkins utilized his division issued cellular phone to record this video. The video file is approximately 00:09:32 minutes in length. As with the video obtained from Civilian Witness #1, this video only depicted events following the shooting incident, documenting response by police and rescue.

Cellphone Video from Civilian Witness #4

On Sunday, May 10, 2020, Detective Hopkins obtained cellular phone videos from Civilian Witness #4 (file names: IMG_0197.MOV & IMG_0198.MOV). The two (2) video files were taken at different points in time. The video file ending in 0197 is approximately 00:01:08 minutes in length and the video file ending in 0198 is approximately 00:00:27 seconds in length. Neither video captured the interaction between Officer Petrarca and Cronin. The videos are consistent with those produced by the other two civilian witnesses.

Witness Interviews

During this investigation, the following interviews were conducted and are summarized below:

Involved Parties

1. Officer Michael Petrarca – Cumberland Police Department

On Sunday, May 10, 2020, at approximately 12:32 p.m., RISP Detective Hopkins interviewed Cumberland Police Officer Michael Petrarca at Rhode Island Hospital. Present with Officer Petrarca was Attorney Gary Gentile. Below is Officer Petrarca's account of the incident:

Officer Petrarca stated that on May 9, 2020, sometime between 6:30 p.m. and 7:00 p.m., he was conducting a property check of Cumberland High School. During this check, Officer Petrarca observed a male party going through the trash cans in the rear of the high school. Officer Petrarca stated that he notified dispatch of his location and made contact with the male party. Officer Petrarca stated that he identified himself as a police officer and began speaking with the male party. Officer Petrarca described the male party as being disturbed and disoriented. Officer Petrarca stated that the male party verbally identified himself and that he recalled the last name as being "Cronin." Officer Petrarca stated that he could not recall the male party's first name. Officer Petrarca then identified a photograph of Brennan Cronin as the male party.

Officer Petrarca stated that he conducted warrant checks of Cronin over the radio. It was at this time that Officer Brandon Correia called over the radio inquiring about Cronin's clothing description. Officer Petrarca stated that this was in reference to a recent call for service at a local coffee shop for a suspicious party. Officer Petrarca stated that he responded with a clothing description, which "startled" Cronin. Officer Petrarca stated that Cronin then "broke off into a sprint."

Officer Petrarca stated that he proceeded to chase Cronin through the rear parking lot of the high school. Officer Petrarca stated that he chased Cronin to "a median in the parking lot, where he fell." Officer Petrarca stated that he then stood over Cronin in an attempt to detain him for further investigation. At this time, Cronin stabbed Officer Petrarca in his upper right thigh (inside of right leg, near groin). Officer Petrarca stated that he did not immediately recognize that he had been stabbed. Officer Petrarca stated that Cronin stood up, began laughing, and stated, "now you have hepatitis." Officer Petrarca stated that he looked down and observed that his leg was "covered in blood and um, I was hemorrhaging." Officer Petrarca stated that he also observed Cronin in possession of "a large kitchen knife." Officer Petrarca stated that he then drew his firearm and ordered Cronin to the ground. Cronin did not comply with Officer Petrarca's commands and again began to run away.

Officer Petrarca stated that Cronin was still in possession of the knife as he ran away. Officer Petrarca stated that he thought that Cronin still had the ability to harm him (Officer Petrarca) or others. Officer Petrarca stated that he fired four (4) shots, in two (2) separate volleys. Officer Petrarca stated that Cronin then fell to the ground.

Officer Petrarca stated that he then looked down at his leg and observed "excessive bleeding." Officer Petrarca stated that he did not think he was going to survive unless he immediately rendered aid to himself. Officer Petrarca stated that he then "limped" back to his patrol car and applied a tourniquet to his wounded leg. Officer Petrarca stated that Officer Ryan Rei was the first backup officer on scene. Officer Petrarca stated that he pointed Officer Ryan Rei in the direction of Brennan Cronin. A short time later, Cumberland EMS arrived on scene. Officer Petrarca stated he did not observe Cronin's arrest because it was obstructed by the emergency vehicles on scene.

