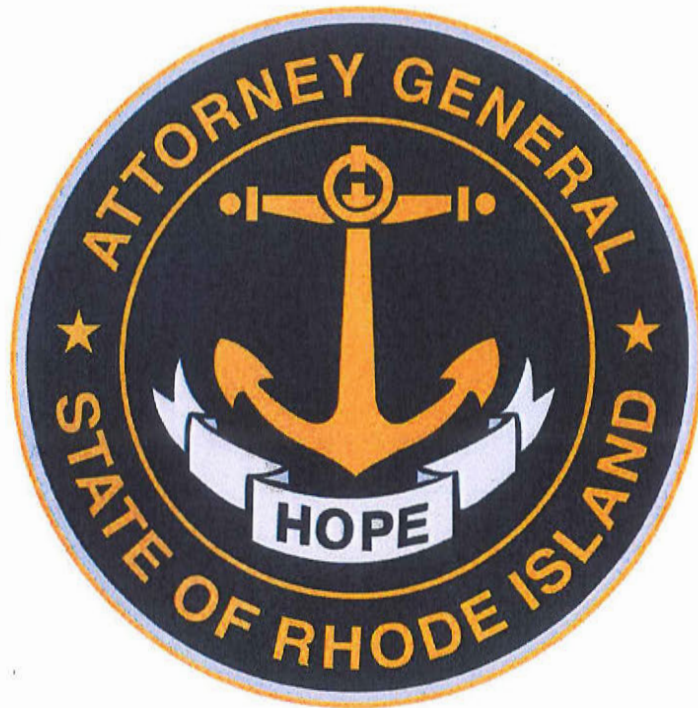


STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

Peter F. Neronha
Attorney General



INVESTIGATIVE REPORT
February 2, 2023

Incident Type:	Death Investigation of Joseph Ventre
Incident Location:	Collyer Street, Providence, RI
Incident Date:	May 7, 2021
Police Departments:	Rhode Island State Police & Providence Police
Officers Involved:	PPD Officers James Lewis, David Iamarone, Dayshantell Ramirez, Carly Cabral and Daniel Gonzalez

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I. SUMMARY OF FINDINGS

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 Providence Police reviewed the death of Mr. Joseph Ventre after he was taken into custody by Providence Police officers at a park on Collyer Street on May 7, 2021.

At approximately 12:30 a.m. on that date, Providence Police dispatchers received multiple calls from area residents of Collyer Street reporting that there was a male subject outside screaming, flailing his arms and who appeared to be on drugs.

Providence Police Department (PPD) officers were dispatched to the location. Officer James Lewis was first to arrive on scene at approximately 12:41 a.m. Upon arrival, Officer Lewis observed the male subject (later identified as Joseph Ventre, hereinafter "Ventre") grunting, screaming and yelling from the grassy area of the park, which is fenced-in. Officer Lewis immediately called for a rescue. Other PPD officers arrived within moments of Officer Lewis including Officers Daniel Gonzalez, Carly Cabral, David Iamarone, and Dayshantell Ramirez. All officers had their body-worn cameras activated on scene which captured their interactions with Ventre that evening. The officers collectively observed Ventre continue to thrust his body, to include his torso and head into a chain-link fence, project his head downward and directly into cement at the base of the fence, roll around on the dirt and grass, flail and kick his arms and legs, and roll into a telephone poll and other fencing. Officers stood by until Rescue arrived while attempting to speak to Ventre and elicit information. Ventre's responses were incoherent and rambling as he continued to scream and grunt.

Once Providence Rescue 3 arrived at the scene they wheeled a stretcher across the park to Ventre's location where police were standing by. At this point, police attempted to place Ventre in handcuffs for the safety of rescue personnel, police officers and Ventre. After a brief struggle, police were able to handcuff Mr. Ventre. He was placed onto a stretcher and PPD officers assisted in wheeling the stretcher across the field to the ambulance.

Once rescue personnel placed Ventre into the ambulance, they determined he was not breathing and began administering CPR. Ventre was brought to Rhode Island Hospital where he was pronounced dead at 1:41 a.m. on May 7, 2021. Immediately following the incident, members of the Providence Police Department, the Rhode Island State Police, and the Office of the Attorney General initiated an investigation into the circumstances and cause of Mr. Ventre's death pursuant to the Attorney General Protocol.

The primary investigative team was comprised of the following: PPD Sergeants David Tejada, James Mellor, and Elizabeth Romano, and RISP Detectives Robert Hopkins and Jarred Andrews. Special Assistant Attorney General Steven Dambruch (Chief of the Criminal Division) also responded to the scene that evening, as well as PPD Captain Richard Fernandes, Lieutenant Patrick Potter, Sergeant Michael Clary, and BCI Detective Carla Cavanagh. After the investigative materials were finalized, assembled, and analyzed, this report was prepared.

The purpose of this Office's review was to determine the circumstances of Mr. Ventre's death and if any of the Providence Police officers involved committed a criminal act while placing Mr. Ventre into custody. After a careful review of all the available evidence and the applicable law including the legal analysis set forth in this report, we conclude that no criminal laws were violated by any of the officers involved in this incident.

