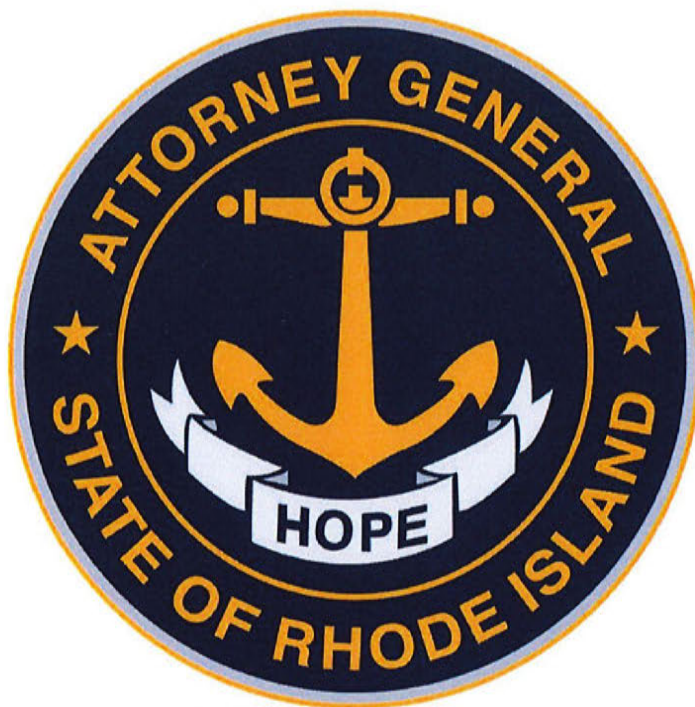


STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

Peter F. Neronha
Attorney General



INVESTIGATIVE REPORT
June 20, 2025

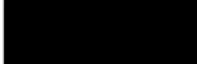

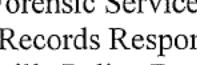
Incident Type: Officer-Involved Shooting
Incident Location: 55 Maple Leaf Road, Burrillville, RI
Incident Date: August 20, 2021
Police Department: Burrillville Police Department
Involved Officer: Officer Ryan Turner

SUMMARY OF FINDINGS

The Office of Attorney General has concluded its review of the officer-involved shooting incident involving Burrillville Police Officer Ryan Turner on August 20, 2021. The investigation was conducted 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"), together with the Rhode Island State Police and the Burrillville Police Department. Based on this review, we conclude that Officer Turner's use of force was legally justified.

A thorough account of the investigation may be found in the Rhode Island State Police Report of Investigation and attachments thereto which will be made publicly available following the release of this report. This Report focuses only on the facts most pertinent to our conclusion that Officer Turner's discharge of his service weapon was objectively reasonable and necessary under the circumstances.

EVIDENCE REVIEWED

1. RISP Officer Involved Shooting Investigation Report (25 pgs)
2. RISP Incident Report 21RIX1-1397-OF
3. Burrillville Police Arrest Report 21-232-AR
4. Police Witness Statements (transcriptions)
 - a. Officer Ryan Turner
 - b. Officer Vicente Baffoni
 - c. Sergeant Henry Yaakey
 - d. Officer Kathleen Kelley
5. Civilian Witness Statements
 - a. 
 - b. 
 - c. 
6. RISP Forensic Services Report 21-175
7. E-911 Records Response
8. Burrillville Police Department Dispatch Log / Scene Log
9. Oakland Mapleville Fire Department Run Report
10. Kyle Gaudet Criminal History
11. Kyle Gaudet Medical History
12. Burrillville Police Dept. Use of Force Policy (General Order 300.1 effective 11/4/2020)
13. Involved Officer Firearm Qualifications
14. Copy of CD Containing:
 - a. Burrillville Police Documents
 - i. Report 21-232-AR
 - ii. Dispatch/Call logs
 - iii. Consent to search (Roger Gaudet 8-20-21)
 - iv. Kyle Gaudet 32F Violation
 - v. Kyle Gaudet 46G Violation