2. Brennan Cronin

On Saturday, May 9, 2020, at approximately 8:45 p.m., RISP Detectives Kennett and Hopkins attempted to interview Brennan Cronin at Rhode Island Hospital. Detectives read Cronin his Miranda Rights which he stated that he understood. Cronin was unwilling to answer any questions and the interview ended.

Prior to the arrival of the RISP detectives for questioning, however, Cronin engaged in a brief exchange about the events of May 9, 2020 with Trooper Robert Fox who was assigned to his security detail. Trooper Fox stated that after he explained to Cronin that he was assigned to his hospital security detail, Cronin recounted the events of the previous day. Cronin admitted that Officer Petrarca questioned him at the back of Cumberland High School. According to Trooper Fox, Cronin stated that "the Officer began to stump me on questions. I then ran from the Officer, and he chased after me. The Cumberland Police Officer then caught up to me and we started fighting and I cut him. Then he shot me." Trooper Fox indicated that he did not do any follow up questioning other than ask Cronin whether he would provide a statement to RISP detectives. Cronin indicated that he would. Trooper Fox indicated that Cronin's demeanor with him, which was cooperative and clear, completely changed when the RISP detectives showed up and he refused to cooperate with them. According to Trooper Fox, after those detectives left, Cronin again spoke with Trooper Fox and told him that he used to work a sales job and he went to college at Johnson and Wales for two years.

On Sunday, May 10, 2020, at approximately 1:00 p.m., RISP Detective Adam Kennett and CPD Sergeant Peter Sweet again attempted to interview Cronin at Rhode Island Hospital. This interview lasted only a few minutes as it became evident that Cronin did not want to speak with police.

Responding Officers

3. Officer Ryan Rei – Cumberland Police Department

On Saturday, May 9, 2020, at approximately 11:23 p.m., RISP Detective Hopkins and CPD Sergeant Sweet, interviewed Cumberland Police Officer Ryan Rei at Cumberland Police Headquarters. Present with Officer Rei was Attorney Ralph Ezovski. Below is a summary of Officer Rei's account of the incident:

Officer Rei stated that he was in the area of Rawson Road and Kings Row, in the Town of Cumberland, when he heard Officer Petrarca call over the radio. Officer Rei stated that Officer Petrarca was behind the high school with a "a suspicious male." Officer Rei stated that he then began responding to Officer Petrarca's location to provide assistance. Officer Rei stated that Officer Petrarca then called over the radio that he was in a foot pursuit. Officer Petrarca then began yelling "that the suspect had stabbed him." Officer Petrarca then reported "shots had been fired" and was "screaming for help," over the radio.

Officer Rei stated that he was the first officer on scene to assist Officer Petrarca. Officer Rei stated that when he arrived at the high school, he observed Officer Petrarca sitting up against his cruiser, in a large "puddle" of blood. Officer Petrarca told Officer Rei that he did not need first aid and pointed in the direction of the suspect. Officer Rei stated that he then proceeded to run in the direction of the "back practice football fields."

Officer Rei stated that he located Cronin along the fence-line, approximately three hundred (300) yards from Officer Petrarca's location. Officer Rei stated that Cronin was on the ground as he approached him. Officer Rei then observed a knife, "staked into the ground," approximately one (1) foot from Cronin. Officer Rei stated that he then drew his firearm, fearing that Cronin still posed a threat. Officer Rei stated that he and a Lincoln Police Officer (Officer Paradis) approached Cronin. Officer Rei stated that he grabbed the knife in front of Cronin and threw it to a safe distance away.

Officer Rei stated that he and the Lincoln Officer then began to struggle with Cronin as they attempted to place him into custody. Officer Rei stated that during this struggle he observed Cronin was in possession of a second knife. The second knife was holstered on Cronin's side. Officer Rei stated that Cronin was "apprehensive to give his arms" and was "rolling around." Officer Rei stated that he and the Lincoln Officer had to "wrestle" with Cronin and were eventually able to place him into handcuffs. Once Cronin was in handcuffs, Officer Rei secured the second knife. Officer Rei stated that he then called for a second rescue to aid Cronin.

Officer Rei stated that once Cronin was in custody, the Lincoln Officer asked Cronin for his name. Officer Rei stated that Cronin responded, "Allah." Officer Rei stated that Cronin did not make any additional statements.