II. SUMMARY OF EVIDENCE REVIEWED

- (1) Summary Report of Rhode Island State Police by Detective Robert J. Hopkins – 73 pages
- (2) Incident Report of Rhode Island State Police – 3 pages
- (3) Incident Report of Providence Police – 2 pages
- (4) Incident Report of Providence Fire – 4 pages
- (5) Interview of Providence Police Patrolman James Lewis, dated May 7, 2021 – transcript – 16 pages
- (6) Interview of Providence Police Patrolman Daniel Gonzalez, dated May 7, 2021 – transcript – 8 pages
- (7) Interview of Providence Police Patrolwoman Carly Cabral, dated May 7, 2021 – transcript – 6 pages
- (8) Interview of Providence Police Patrolman David Iamarone, dated May 7, 2021 – transcript – 11 pages
- (9) Interview of Providence Police Patrolman Dayshantell Ramirez, dated May 7, 2021 – transcript – 7 pages
- (10) Interview of Providence Fire Lieutenant Robert Toro, dated May 7, 2021 – transcript – 10 pages
- (11) Interview of Providence Fire Rescue Tech Seth Tourangeau, dated May 7, 2021 – transcript – 15 pages
- (12) Interview of Civilian #1, dated May 10, 2021 – transcript – 11 pages
- (13) Providence Fire Department Policy re: Excited Delirium Syndrome – 1 page
- (14) Incident Report of Providence Police, dated April 16, 2021 – 2 pages
- (15) Autopsy Report by Assistant Medical Examiner Patricia M. Ogera, M.D., dated August 5, 2021– 4 pages
- (16) Photos (107) and X-rays (14) Taken at Autopsy by Office of the State Medical Personnel, dated May 7, 2021
- (17) Rhode Island Department of Health, Department of Health Laboratories, Toxicology Report, dated July 9, 2021 – 4 pages
- (18) Providence Police Body-Worn Camera Videos (2) – Patrolman James Lewis
- (19) Providence Police Body-Worn Camera Video – Patrolman Daniel Gonzalez

- (20) Providence Police Body-Worn Camera Video – Patrolwoman Carly Cabral
- (21) Providence Police Body-Worn Camera Videos (2) – Patrolman David Iamarone
- (22) Providence Police Body-Worn Camera Video – Patrolman Dayshantell Ramirez
- (23) Providence Police Dispatch Recordings from May 7, 2021, 12:32 a.m. to 1:22 a.m. – 9 minutes of recordings
- (24) Providence Police Dispatch Calls List from May 7, 2021 – 3 pages
- (25) E-911 Recording Call – 1 minute, 26 seconds
- (26) Providence Police, Office of Professional Responsibility Investigation Action – 7 pages
- (27) Scene Photographs (82) Taken by Providence Police BCI Detective Carla Cavanaugh

III. FINDINGS OF FACTS

At approximately 12:32 a.m. on May 7, 2021, Providence Police Dispatch received a call from Civilian #1 of Collyer Street, Providence reporting that there was a white male subject in front of his house “freaking out a little bit and look[ed] like he might be on drugs.” Civilian #1 further stated that the subject was “grunting and screaming and flailing his arms,” and the subject may have also screamed, “help” at one point. In addition to the location, Civilian #1 also provided a description of the male subject, indicating he was a “pretty big” guy wearing “a black hoodie and shorts.”

Providence Police Department (PPD) officers were dispatched to the location, with Officer James Lewis arriving on scene first at approximately 12:41 a.m. Upon arrival, Officer Lewis observed the male subject (later identified as Joseph Ventre) and immediately notified dispatch that Rescue was needed. PPD dispatch acknowledged Officer Lewis’ request for Rescue and notified Providence Fire Department (PFD) dispatch at 12:42 a.m. that Rescue was needed in the area of 4 Collyer Street for a “mental health – a subject under the influence”. Within two minutes, PFD dispatched Rescue 3 to the area.

Back at Collyer Street, Officer Lewis observed Ventre to be grunting, screaming and yelling from the grassy area of Collyer Park inside a chained-link fence. Ventre was thrusting his torso and head into the fence and forcing his head into the cement at the base of the fencing. Other PPD officers arrived within moments of Officer Lewis including Officers Daniel Gonzalez, Carly Cabral, David Iamarone, and Dayshantell Ramirez.¹ Officers collectively observed and their body-worn cameras capture, Ventre continuing to thrust his head, face, and body into and against a chain-link fence. Officers located an entrance into the park area and stood by Ventre as he continued to roll around on the ground in the dirt and grass, flail and kick his arms and legs, roll into a telephone poll, and roll into and grab a chain-link fence. Officers stood by and spoke to Ventre until Rescue arrived. Ventre’s responses were incoherent and rambling.

¹ All responding officers were wearing Providence Police Department issued body-worn cameras which were activated.

Officers spoke to Ventre calmly in an attempt to get identification information and have him settle down prior to Rescue arriving.

Upon their arrival, Rescue brought a stretcher across the field to the location where Ventre and PPD officers were situated. At this point Ventre was still rolling around kicking his feet, flailing, and grunting. Once rescue personnel arrived at Ventre's location, PPD officers began to place him into handcuffs for the safety of Ventre, rescue personnel, and PPD officers.