- vi. Lifespan after visit summary (Kyle Gaudet)
- vii. Medical records request (Det. Rebecca Carvalho 8/23/21)
- viii. Prisoner transaction form (Kyle Gaudet)
- ix. Firearm qualification record (Off. Ryan Turner)
- x. Burrillville incidence summary (Col. Stephen J Lynch)
- xi. Burrillville Police Department Use of Force Policy – Gen. Order 300.1 (11/4/2020)
- b. Oakland Mapleville Fire Department Recorded Interviews
 - i. Joseph Marcello
 - ii. Lori Poirier
 - iii. Ryan Cook
 - iv. Sabrina Spaziano
- 15. Telephone Call Recording – Danielle Perry to Burrillville Police Department (CD)
- 16. Radio Recordings – Burrillville Police Department (CD)
- 17. Witness Statement Audio
 - a. Officer Ryan Turner
 - b. Officer Vicente Baffoni
 - c. Sergeant Henry Yakey
 - d. Officer Kathleen Kelley
 - e. [REDACTED]
 - f. [REDACTED]
 - g. [REDACTED]

SUMMARY OF THE FACTS

During the evening of August 20, 2021, at approximately 11:13 p.m., officers were dispatched to a residence located at 55 Maple Leaf Road in Burrillville, RI. The caller reported a domestic disturbance involving a dispute between an intoxicated man and a woman concerning a cell phone. The caller reported that the male locked himself inside a shed. The dispatcher further advised that “from contact from last year, party has multiple weapons, or they were seized from him last year.” Officers Ryan Turner and Vicente Baffoni arrived on scene at approximately 11:15 p.m.

Upon arriving, the officers spoke with witnesses gathered in the driveway of the residence.¹ Officer spoke with the calling party, [REDACTED] who told them that she and Kyle Gaudet had a dispute, that Gaudet was intoxicated and that he had taken her cell phone and “thr[ew] it down the road.” She told officer that he then locked himself in the shed on the property and had a shotgun in his possession. Officer Turner advised dispatch that the “reporting party’s saying ‘he’s got a shotgun.’” Thereafter, Officers Kathleen Kelley and Sergeant Yakey were also dispatched to the scene. The officers directed the family members to go inside the residence for safety.

At around 11:19 p.m., the officers set up a perimeter around the shed. Officers Tuner and Baffoni took positions around the front of the shed while Officer Kelley and Sergeant Yakey were positioned behind the shed. The officers could not see inside the shed as it was nighttime and there were no lights turned on inside. The shed's door was closed and locked. Officers repeatedly ordered Gaudet to exit the shed but received no response from Gaudet. Officer Kelley illuminated the interior of the shed with her flashlight through the rear window but could not get a visual on Gaudet. At about 11:29 p.m., Sgt. Yakey came on the radio stating that, "He turned the lights on." Sgt. Yakey observed Gaudet inside the shed on his hands and knees appearing to reach under shelving inside the shed. At 11:29 p.m. he came over the radio stating, "he's on the floor. Kick the door, kick the door."

In response to the order, Officer Ryan Turner kicked open the locked shed door. Standing in the shed doorway, Officer Turner observed Gaudet on his hands and knees on the floor in the middle of the room. Officer Turner next observed Gaudet make eye contact with him, take hold of a rifle within his reach, and take aim at him with the rifle.

Officer Turner responded by immediately discharging his service weapon twice at Gaudet. At 11:29:37, Sgt. Yakey came over the radio stating, "shots fired, shots fired." Officer Turner's weapon jammed following the second discharge, causing him to disengage and back out of the shed's doorway to clear the weapon jam. After clearing his weapon, Officer Turner returned to the shed's doorway and saw Gaudet, hidden behind a closet storage system in the corner of the shed. Officer Turner gave Gaudet verbal commands to exit the shed, to which Gaudet responded, **"I'm not coming out alive, you're gonna have to kill me."** This was heard by multiple officers on scene. Shortly after this statement, officers on scene heard a "pop" sound and Officer Turner saw Gaudet fall to the floor of the shed. Officer Turner ran into the shed, followed by Officer Baffoni, and secured Gaudet's rifle which he then turned over to Officer Baffoni. Officer Turner next found two knives on Mr. Gaudet's person which were also secured. Officer Turner then left the shed.