On Tuesday, May 12, 2020, at approximately 9:10 a.m., Detective Hopkins and Sergeant Sweet conducted a follow-up interview with Officer Rei at Cumberland Police Headquarters. Present with Officer Rei was Attorney Ezovski. During this interview, Officer Rei provided substantially the same information as during his first interview.

4. Officer Brandon Correia – Cumberland Police Department

On Saturday, May 9, 2020, at approximately 11:52 p.m., Detective Hopkins and Sergeant Sweet interviewed Cumberland Police Officer Brandon Correia at Cumberland Police Headquarters. Present with Officer Correia was Attorney Ezovski. Below is a summary of Officer Correia's account of the incident:

Officer Correia stated that earlier in the day, officers responded to a call for service at Coffee Connection, on Mendon Road. The suspect was gone upon the arrival of police.

Officer Correia stated that at approximately 6:00 p.m. while on patrol, he encountered Cronin outside of Universal Fasteners, on Mendon Road. Officer Correia stated this business is located in close proximity to Cumberland High School. Officer Correia stated that he had a brief conversation with Cronin. Cronin informed Officer Correia that he was "just having a cigarette." Officer Correia stated that he briefly questioned Cronin about the incident at the Coffee Connection and that Cronin dismissed the questioning, as if it were not him. Officer Correia described Cronin's behavior as "normal." Officer Correia stated that he had no reason to continue his interaction with Cronin, so he drove away. Officer Correia stated that he last observed Cronin walking on Mendon Road, towards the high school.

Officer Correia stated that after clearing Cronin's location, he worked an emergency overtime detail. Officer Correia stated that he was on the overtime detail when he heard Officer Petrarca call over the radio that he was with a suspicious male behind the high school. Officer Correia stated that he heard Officer Petrarca call out a foot pursuit, that he had been stabbed, and that shots were fired. Officer Correia stated that he then responded to Officer Petrarca's location.

It should be noted that during the interview, the interviewers were unaware that Officer Correia had called over the radio and requested a clothing description from Officer Petrarca. Officer Correia did not mention this during his interview.

Officer Correia responded from Torrey Road to the high school. Upon arriving on scene, Officer Correia was instructed by Lieutenant Ride to seize Officer Petrarca's firearm. Officer Correia stated that he was unable to seize the firearm because Officer Petrarca was being treated by Cumberland EMS and was leaving for the hospital. Officer Correia stated that Officer Petrarca did not make any statements to him. Officer Correia stated that he observed "a significant amount of blood" on Officer Petrarca's right leg.

Officer Correia stated that he then walked to the location of Cronin. Officer Correia stated that Cronin was already in custody and that Officer Rei and a Lincoln Officer were

conducting a pat-down search. Officer Correia stated that “a couple of knives” were found in Cronin’s possession. Additionally, Officer Correia observed that Cronin had sustained a gunshot wound to his left leg.

Officer Correia stated that he then maintained the crime scene log for the shooting investigation.

5. Lieutenant Michael Ride – Cumberland Police Department

On Saturday, May 9, 2020, at approximately 11:37 p.m., Detective Hopkins and Sergeant Sweet interviewed Cumberland Police Lieutenant Michael Ride at Cumberland Police Headquarters. Below is a summary of Lieutenant Ride’s account of the incident:

Lieutenant Ride stated that he was the officer in charge of the second shift (4:30 p.m. to 2:30 a.m.). Lieutenant Ride stated that he was at Cumberland Police Headquarters when Officer Petrarca called over the radio that he was checking a suspicious person behind Cumberland High School. Lieutenant Ride stated that he heard Officer Petrarca call for a warrant check on the subject and then “screaming on the radio.” Lieutenant Ride stated that the police dispatcher informed him that Officer Petrarca was in a foot pursuit.

Lieutenant Ride stated that he went to his cruiser, in order to respond to Officer Petrarca’s location. Lieutenant Ride stated that upon entering his cruiser he heard Officer Petrarca call “shots fired” over the radio. Lieutenant Ride stated that at that time he was unaware Officer Petrarca had been stabbed. Lieutenant Ride described the radio traffic as “chaos.”