At 12:53:55 a.m., Officer Lewis placed his hands on Ventre's ankles to prevent him from kicking police and rescue personnel. As Officer Lewis did this, Ventre rolled himself into the chain link fence again and Officer Iamarone told Ventre to "stop kicking." Six seconds later while Ventre was still up against the fence, Officer Iamarone tried to secure Ventre's upper body while calmly requesting that Ventre "stop kicking." As Ventre continued to kick and thrash, Officer Cabral assisted in securing Ventre's legs. Officer Iamarone attempted to stabilize Ventre's upper torso area as he stated, "put a cuff on him." As officers requested that Ventre "relax, calm down, we're trying to help you", Officer Lewis took out his handcuffs.

At 12:54:32 a.m., Officer Lewis applied the first handcuff to Ventre's left wrist. On the body-worn camera footage the clicking of the cuff can be heard as Officer Lewis announced, "I got one cuff on." At this point, Ventre was lying on his back, his stomach was exposed, and he was still clinging to the fence with his right arm. Ventre continued to struggle with police and was grunting and screaming. Officers told Ventre to "let go of the fence", but he was non-compliant. Officers attempted to turn Ventre over onto his stomach so they could handcuff him from behind and get him under control. Officers could be heard yelling, "give me your arm." Officers were finally able to get Ventre's right arm released from the fence and get him onto his stomach. It takes approximately another minute for Officers Lewis and Ramirez to secure the second handcuff. On the officers' body-worn cameras there is an audible clicking of the second cuff as Officer Ramirez confirms that Ventre is secured. In total, it takes officers approximately one minute and thirty seconds to place handcuffs on Ventre.

Within approximately five seconds after the second handcuff is secured the officers involved in the cuffing process removed all contact and pressure from Ventre's person, except for Officer Iamarone who kept his hands on Ventre's arms and shoulder blades. At this point, Ventre was on his stomach and handcuffed behind his back. All five officers then lift the two hundred forty-six-pound Ventre to the stretcher. At 12:55:59 a.m., Ventre was on the stretcher and in the care of rescue personnel. From the moment Officer Lewis put his hands on Ventre's ankles (at 12:53:55 a.m.) to the moment Ventre was placed onto the stretcher and into the care of EMS (at 12:55:59 a.m.) was two minutes and four seconds. The entire interaction described above is captured on and corroborated by officers' body-worn camera footage of the incident.

PPD officers then assisted rescue personnel in transporting the stretcher across the park area to where the ambulance was located. Once there, Ventre was loaded into the ambulance and rescue personnel began an initial assessment. At that time, rescue personnel determined Ventre was not breathing and had no pulse. Officer Cabral took the handcuffs off Ventre, and rescue personnel began CPR. Rescue personnel were able to establish an airway and ventilations were performed using a bag valve mask. Initially chest compressions were administered manually and then with the assistance of a Lucas device. Epinephrine was administered every 5 minutes while assisted ventilations were continued. No heartbeat was indicated on the heart monitor throughout the entirety of the code. Upon arrival at Rhode Island Hospital, care was transferred to emergency room staff. Doctor [REDACTED] pronounced Ventre deceased shortly thereafter.

Immediately after Ventre was pronounced, Providence Police Department's Office of Professional Responsibility ("OPR") was notified. OPR Detective Sergeants responded to the park area located at Collyer and Cemetery streets and immediately began the investigation. PPD OPR also notified the Office of Attorney General and the Rhode Island State Police of the incident, and members of both departments also responded to scene. PPD and RISP Detectives processed and documented the scene.

According to the medical examiner's report, Ventre's erratic behavior at the park on Collyer Street was entirely consistent with intoxication by methamphetamine. Assistant Medical Examiner Patricia Ogera's autopsy report indicates that "toxicological testing detected a level of methamphetamine in the reported toxic to lethal range, its metabolite amphetamine, and a level of methadone in the reported therapeutic range." Dr. Ogera also noted evidence of superficial external injuries throughout Ventre's body, none of which contributed to his death. He had abrasions and/or bruises on his face and forehead, hands, shoulder, buttocks, back and abdomen. These injuries are extensive and are explained by Mr. Ventre's erratic behavior and conduct at the park as observed by civilian witnesses, police witnesses, and captured on body-worn cameras on scene. They are consistent with Mr. Ventre thrusting his head, face and torso into chain-link fencing and cement at the base of a fence, rolling around on the ground with his abdomen exposed and grasping tightly to the fence with his hands. X-rays showed no bone fractures. Samples of Mr. Ventre's cardiac blood, femoral blood, and urine were taken and submitted the Department of Health Laboratories for toxicological testing. Based on the results of that testing, Dr. Ogera diagnosed Mr. Ventre with "acute methamphetamine and methadone intoxication" at the time of his death. Specifically, confirmatory toxicological testing revealed the presence of sixty-one (61) nanograms of Methadone per milliliter of blood, seven and eight tenths (7.8) nanograms of Methadone metabolite A per milliliter of blood, seven thousand two-hundred sixty-one (7261) nanograms of Methamphetamine per milliliter of blood, and one hundred sixty-one (161) nanograms of Amphetamine per milliliter of blood.

After reviewing the available police reports, body-worn camera video, medical records and toxicology report, Dr. Ogera determined that Ventre died "as a result of the toxic effects of methamphetamine and methadone in the setting of police restraint with obesity considered contributory." The manner of death was listed as "undetermined".

A. WITNESS ACCOUNTS

This section summarizes the accounts given by the witnesses during the investigation.

1.) PPD Patrolman James Lewis

On May 7th, 2021, Patrolman Lewis gave an audio recorded statement to Sgt. David Tejada (PPD), Det. Jared Andrews, (RISP) and Det. Robert Hopkins (RISP).