At 11:30 p.m., an officer came on the radio to call for rescue, which had been staged a short distance away. At 11:31 p.m., Sgt. Yakey came over the radio asking "rescue to expedite." He stated, "It's gonna be a self-inflicted gunshot wound." It was later determined that Gaudet's rifle was in fact a .177 Ruger Air Hawk pellet gun (air rifle).²

Gaudet was treated by medical personnel from the Oakland-Mapleville fire department for a wound to his left temple. It was also determined that Gaudet suffered no injuries due to the firearm discharge from Officer Turner. Gaudet did not make any verbal statements while in the presence of emergency medical personnel.

² It bears noting that Mr. Gaudet was charged by the Burrillville Police Department with multiple counts in relation to this incident, including felony assault and battery, using a firearm when committing a crime of violence, and domestic violence disorderly conduct. Mr. Gaudet pleaded nolo to these counts; other charged counts were dismissed as part of the plea. He was sentenced to one year home-confinement on count one and a nine-year suspended sentence with probation on count two. (P2-2021-3101).

Officer Turner's firearm was seized by Sgt. Veader upon arriving on scene and ultimately transferred to Lt. Cahill. Officer Turner carried a department-issued Glock .357 caliber pistol capable of carrying 14 rounds of ammunition (including one in the chamber). Lt. Cahill conducted an ammunition count which yielded twelve (12) rounds, consistent with Officer Turner's account of two (2) discharged rounds. Officer Turner's firearm was secured in Lt. Cahill's cruiser until it could be turned over to members of the Rhode Island State Police and their BCI division. The Use of Deadly Force Protocol was enacted with a review of the incident to be conducted by the Rhode Island State Police, the Attorney General's Office, and the Burrillville Police Department.

The State Police Forensic Services Unit processed and documented the scene. It should be noted that there was no body-worn camera footage of the incident as the Burrillville officers were not equipped with BWCs at the time

LEGAL ANALYSIS

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. In this case, as we find that Officer Turner's actions were objectively reasonable, we do not engage in the second prong of the analysis.

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 law enforcement officers are permitted to use must be "objectively reasonable" under the totality of the circumstances. *Tennessee v. Garner*, 471 U.S. at 8-9. 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 judgments – 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 Burrillville Police Department’s Use of Force Policy comports with the constitutional standards governing the use of deadly force. The Burrillville Police Department’s Use of Force Policy provides in relevant part, that an officer is authorized to use deadly force “to protect him/herself, another officer, or other person(s) when the officer has an objectively reasonable belief that an imminent threat of death or serious bodily injury exists to himself/herself, another officer, or other person(s).” *See 300.01 Use of Force, Sec. B (1)(a)*

Analysis

Based on the investigation conducted by the Rhode Island State Police, and the facts of the incident that were recounted above, we conclude the following:

1. Officer Ryan Turner was engaged in the performance of his duties on August 20, 2021, as sworn officer of the Burrillville Police Department.
2. On August 20, 2021, at approximately 11:13 p.m. Burrillville Police Department received a call from [REDACTED] about a domestic disturbance involving subject Kyle Gaudet at 55 Maple Leaf Rd, Burrillville, RI
3. Officer Turner was made aware through dispatch broadcast that domestic call involved Gaudet and his girlfriend, and an argument concerning a cell phone.
4. Dispatch also advised responding officers to use caution as several firearms were seized from the suspect the previous year.
5. Gaudet had a 2020 arrest for possession of a weapon without a license among other counts (P2-2020-3640).³
6. Officer Turner arrived at the scene at about 11:16 p.m. per dispatch logs.
7. Burrillville officers arriving on scene, including Officer Turner, received additional information from the caller, Danielle Perry and family members, that Gaudet had taken their daughter’s cell phone, was intoxicated, locked himself inside a shed on the property, and most importantly, was armed with a “shotgun.”
8. All members of the family were directed to move inside the residence at 55 Maple Leaf Rd. for their safety, prior to any engagement with Gaudet inside the shed.
9. Burrillville Officers Turner, Baffoni, Kelley, and Sergeant Yahey took angled positions around the shed covering the entrance and all sides.
10. The officers observed the shed door to be closed and lights inside of the shed to be off.