Lieutenant Ride stated that he then responded to the scene at Cumberland High School. Lieutenant Ride stated that rescue was already on scene, tending to Officer Petrarca. Lieutenant Ride stated that Officer Rei and a Lincoln Officer were tending to the suspect who had been shot. Lieutenant Ride stated that he made contact with Officer Petrarca and checked on his condition. Lieutenant Ride stated that he could not secure Officer Petrarca’s firearm because he was being loaded into the rescue. Lieutenant Ride also stated that he did not get the opportunity to speak with Officer Petrarca regarding the shooting or the events that had transpired.

6. Officer Matthew Paradis – Lincoln Police Department

On Saturday, May 9, 2020, at approximately 10:22 p.m., RISP Corporal Doug Waters Detective Kennett and Sergeant Sweet (CPD), interviewed Lincoln Police Officer Matthew Paradis at Lincoln Police Headquarters. Below is a summary of Officer Paradis’ account of the incident:

Officer Paradis stated that at approximately 7:00 p.m., Lincoln Police dispatch broadcasted that Cumberland Police was requesting assistance over police inter-city

radio. Officer Paradis stated that no location was given at first and while en route he was told to respond behind Cumberland High School. Officer Paradis stated that when he arrived on scene, he observed a Cumberland Police Unit and Cumberland EMS arriving prior to him. Officer Paradis stated that he observed the injured Cumberland Officer (Officer Petrarca) up against his cruiser, covered in blood. Officer Paradis stated that the first responding Cumberland Officer (Officer Rei) informed him that the suspect (Cronin) was “towards the athletic field.”

Officer Paradis stated that he and the Cumberland Officer responded to Cronin’s location. Officer Paradis observed that Cronin was on the ground, “covered in blood.” Officer Paradis stated that he observed a knife on the ground in front of Brennan Cronin and a knife on the ground behind him. Officer Paradis stated that he and the Cumberland Officer took Cronin into custody. Officer Paradis stated that the Cumberland Officer handcuffed Cronin. Officer Paradis stated that the search of Cronin revealed a sheath, for one of the knives, on his belt.

Officer Paradis stated that Cronin did not make any statements on scene. Cronin informed Officer Paradis that his name was “God” and stated that he was “God in the flesh.”

On Tuesday, May 12, 2020, at approximately 3:18 p.m., Detective Hopkins and Sergeant Sweet conducted a follow-up interview with Officer Paradis at Lincoln Police Headquarters. The information provided during this second interview was substantially consistent with the first interview. Officer Paradis confirmed that he observed the second knife on the ground behind Cronin, not on his person (as Officer Rei observed). He also confirmed that Officer Rei and he had to apply force in order to gain control of Cronin and handcuff him.

7. Officer Brendan Legare – Lincoln Police Department

On Saturday, May 9, 2020, at approximately 10:22 p.m., Corporal Waters, Detective Kennett, and Sergeant Sweet interviewed Lincoln Police Officer Brendan Legare at Lincoln Police Headquarters. Below is a summary of Officer Legare’s account of the incident:

Officer Legare stated that at approximately 7:00 p.m., he heard Lincoln Police Dispatch request all available units to respond to the Town of Cumberland. Lincoln Police Dispatch then transmitted that an officer needed assistance at Cumberland High School.

Officer Legare stated that he was the second Lincoln Police Officer to arrive on scene and that Officer Paradis had arrived prior to him. Officer Legare stated that when he arrived on scene, he observed Officer Paradis and a Cumberland Officer at the far end of the rear parking lot. Officer Legare stated that he pulled up to the two officers as they had just finished taking the suspect into custody. Officer Legare observed that the suspect had sustained a gunshot wound to his left leg. Officer Legare stated that he observed a large knife on the ground, in close proximity to Cronin. Officer Legare stated that

Cronin was searched, and a second knife was located on his person. Officer Legare then assisted with securing the scene for the subsequent investigation.