Officer Lewis stated that he was "the first officer on scene" and said the call was dispatched at 12:30 a.m. for a "white male wearing shorts and a black hoodie, screaming in the middle of the street." Officers were directed to Collier Street at Cemetery St. When Officer Lewis arrived, he observed "a male [later identified as Ventre] screaming inside the grassy field area, over the fence, inside the park." According to Officer Lewis, Ventre was "screaming, grunting, and yelling, and it seemed like he was on some type of drug". When asked if Ventre was speaking clearly, Officer Lewis stated that he tried to "ask [Ventre] his name, ask him what type of drug/if he took anything." However, Ventre "couldn't communicate verbally anything

clear.” Officer Lewis described Ventre as “rolling all over the grass on all fours, screaming.” Despite commands to throw anything he had in his pockets on the ground, Officer Lewis could not see whether Ventre emptied his pockets.

Officer Lewis awaited the arrival of other officers. Once other officers arrived, officers proceeded through the fenced entrance on Cemetery Street into the park. Upon entering the park area, Lewis observed Ventre still “screaming and grunting” and “rolling around on the ground.” Officer Lewis told Ventre to “calm down...I can get a rescue for you”, and asked him, “what type of drug did you take?” Ventre still could not communicate anything to police. Officer Lewis observed Ventre try to climb the fence and attempt to project his head through the fence at another point. Officer Lewis told Ventre to stop, for fear he would “hurt himself”.

Officer Gonzalez was second on scene. Officer Lewis stated that he told Gonzalez that upon making entry into the park they should try to talk to Ventre and go “hands-on” with him in order to “try and get him calmed down before Rescue can come and take him to the hospital.” When asked what he meant by “hands-on”, Officer Lewis explained, “to make sure that Ventre sits up so he’s not rolling around hurting himself or trying to smash his head.”

Officer Lewis made clear that prior to EMS arrival officers were talking to Ventre and let him know they were there to help. However, Officer Lewis stated, “as we tried to get closer to him it seemed like it was going to become dangerous because he was such a large person.” Officer Lewis recognized Ventre needed medical attention as soon as possible and he made it clear that once EMS was on scene, officers went “hands-on” with Ventre.

When asked by Sgt. Tejada about the techniques utilized when officers finally went “hands-on”, Officer Lewis stated, “I just wanted to get the handcuffs on him, I wasn’t going to use any other techniques besides basic holds.” Officers Lewis stated, “I grabbed his arm, I said, ‘hey just give me your arm, I need to put these handcuffs on for your safety, for my safety.’” Officer Lewis elaborated, stating, “I grabbed one arm, his left arm” as Ventre was on the ground laying on his right side towards the fence “still gripping onto the bottom of the fence with his right arm.” Officers asked Ventre to let go of the fence, but he was not complying. “So, we tried to roll him over.... It took all five of us to...control his legs.” Officer Lewis made clear that he did not utilize any “strikes” or “pain compliance techniques” to control Ventre’s legs and get him to release his fingers from the fence.

Officer Lewis described the cuffing process as beginning with Ventre laying on his right side on the ground. Lewis and his fellow officers were first able to control his left arm and place it behind his back. Then they ungripped his right hand from the fence. Finally, police were able to roll Ventre onto his stomach and gain control of his right arm and apply the second handcuff.

Once Ventre was handcuffed, Officer Lewis noticed that Ventre was “not fighting anymore”, and all officers lifted him onto the gurney. Officers then assisted EMS in bringing the stretcher across the field to the ambulance. Once Ventre was inside the ambulance, Officer Cabral uncuffed Ventre’s handcuffs which were behind his back. As the handcuffs were being unlocked, rescue workers were readying the Lucas CPR device. Officer Lewis followed the ambulance to RI Hospital and provided his supervisors with periodic updates. According to Officer Lewis, Ventre was pronounced dead at the hospital at approximately 1:41 a.m. by hospital personnel. Lewis stated that he didn’t observe any physical injuries to Ventre. Officer Lewis’ body-worn camera was activated prior to his arrival at the scene. His body-worn camera footage captures his interaction with Ventre on scene that evening, and Officer Lewis’ statement to police is corroborated by the contents of the camera footage.

2.) PPD Patrolman Daniel Gonzalez

On May 7, 2021, Patrolman Daniel Gonzalez gave an audio-recorded statement to Sgt. David Tejada, Det. Jared Andrews, and Det. Robert Hopkins.

Officer Gonzalez told investigators that on the evening of May 7, 2021, he heard the dispatch call to check the wellbeing of a male subject acting erratically and yelling on Collyer Street. Gonzalez immediately activated his body camera, and when he arrived at the scene Patrolman Lewis was already there. Upon arrival, he observed the male subject (Ventre) grabbing the chain link fence from inside the park and attempting to climb over the fence to get to the other side.

Patrolwoman Carly Cabral arrived, and the officers located an opening into the park on Frost Street. They approached Ventre and tried to communicate with him by requesting basic identification information. Ventre was on the ground, "rolling in the... grass and dirt, just kicking, very incoherent, he was just yelling things, couldn't make out what he was saying." Gonzalez indicated that officers attempted to speak with him, but Ventre wouldn't answer them. He kept "rolling, just kind of flopping all over the place." "He never stood up.... He was either on his back, on his stomach, a couple of times he went on his knees." Gonzalez stated that, "dispatch had put out that Rescue was on its way, so we were just observing, making sure he wasn't going to hurt himself." Gonzalez observed Lewis "put his hand on him and talk to him stating, its going to be ok, just try to relax," but they were never able to effectively communicate with him.