³ Gaudet ultimately pleaded nolo to this offense in 2023 and was sentenced to 10 years, one to serve and nine suspended with probation.

11. Officers attempted verbal contact with Kyle Gaudet for approximately fifteen (15) minutes by giving him commands to exit the shed peacefully, to which they received no response.
12. At about 11:29 p.m., the lights inside the shed came on and Sergeant Yakey was able to see Gaudet on his hands and knees, he appeared to be reaching under a shelf.
13. Sergeant Yakey gave the command to kick-in the door and enter the shed.
14. Officer Turner kicked open the shed door and observed Gaudet on his hands and knees. He then saw Gaudet reach for and grab a rifle and aim the rifle at Officer Turner.
15. Officer Turner perceived an objectively reasonable threat of death or serious harm to himself and other officers and discharged his service weapon at Kyle Gaudet twice, before the weapon malfunctioned. As it turns out, neither shot struck Gaudet.
16. Officer Turner retreated to clear the malfunction with his side arm from a safer position.
17. Officer Turner re-engaged and approached the shed door and saw that Kyle Gaudet had moved his position behind a closet storage system in the back left corner.
18. Officer Turner and the other Burrillville officers continued giving verbal commands to Gaudet to exit the shed peacefully.
19. Officers heard Gaudet yelling "I'm not coming out. You're going to have to kill me."
20. Officers heard a "pop" sound and observed Gaudet fall to the floor of the shed.
21. Officer Turner saw Gaudet fall to the floor and he used the opportunity to run inside and take possession of the rifle.
22. Officer Turner also seized two knives from Gaudet and then left the shed.
23. The rifle taken from Kyle Gaudet was later determined it to be a .22 caliber pellet rifle.
24. Gaudet suffered a self-inflicted pellet-gunshot wound to his left temple.

In light of these circumstances, there is little doubt that Officer Turner was entitled to use deadly force. Gaudet trained a rifle at Officer Turner, at close range, and had refused multiple commands to exit the shed with his hands up. Not only did the rifle appear to be real, but Officer Turner and the other officers on the scene were led to believe by the witnesses on the scene that Gaudet had "a shotgun" on him and was upset and intoxicated. Moreover, Officer Turner and the other officers were familiar with Gaudet through prior interactions, including a prior weapons arrest. Accordingly, the officers had a reasonable basis to believe that Gaudet was armed and dangerous.

Notably, Officer Turner first engaged with Gaudet following a direct command from a superior officer who, based on his observations, believed that the timing was opportune to engage with Gaudet. This engagement took place after an approximately 15-minute stand-off, and at a point where the commanding officer believed Gaudet was vulnerable to apprehension. Once Gaudet and Officer Turner made eye contact, Turner saw Gaudet take possession of a rifle nearby, come up onto his knees and aim the rifle at Officer Turner. This deliberate action by Gaudet constituted a deadly threat of violence against an officer. Officer Turner had little choice but to respond to the firearm pointed at him. Officer Turner acted swiftly and decisively to protect himself and others from the threat posed and discharged twice his weapon at an active deadly threat.

Officer Turner did not resume fire after he cleared his weapon and reassessed the situation. This further demonstrates that Officer Turner's response was measured and calculated to the immediacy of the threat. Rather, he attempted to de-escalate the situation by again ordering Gaudet to exit the shed before Gaudet trained his air-rifle on himself. Ultimately, Gaudet's injury was self-inflicted and he did not suffer any injury as a result of Officer Turner's discharge.


CONCLUSION

There are few, if any, less desirable situations that an officer could find themselves in than having a firearm pointed at them. Officer Turner's justifiable response during the situation is indicative of his training and experience. Upon a full review of the evidence under the applicable legal standards governing the use of deadly force, Officer Turner's actions were objectively reasonable and necessary. This matter is therefore closed.

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