Fire/EMS Witnesses

8. Medic Mathias Kohring – Cumberland EMS

On Saturday, May 9, 2020, at approximately 11:00 p.m., RISP Detective Kennett and CPD Detective Michael O'Connor interviewed Cumberland EMS Medic Mathias Kohring at Cumberland Police Headquarters. Below is a summary of Medic Kohring's account of the incident:

Medic Kohring stated that he and Lieutenant Andrew Harvey were assigned to Paramedic 2. Medic Kohring stated that they were the second apparatus dispatched to Cumberland High school for "a police involved incident." Medic Kohring stated that when they arrived on scene, he observed "a suspect in police custody, lying prone on the ground, with his hands handcuffed behind his back." Medic Kohring stated that the suspect was behind the school, near the athletic fields.

Medic Kohring stated that the suspect had sustained a single gunshot wound to his left posterior thigh. Medic Kohring stated that he and Lieutenant Harvey proceeded to render medical aid to Cronin. Medic Kohring stated that Cronin did not tell them what happened. Medic Kohring stated that Cronin confirmed his name and address and verified that he uses heroin.

Medic Kohring described Cronin's behavior as abnormal for the injuries he had sustained. Medic Kohring stated that Cronin's injuries would have likely caused significant pain and that Cronin's demeanor was "incredibly subdued." Medic Kohring stated that Cronin was transported to Rhode Island Hospital.

9. Medic Jasmine Croteau – Cumberland EMS

On Saturday, May 9, 2020, at approximately 11:30 p.m., Detective Kennett and Detective O'Connor interviewed Cumberland EMS Medic Jasmine Croteau at Cumberland Police Headquarters. Below is Medic Croteau's account of the incident:

Medic Croteau stated that she and Captain James Richard were assigned to Paramedic 1. Medic Croteau stated that she heard Officer Petrarca call "shots fired" and "help" over the police radio. Medic Croteau stated that they self-initiated a response and proceeded to respond to Cumberland High School, prior to being formally dispatched.

Medic Croteau stated that upon arriving on scene she observed a police officer responding to the location of the "person who had been shot." Medic Croteau stated that she and Captain Richard responded to the injured police officer, who was "sitting against his vehicle, in blood." Medic Croteau stated that Officer Petrarca was bleeding from his right leg and had applied a tourniquet to himself. Medic Croteau stated that Officer

Petrarca was immediately loaded into Paramedic 1 and was treated for his injuries while en route to the hospital.

Medic Croteau stated that while en route to the hospital, she identified Officer Petrarca's injuries. Medic Croteau stated that Officer Petrarca had sustained "a straight puncture wound to the medial thigh, with an arterial bleed." Medic Croteau described blood "spurting" from Officer Petrarca's leg. Medic Croteau also stated that Officer Petrarca had internal bleeding. Medic Croteau described Officer Petrarca's injuries as life-threatening.

Medic Croteau stated that during the transport to the hospital, Officer Petrarca described the incident that had transpired. Officer Petrarca told Medic Croteau that "he had just got done telling the person (Cronin) that he wasn't even in trouble and he was just wondering what he was doing. And he ran and when he tried to grab him, he turned around and stabbed him." Officer Petrarca also told Medic Croteau that he shot at the suspect and believed that he had fired five (5) shots.

Civilian Witnesses

10. Civilian Witness #1

On Saturday, May 9, 2020, at approximately 9:35 p.m., RISP Detectives Hopkins and Tyler Denniston interviewed Civilian Witness #1, at 36 Scarborough Road Cumberland, Rhode Island. Below is a summary of her account of the incident:

CW #1 stated that at approximately 6:50 p.m., her partner (CW #2) had informed her that there was a police car behind the high school and that there was a police officer talking to someone. CW #1 stated that she looked out the window of her residence, saw the officer speaking to someone, and then went about cooking or doing another activity within the residence. CW #1 stated that when she looked back out the window, the location of the officer and person had changed. They were now standing at the edge of the soccer field and still appeared to be talking.

CW #1 stated that she then observed the person run away from the officer, along the fence to the fields. She stated that "the cop [then] took out his gun and shot twice. Didn't hit him. And then when the kid got to the end, he couldn't go anywhere, so he took a right and came straight down toward me. Like he was running this way. And then I heard three more shots and the kid fell and then I saw him grabbing his leg."