Gonzalez stated that he never engaged Ventre physically as he would have been "getting in the way." He states that when the other officers engaged Ventre physically to handcuff him, Rescue/EMS was present and on scene and "they were actually right there with the gurney." Officer Gonzalez observed the other officers attempt to handcuff Ventre and states that it took officers "approximately two minutes" to handcuff him. Gonzalez stated that at one point Ventre communicated something that "sounded like" the name "Dave", so officers addressed Ventre as "Dave." During the whole process, Ventre kept kicking but once he was handcuffed, the kicking stopped, and he was placed on the stretcher. Gonzalez noted that Ventre's "pupils were enlarged." At this point Ventre was not moving. He was brought to the rescue and "they started working on him." Officer Cabral uncuffed Ventre at the rescue. Gonzalez estimates Ventre was cuffed for "three to four minutes, not very long." He believes he turned his BWC off approximately five minutes after Ventre was in the rescue. Officer Gonzalez' body-worn camera footage captures his interaction with Ventre on scene that evening, and Officer Gonzalez's statement is corroborated by the contents of the camera footage.

3.) PPD Patrolman David Iamarone

On May 7th, 2021, Patrolman David Iamarone gave an audio-recorded statement to Sgt. David Tejada, Det. Jared Andrews, and Det. Robert Hopkins.

Officer Iamarone stated that on May 7th, 2021, he heard dispatch broadcast a "check the well-being" at 18 Collyer Street for a "white male, heavy set, out of control, yelling, screaming, possibly on drugs." He responded to the location and activated his body-worn camera when he

arrived. Upon arrival he couldn't see where his fellow officers were, but he could hear "grunting and snorting coming from the ball field in the park. He entered the park where Officers Lewis, Cabral and Gonzalez were and saw Ventre "rolling around in the grass." Officers were asking Ventre questions such as "what's your name" and "what did you take" (referring to drugs ingested), but Ventre was not responsive. With the use of his flashlight, Iamarone observed bruises on his body around his torso. He radioed for another patrolman to respond to the scene and checked on the status of the already requested Rescue. He was told that the "rescue was staging." At this point, no officers had engaged Ventre physically.

Police were waiting for the rescue and Officer Iamarone stated police were, "trying to come up with some sort of plan, you know, what are we going to do here with this guy, he's kicking, he's flailing, he's obviously on some sort of drugs." At some point, Officer Iamarone stated to other officers that they may need to "put some weight on this guy", meaning "we're going to have to put our bodies on him...to get him cuffed." Ventre continued to roll on the ground and into a telephone pole.

When Rescue arrived, they were directed to an opening in the fence. Ventre had continued rolling on the ground, and "roll[ed] around the telephone pole towards this dugout that has a chain-link fence." At that point, Patrolman Iamarone told other officers, "we gotta do something here, lets, you know, we gotta get him cuffed." At that point, Ventre was "locked onto the fence." Patrolman Iamarone stated that they made the decision to handcuff Ventre when Rescue was coming across the field.

Once rescue personnel arrived at their location, Officers Iamarone, Lewis, and Ramirez "got down, like on our knees, alongside [Ventre], and just went for his hands." Lewis "went for one arm" while Ventre was "on his back at this point and is locked in with his hands over his head." While Officer Lewis got one handcuff on Ventre, Officer Iamarone tried to control Ventre's other arm by getting him to release his hold on the fence. Eventually they got Ventre to lay face down where officers were able to apply the second handcuff. Within seconds of handcuffing, "we picked him right up, all of us, picked up his legs and everything, and on the stretcher, on his side, then rolled him on his back, he's still cuffed, and the rescue guys took over." Officers then assisted EMS in pushing the stretcher to the ambulance.

Officer Iamarone explained the officers' decision to administer handcuffs to Ventre by stating, "he was kicking, he was flailing, number one we didn't want the rescue workers to get hurt or get kicked...we didn't want him to get hurt, we didn't want to get hurt, we didn't want him to hurt himself anymore." Iamarone told investigators that "there are two times...where I suggested we're going to have to put our weight on [Ventre]." He explains that what he meant by that was that they would need to "put our weight on him to restrain him, to get him cuffed [but] ... we never did that." "[W]e never put our weight on [Ventre]...and obviously the [body-worn] cameras show that."

At one point during Officer Iamarone's interaction with Ventre, his body-worn camera is struck and turned off. Upon realizing this, Officer Iamarone turned it back on. Officer Iamarone's statement to police is corroborated by the contents of the body-worn camera footage.

4.) PPD Patrolwoman Carly Cabral

On May 7th, 2021, Patrolwoman Carly Cabral gave an audio-recorded statement to Sgt. David Tejada, Det. Jared Andrews, and Det. Robert Hopkins.

Officer Cabral stated that on May 7th, 2021, she heard the call come over dispatch as a call for “check the well-being” or a “medical aid” indicating that a neighbor called stating someone was screaming outside. She arrived at the Collyer Street scene at the same time as Officer Gonzalez. She activated her body-worn camera as soon as she got out of her car and went around the fenced area into the softball field. There she observed Ventre “blurting out words.” She and her fellow officers stood by “trying to figure out what to do with him until Rescue came.” She indicated that at this point no one engaged Ventre physically.