CW #1 stated that after the shooting, the officer ran back to his police car and appeared to have a limp. CW #1 stated that once the officer got back to his vehicle, he was sitting on the ground until other police officers arrived. CW #1 stated that she then exited her residence and recorded video of the post shooting events with her cellular phone.

11. Civilian Witness #2

On Saturday, May 9, 2020, at approximately 9:52 p.m., Detectives Hopkins and Denniston interviewed Civilian Witness #2, at 36 Scarborough Road Cumberland, Rhode Island. Below is a summary of CW #2's account of the incident:

CW#2 stated that he was at CW #1's residence when he looked out the window and observed, "a cop talking to someone by the recycling bins," behind Cumberland High School. He stated that a short time later, he looked out the window again and observed that the officer and the male party were standing in a different location. The male party then proceeded to run from the officer. CS#2 stated that he observed the officer shoot twice and then three (3) additional times. He then saw the male party fall to the ground and the officer run back to his vehicle.

CW#2 stated that when the officer ran back to his vehicle, he appeared to be grabbing his face and limping. He then observed the officer sitting down by the rear wheel of his vehicle and waited for back-up. CW#2 he then exited the residence and recorded video of the post shooting events with his cellular phone.

12. Civilian Witness #3

On Thursday, May 14, 2020, at approximately 1:06 p.m., Detective Hopkins and Sergeant Sweet interviewed Civilian Witness #3, at Cumberland Police Headquarters. CW#3 was at the coffee shop earlier in the day and interacted with Cronin which prompted the police response to the location. In short, CW#3 indicated that Cronin's behavior at the coffee shop was odd: he did not respond to staff when asked questioned, laughed bizarrely, and stood staring at the coolers for a lengthy amount of time. He ultimately purchased six milk bottles. CW #3 stated that at the suggestion of customers at the shop, she contacted Cumberland Police to report a suspicious male at the restaurant. CW#3 stated that the male was wearing black jeans, a dark colored hoodie, a black bandana, and a black backpack.

Video surveillance obtained from the Coffee Connection corroborated CW#3's account.

Medical Records

Investigators obtained Officer Petrarca's medical records from Rhode Island Hospital. Those records indicated that on May 9, 2020, at approximately 7:20 p.m., Officer Petrarca arrived at Rhode Island Hospital by ambulance. Officer Petrarca was admitted to the Trauma Center for a stab wound. Officer Petrarca had sustained an approximate five-centimeter (5 cm) stab wound to his right upper thigh. Officer Petrarca was discharged from the hospital on May 10, 2020 at approximately 3:06 p.m.

Investigators were unable to obtain Cronin's medical records from Rhode Island Hospital. Although initially Cronin provided consent to release his medical records, that consent was deemed defective by Lifespan; subsequent authorization was not obtained.

Cumberland Police Department's Use of Force Policy

The Cumberland Police Department's Use of Force General Order 300.01 defines and governs the use of physical force, including the use of lethal physical force. Section IV.A of the policy provides as follows:

A. PARAMETERS FOR USE OF LETHAL FORCE

1. Police officers are authorized to use lethal force in order to:

- a. Protect him/herself, another officer, or other person(s) when the officer has a reasonable belief that an imminent threat of death or serious bodily injury exists to himself/herself, another officer or other person(s).
- b. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious bodily injury to the officer or others.

LEGAL ANALYSIS

A. Applicable law

When considering a police officer's actions which involve the use of force in his/her capacity as a peace officer a two-part analysis is required. First, it must be determined if the officer's use of force in arresting or detaining the suspect was necessary and reasonable. If an officer's conduct is found to be necessary and reasonable, then the inquiry ends, and no criminal charges will stem from the incident. If, however, it is determined that the use of force was not necessary and not reasonable then an inquiry must be made as to whether the use of force meets the elements of the applicable criminal statute, in this case Felony Assault, R.I. Gen. Laws § 11-5-2.

The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." A "seizure" of a "person," can take the form of "physical force" or a "show of authority" that "in some way restrain[s] the liberty" of the person. Terry v. Ohio, 392 U.S. 1, 19, n. 16, 88 S. Ct. 1868, 20 L.Ed.2d 889 (1968). An arrest or seizure of a person carries with it the right of police officers to use some degree of force. Graham v. Connor, 490 U.S. 386, 396 (1989). "All claims that law enforcement officers have used excessive force – deadly or not – in the course of an arrest ... or other 'seizure' of a free citizen should be analyzed under the Fourth Amendment and its 'reasonableness' standard...." Graham, 490 U.S. at 395; Tennessee v. Garner, 471 U.S. 1 (1985).

The Fourth Amendment instructs that the *degree* of force law enforcement officers are permitted to use must be “objectively reasonable” under the totality of circumstances. Tennessee v. Garner, 471 U.S. 1, 8-9 (1985). Relevant facts 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 or attempting to evade arrest by flight.” Graham, 490 U.S. at 396. The reasonableness of an officer’s 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. The Supreme Court has held that the determination of reasonableness must allow “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.” Id. at 396-97. Critically, the reasonableness inquiry is an objective, not a subjective, 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.” Id. (emphasis added). The Supreme Court could not have made this clearer: “An officer’s evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer’s good intentions make an objectively unreasonable use of force constitutional.” Id. at 397. In other words, in an excessive force case, for purposes of the first part of the test, it does not matter what is in the particular officer’s mind at the time of the use of force. What matters is what the reasonable officer would have done if faced with the situation at hand.

Rhode Island law must be applied in light of these constitutional principles. Under Rhode Island law, an arrest is made by the restraint of the person to be arrested or by his submission of his person to the custody of the person making the arrest. R.I. Gen. Laws § 12-7-7. Rhode Island law further provides that “no greater restraint than is necessary shall be used for the detention of any person, and no unnecessary or unreasonable force shall be used in making an arrest.” R.I. Gen. Laws § 12-7-8. Finally, R.I. Gen. Laws § 12-7-9, which codified the common law and authorized the use of deadly force by a police officer when that officer “reasonably believed” it “necessary to effect the arrest” of a felon, has been superseded by Tennessee v. Garner, which makes clear that deadly force may only be used in the arrest of a fleeing felon “where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others.” 471 U.S. at 11-12. We note that the Cumberland Police Department’s policy governing lethal force explicitly incorporates the standard set forth in Garner and its progeny.

If the facts and circumstances support a finding that the officer’s use of force was objectively reasonable and necessary to effectuate the seizure, the inquiry ends there. If, however, the force used was objectively *unreasonable*, prosecutors must also analyze whether the officer met all the elements of the applicable criminal offense. This includes evidence that the officer acted with the requisite *mens rea*, or criminal intent, required to prove a specific criminal offense. Of relevance to this case is the principle that a valid claim of self-defense would negate the required criminal intent. Under Rhode Island law, individuals who believe they are in “imminent peril of bodily harm can use such nondeadly force as is reasonably necessary in the circumstances to protect themselves.” State v. Martinez, 652 A.2d 958, 961 (R.I.1995). Ordinarily, in cases involving deadly

force, a person has a duty to retreat (subject to certain exceptions not relevant here) if he or she is “consciously aware of an open, safe and available avenue of escape.” State v. Rieger, 763 A.2d 997, 1003 (R.I. 2001) (quoting Martinez, 652 A.2d at 961). Numerous courts have recognized the obvious, however: police officers do not have such a duty as they have “an obligation to protect [their] fellow officers and the public at large that goes beyond that of an ordinary citizen, such that retreat or escape is not a viable option for an on-duty police officer faced with a potential threat of violence.” Commonwealth v. Asher, 31 N.E. 3d 1055, 1062 (MA 2015). See also, Reed v. Hoy, 909 F.2d 324, 331 (9th Cir.1989), cert. denied, 501 U.S. 1250, 111 S. Ct. 2887, 115 L.Ed.2d 1053 (1991), recognized as overruled on other grounds, Edgerly v. City & County of San Francisco, 599 F.3d 946, 956 n. 14 (9th Cir.2010) (duty to retreat before resorting to deadly force “may be inconsistent with police officers’ duty to the public . . .”).