While officers were inside the park area with Ventre, Ventre was “on the ground, still blurting out different words, still screaming.” At that point Officer Iamarone arrived and she “remember[s] hearing him over the radio asking if Rescue was coming, and they were.” Iamarone also asked for another police car to respond, due to Ventre being a “big guy” so they “all wanted to be able to control him if [they] had to.” Ventre continued to “scream for a couple more minutes”, then he “roll[ed] over to a wooden pole and then the fence.” At that point, “Rescue arrived, and we decided that we were going to handcuff him because he was being kind of aggressive, so we wanted to be able to control him.” Officer Cabral indicated that she “grabbed his legs and [she] was on his legs because he was kicking around everywhere.” Cabral estimated that it took approximately “a minute or two” to handcuff Ventre from the moment officers engaged him physically to do so. Once the handcuffs were applied, they “rolled [Ventre] over and got him onto the stretcher.” She indicated that Ventre was “on his stomach and his side, but only maybe for a couple of seconds” after being cuffed, as they “rolled him over really fast.” When they placed him on the stretcher Ventre was facing up and he had been handcuffed in the back.

At this point, Ventre was brought to the ambulance on the stretcher and she “went to her car to wait because [she] was going to follow them to the hospital.” One of the rescue workers came out of the ambulance and asked Officer Cabral to uncuff Ventre. She went into the ambulance and uncuffed him as rescue workers stated, “[Ventre] wasn’t breathing.” After she uncuffed Ventre and exited the ambulance, a rescue worker indicated they “had a pulse” on Ventre and were going to the hospital.

Officer Cabral turned her body-worn camera off when she proceeded to her cruiser because she thought the call was done and they were just going to go to the hospital. Therefore, her camera was not on when she went into the ambulance to uncuff Ventre. Her body-worn camera footage corroborates her statements to investigators.

5.) PPD Patrolman Dayshantell Ramirez

On May 7th, 2021, Patrolman Dayshantell Ramirez gave an audio-recorded statement to Sgt. David Tejada, Det. Jared Andrews, and Det. Robert Hopkins.

Officer Ramirez stated that on May 7th, 2021, he responded to a call for service located at Collyer and Cemetery Streets. Ramirez did not respond to the first dispatch call because he was patrolling a different district. When Iamarone radioed a request for “another car”, that is when Off. Ramirez responded. He was the last officer to respond and upon arrival, Rescue was already on the scene. Officer Ramirez’ body-worn camera was activated when he arrived on scene and footage begins as he exits his police cruiser.

Off. Ramirez had some difficulty locating his fellow officers as well as an entry into the park through the fence. He eventually scaled the fence and entered the park. Once at Ventre’s

location, he noticed that Officer Iamarone “was on the gentleman”. Officer Ramirez observed officers “trying to cuff [Ventre], trying to just put his hands behind his back to try to cuff him because I overheard the rescue, the medics say, they weren’t going to take him unless he was restrained.” Officer Ramirez elaborated that, “at that point they were struggling to try and put his hands behind his back because he was grabbing the fence with his other hand.” Officer Ramirez indicated that he “engaged and started helping out.” He “helped [Officer Lewis] and just put the hand that was already cuffed behind his back to try to bring his right hand also behind his back to cuff both of them.” At that point, after some struggle, Officer Ramirez was able to handcuff the other hand.

After that, Officer Ramirez heard “somebody say “let’s get him off his stomach.”” At that point Officer Ramirez and the other officers lifted Ventre and put him on the stretcher. Ramirez could “see [Ventre’s] eyes were wide open, he looked pale, and that’s when medics jumped in and started rubbing his heart and his face.” Officers then assisted rescue personnel with pushing the stretcher across the field to the ambulance. Once at the ambulance rescue personnel asked Officer Cabral to remove the handcuffs from Ventre. Officer Ramirez’ statement to investigators is corroborated by the body-worn camera footage.

6.) PFD Lieutenant Robert Touro

On May 7th, 2021, Lieutenant Robert Touro of the Providence Fire Department gave an audio-recorded statement to Sgt. David Tejada and Det. Robert Hopkins.

Lt. Touro told investigators that he arrived at Collyer Street following a dispatch call at 12:44 a.m. for “police needing a psych eval on a subject they had in their custody.” He stated that once he arrived with the rescue, police were already inside the baseball field with Ventre. Lt. Touro indicated that there was fencing around the exterior of the park that required rescue personnel to figure out how to get into the baseball field with the stretcher. Once he and Rescue Technician Seth Tourangeau responded inside the baseball field with the stretcher, he immediately observed Ventre acting “combative”, “yelling” and described Ventre as “wild”. Once there, he observed officers “safely trying to control [Ventre].” Lt. Touro did not observe any strikes, pepper spraying, or tazing utilized by any of the officers on scene. He did indicate that visibility was limited because it was so dark. Lt. Touro stated that given his own training and experience he believed Ventre to be under the influence of a narcotic.