B. Analysis

The first step in reviewing an excessive force claim is to determine whether there was a “seizure” within the meaning of the Fourth Amendment. The Supreme Court has recently re-affirmed the long-established principle that a seizure includes the application of force with the intent to restrain a person, even if the officer is unsuccessful in restraining a person. Torres v. Madrid, 141 S. Ct. 989, 996 (2021) (analyzing and re-affirming California v. Hodari D., 499 U.S. 621, 111 S.Ct. 1547, 113 L.Ed.2d 690 (1991)). In Torres, the Supreme Court held that “the officers’ shooting applied physical force to [the suspect’s] body and objectively manifested an intent to restrain her from driving away. We therefore conclude that the officers seized Torres for the instant that the bullets struck her” even though she continued to drive away. Torres, 141 S.Ct. at 1003. In the present case, Officer Petrarca intentionally discharged his weapon at Cronin with the intent to stop him, and when Cronin was struck by the bullet, he was seized within the meaning of the Fourth Amendment.

Next, we must evaluate whether, under the totality of circumstances, Officer Petrarca’s decision to discharge his weapon at Cronin was objectively reasonable and necessary. We have little trouble concluding that it was. First, immediately prior to discharging his weapon, Officer Petrarca was stabbed in the leg by Cronin. As such, Cronin had just committed two serious and violent felonies in Officer Petrarca’s presence: felony assault (R.I. Gen. Laws § 11-5-2) and assault on a police officer (R.I. Gen. Laws § 11-5-5). Officer Petrarca plainly had probable cause to arrest Cronin for these felonies. Officer Petrarca stated that he had ordered Cronin to “get down on the ground” prior to firing his weapon. This claim is uncontradicted. Moreover, the Supreme Court has noted that such warning should be issued “where feasible.” It is uncontroverted that Cronin did not stop and continued running while in possession of the knife. This is evidenced by (1) the civilian witnesses, (2) the surveillance cameras at the school, (3) the FSU crime scene reconstruction, and (4) the fact that when Cronin was apprehended by the two officers, the knife he used to stab Officer Petrarca was on the ground next to him. That Cronin continued to resist the arresting officers, and possessed a second knife, further corroborates the reasonableness of Officer Petrarca’s assessment that Cronin posed a continuing danger to the officer’s safety and to the safety of others.

Cronin's decision to stab Officer Petrarca with a large knife (the blade was nearly five (5) inches long), manifested clear disregard for the life of the officer. Cronin's comment to Officer Petrarca after he stabbed him that the officer "now ha[s] hepatitis" further demonstrates this disregard. What is more, Cronin's unprovoked flight from the officer, and his unexpected and violent reaction to the officer who had merely engaged him in brief questioning at that point, further contributed to Officer Petrarca's reasonable assessment that Cronin presented a continuing danger to himself or to others.

In sum, this case presents the precise factual scenario where the Supreme Court had held the use of deadly force to be reasonable. As the Supreme Court stated in Garner, "Where the officer has probable cause to believe that the 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 or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given..." 471 U.S. at 11-12.

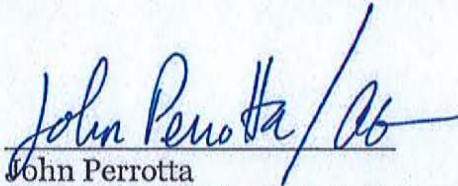
Because we find that Officer Petrarca's use of deadly force was objectively reasonable under the totality of the circumstances, we need not engage in the second step of the inquiry. However, it bears noting that Officer Petrarca's use of deadly force was likely also justified under a theory of self-defense. Cronin had just used deadly force *against* Officer Petrarca, seriously injuring the officer and impeding his ability to move. Cronin still possessed the knife and could have inflicted additional injuries on the officer. As noted above, as an on-duty police officer, Officer Petrarca had no duty to retreat before defending himself (or others). See, e.g., Commonwealth v. Asher, 31 N.E. 3d 1055, 1062 (MA 2015). Even if he had such a duty, in light of Officer Petrarca's injuries and his location in the parking lot, such a retreat was not a viable option.

CONCLUSION

Based on the facts of the investigation, and the applicable law, we conclude that Officer Petrarca's use of deadly force was objectively reasonable and necessary. This matter is therefore closed.

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