Once he was handcuffed “the police officers got [Ventre] up off the ground.” Then rescue personnel “slid the stretcher under, and [Ventre] was put on it.” At that point, “we noticed he was no longer combative, we quickly got him to the truck, I did my assessment, at which point I noticed he was not breathing.” Therefore, “in the truck is when [Lt. Touro] noticed [Ventre] wasn’t breathing.” When asked by Sgt. Tejada how much time passed between getting Ventre onto the stretcher until he was placed into the ambulance, Lt. Touro indicated approximately “10 seconds” lapsed, stating, “it was very quick.”

Lt. Touro was asked about the moment Ventre was placed on the stretcher while still on the baseball field and whether Ventre was still breathing at that point. Lt. Touro responded, “I’m not sure, I couldn’t tell, like I said, very very dark, pretty chaotic, I didn’t know he wasn’t breathing until we got him into the rescue.” He indicated that the handcuffs were removed from Ventre once Ventre was inside the ambulance and rescue personnel realized Ventre was not breathing. Lt. Touro had been with the fire department for nineteen (19) years at this point in his career and has had experience with patients being under the influence of narcotics and also

having to be handcuffed. He stated that when patients are handcuffed it is usually because they are being “combative” and “uncooperative” and it is done to protect the patient and rescue personnel. While attempting lifesaving efforts, Lt. Touro indicated that rescue personnel administered epinephrin to Ventre inside the ambulance.

7.) PFD Rescue Technician Seth Tourangeau

On May 7th, 2021, Rescue Technician Seth Tourangeau gave an audio-recorded statement to Sgt. David Tejada (PPD) and Det. Robert Hopkins (RISP).

Mr. Tourangeau told investigators that Rescue 3 was dispatched to the area of Cemetery and Collyer Streets shortly after midnight on May 7th, 2021. He stated that they were dispatched from police for “a male requesting a mental health eval.” Rescue 3 arrived at the scene approximately “five to six minutes” after receiving the call for service. Mr. Tourangeau indicated EMS did not have to “stage” or “wait for the police to secure and make sure the person was not a threat” but they did have some difficulty gaining access into the park through the fence. Once inside the fence, Tourangeau observed a “gentleman on the ground violently flailing around” and the “officers were just standing by.” Mr. Tourangeau stated that the gentlemen on the ground was also yelling something unintelligible.

Tourangeau “asked the officers if they could assist and get him on the stretcher for us, because he was just way too much for us.” Mr. Tourangeau stated that, “for how [Ventre] was acting, I think [the officers] did a great job, as far as getting him under control.” “I think each one of them grabbed a limb.” Mr. Tourangeau and Lt. Touro “were right next to [Ventre]” when officers picked Ventre up and put him onto the stretcher.

When asked by investigators if he observed any of the officers strike Ventre in any way in order to gain compliance, Mr. Tourangeau stated unequivocally, “no.” Once Ventre was on the stretcher, he stopped flailing and fighting and Tourangeau administered a sternal rub on his chest. He checked Ventre’s pupils with a flashlight for dilation, he “noticed his pupils were the most dilated I’ve ever seen.” He stated that usually when a light is cast on someone’s eyes you would expect to see the pupil size retract, however Ventre’s did not.

PPD Officers assisted rescue personnel in bringing the stretcher across the field to the ambulance. Once at the ambulance, Ventre appeared “unresponsive.” Mr. Tourangeau stated that a female officer took the handcuffs off Ventre inside the ambulance. Given his experience and three years on the fire department, Mr. Tourangeau attributes Ventre’s behavior to drugs, specifically, a type of “amphetamine” because they made him feel “superhuman.”

IV. LEGAL ANALYSIS

The Attorney General Protocol requires review of custodial deaths, use of deadly force by law enforcement, use of less than deadly force where there is serious bodily injury, or where there is a credible allegation of excessive force. In this case, Mr. Ventre’s death occurred while in the custody of the Providence Police. Although some force was used to take Mr. Ventre into custody, there were no credible allegations that excessive force was used, no evidence of deadly force, and the medical evidence reviewed did not attribute Mr. Vente’s cause of death to any of the force used by police. Nevertheless, as this was a custodial death, review of the officers’ action to ensure it complied with the law was warranted.

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 deemed 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 the applicable criminal statute, in this case Simple Assault or Battery under RIGL §11-5-3.

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 (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 police 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." Graham, 490 U.S. at 396. 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." Graham, 490 U.S. 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.

B. Analysis

An extensive investigation was conducted in the present case that establishes that the actions of all Providence Police officers engaged with Mr. Ventre on the evening of May 7, 2021, were objectively reasonable and necessary considering, inter alia, the threat that Mr. Ventre posed to himself, rescue personnel, and police officers. Providence Police had received multiple calls that evening about Mr. Ventre's behavior before officers even arrived on scene at Collyer Street. The calls indicated that Ventre was screaming, grunting, flailing his arms, and appeared to be on drugs. One caller believed Ventre may have even said "help." When Officer Lewis arrived on scene, he immediately observed the five-foot, nine inch, two hundred, forty-six-pound Ventre inside the fenced park area screaming and grunting incoherently. It was immediately apparent to Officer Lewis that Ventre was under the influence of drugs and was going to need medical attention. Based on these observations, he immediately radioed dispatch for a rescue to respond.

As Officers Gonzalez and Cabral arrive, Ventre is seen on body-worn camera projecting his torso and head directly into the chain link fence. Ventre is then seen stumbling and projecting his forehead directly downward into the cement wall at the base of the chain link fence. He then proceeds to push his head area further into the cement and fencing. These actions of Ventre, coupled with his rolling around on the ground and into additional fencing are consistent with the abrasions located on Ventre's forehead area. Within seconds of being on scene, therefore, it was apparent to police that Ventre's behavior was posing a serious threat to his own health and safety.

Once inside the park area, officers stood by and created a semi-circle around Ventre while he continued to roll, flail, and grunt on the ground. Officers attempted for over ten minutes to de-escalate the situation by speaking with Mr. Ventre, telling him things would be alright, to relax, and that rescue personnel were on the way. However, Ventre continued to grunt and scream incoherently, roll around, and flail and kick his arms and legs.

Officers also did not know whether Ventre possessed any weapons, nor had Ventre complied with any commands to empty his pockets.

By the time rescue personnel arrived with the stretcher at Ventre's location, police had been on scene with Ventre observing his behavior for approximately 12 minutes. Based on Ventre's continued erratic behavior and harm to himself, it was entirely necessary for police to place Ventre into handcuffs so that medical care could be rendered to him by rescue personnel. It was also necessary to handcuff Ventre to ensure the safety of rescue personnel tending to him, and for the safety of PPD officers themselves.

Once rescue personnel are present at Ventre's location with the stretcher, Officers Lewis tries to control Ventre by securing his legs. Approximately six seconds after that, Officer Iamarone kneels down next to Ventre and appears to lean over him applying some pressure with his hands towards Ventre's upper chest and shoulder area. As he does this, Officer Iamarone is speaking calmly to Ventre, telling Ventre to relax. Ventre is on his back, continuing to scream and grunt and cling to the fence. Ventre is actively resisting police efforts to get him into

handcuffs and into the ambulance so he can be medically treated. Nevertheless, within thirty-seven seconds, Officer Lewis is able to apply the first handcuff to Ventre's left wrist.

Officers' next attempt to roll Ventre over onto his stomach to secure his hands behind his back. Officer Cabral assists by controlling Ventre's legs from kicking and flailing. Officer Ramirez engages and attempts to help officers by holding Ventre's arm behind his back. Officers give multiple commands to Ventre to let go of the fence, but he does not comply. Officers then attempt to roll Ventre onto his stomach and release his hand from the fence. Ultimately, Ventre's hand releases from the fence, and officers Lewis and Ramirez can secure the second handcuff approximately fifty-six seconds after the first handcuff was applied. While they are securing the second handcuff, Officer Iamarone is kneeling on the ground leaning over Ventre applying, what appears to be, mild pressure to Ventre's upper back and shoulders with his hands.

Ultimately, from the moment Officer Lewis placed his hands on Mr. Ventre's legs, to the moment all force was discontinued was approximately one minute and thirty-eight seconds. Witnesses indicated that there were no punches or strikes levied against Mr. Ventre. Nor were any weapons such as pepper spray or tazers utilized. The actions of all police officers involved, Mr. Ventre himself, and the chronology of those events were all captured on the body-worn camera footage of each officer. That footage also corroborates the witness statements given by police officers and rescue personnel.

Officers also immediately deescalated the use of force, commensurate with the level of resistance being exhibited by Mr. Ventre. Within five seconds of the second handcuff being applied to Mr. Ventre, all officers had disengaged from Ventre's person, except for Officer Iamarone who utilized only his hands to keep contact with Ventre's arms and shoulder blades.

Furthermore, within six seconds of disengaging from Mr. Ventre's person, officers took him out of the prone position, and began lifting him onto the stretcher. It took all five officers to lift Mr. Ventre onto the stretcher and place him into the care of rescue personnel. Once on the stretcher, police asked rescue personnel if Mr. Ventre was breathing. Rescue personnel performed a sternum rub on Mr. Ventre, Mr. Ventre's eyes are seen opening on body-worn camera footage, and rescue personnel begin buckling Ventre into the stretcher. Police then help EMS wheel the stretcher across the field and to Rescue 3. Once Mr. Ventre was inside the ambulance it was determined that he was not breathing. The handcuffs were removed from Ventre's person by Officer Cabral, and rescue personnel began CPR.

There is nothing contained in the body-worn camera footage, audio-recorded witness statements, autopsy report, or photographs and scene documentation to suggest that Providence Police officers Lewis, Iamarone, Ramirez, Cabral, or Gonzalez actions were improper. The restraint of Mr. Ventre by officers was necessary to get him into the rescue, and to ensure his own safety and the safety of those around him. It lasted only as long as necessary to get him safely into the ambulance. Once Mr. Ventre's level of resistance de-escalated, so too did officers' use of any force. Medical treatment was then immediately initiated.

The medical examiner also makes it clear that the toxic effects of illicit drug use and obesity were responsible for Mr. Ventre's death and his arrest was not a contributing factor to his death.

Because we find that the actions of PPD Officers Lewis, Iamarone, Ramirez, Cabral, and Gonzalez were reasonable and necessary under these circumstances, and because these actions, in any event, did not contribute to Mr. Ventre's death, we need not undertake the second prong of the analysis regarding whether any form of assault occurred.

V. CONCLUSION

Based on the facts of the investigation, and the relevant body of law, we conclude that Mr. Ventre's death was not attributed the actions of any of the officers involved in his arrest, and the actions of these officers were reasonable and necessary under the circumstances. This matter is therefore closed.

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