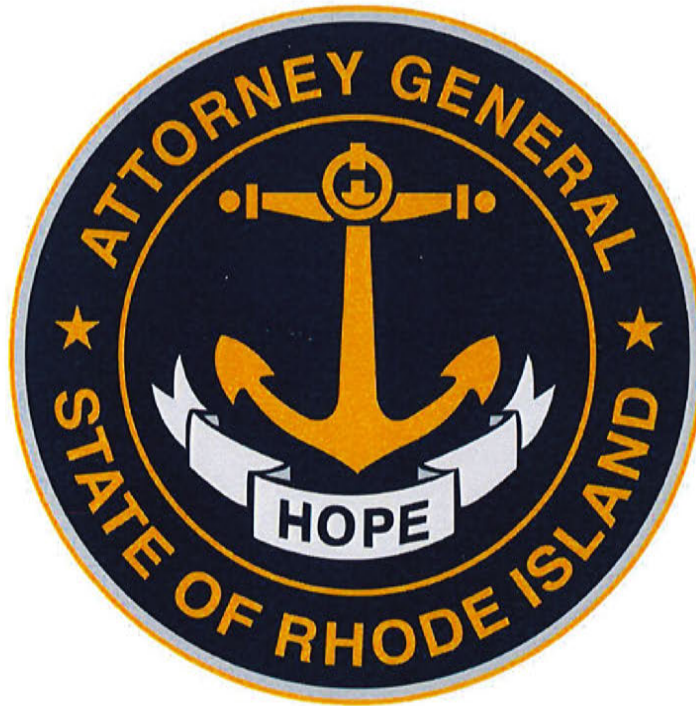


**STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL**

*Peter F. Neronha
Attorney General*



**INVESTIGATIVE REPORT
March 31, 2025**

Incident Type:	Officer-Involved Shooting - Death Resulting
Incident Location:	Rt. 146, North Smithfield / Gay Street, Providence
Incident Date:	September 15, 2023
Police Departments:	Burrillville and Providence Police Departments
Officers Involved:	Burrillville Police Sgt. Henry Yakey Providence Police Sgt. Joseph Lopes Providence Police Sgt. Matthew Rampone

SUMMARY OF FINDINGS

The Office of Attorney General has concluded its review of the pursuit and officer-involved shootings on Route 146 in North Smithfield and on Gay Street in Providence on September 15, 2023. The pursuit and officer-involved shootings involved the same suspect, Michael Pinto (born 1982), and multiple police departments but primarily Burrillville and Providence Police. 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 involved police departments. Based on this review, we conclude that the actions of the police officers were legally justified.

A thorough account of the investigation may be found in the Rhode Island State Police and Providence Police Investigative Reports and attachments. As detailed in those reports, on September 15, 2023, Michael Pinto had an outstanding warrant for reckless driving and eluding police in a high-speed pursuit that occurred the previous day. At approximately 7:30 p.m., he was spotted by a Burrillville police officer near the town line of Glocester and Burrillville. The officer immediately recognized the vanity registration plate and the operator as Mr. Pinto. Pinto pulled into his driveway at 234 Money Hill Road, Chepachet. The officer followed him and activated his emergency lights and sirens in an effort to stop the vehicle and arrest Pinto at his home. Pinto refused to stop. He sped through his yard and led police on a pursuit through Burrillville, Uxbridge, MA and back into Rhode Island on Route 146 South.

The pursuit was terminated in North Smithfield, but multiple officers continued to travel south on Route 146 without their emergency lights and sirens activated. During this time, police maintained eye contact with Pinto's vehicle. At the intersection of Route 146 and Sayles Hill Road, Pinto was forced to stop due to traffic congestion. Three Burrillville cruisers stopped in front of and directly behind Pinto's vehicle. Burrillville Officer Bret Simas got out of his cruiser and approached the driver's side door of the vehicle. He ordered Pinto out. Simas tried to open the door, but it was locked. Pinto refused to get out of the vehicle and refused to stop.

Simultaneously, Burrillville Police Sgt. Henry Yakey exited his cruiser that was parked in front of Pinto's vehicle. He drew his firearm and ordered Pinto to stop as he walked toward the driver's side of Pinto's car. Pinto accelerated and drove his vehicle at Sgt. Yakey. Yakey placed his left hand on the hood of the vehicle in an attempt to avoid getting hit as Pinto rammed his car into Yakey's cruiser. Yakey fired one shot through the front windshield at Pinto and a second shot through the driver's side window hitting Pinto's juvenile passenger who was seated in the front passenger seat. With the juvenile screaming from her injury, Pinto reversed the vehicle and angled his way by Yakey's cruiser and continued travelling south on Route 146. Burrillville officers, including Yakey, followed Pinto for a short distance but lost him and ended the pursuit at the interchange of Route 146 and Interstate 295.

When Sgt. Yakey got out of his vehicle and confronted Pinto, he was faced with a split-second decision as the vehicle came at him. Yakey and other officers activated their body worn cameras, and they captured the intense, dangerous nature of the confrontation. With his firearm already drawn and multiple officers yelling commands to stop, Sgt. Yakey acted reasonably in attempting to protect himself and others from Mr. Pinto. He fired two shots within a second of one another while he was in reasonable fear of serious bodily injury. He faced lethal force with an equal level of force. Once Yakey was able to get out of harm's way, he withheld his fire as Pinto sped away on Route 146.

Approximately twenty minutes later, Trooper Cameron Clift observed Pinto's vehicle travelling south on Interstate 295. Pinto exited onto Route 6 and headed towards Providence as Trooper Clift activated his lights and sirens in pursuit. Again, Pinto refused to stop while

driving recklessly. For public safety reasons, Clift terminated the pursuit near the Killingly Street overpass on Route 6.

Just a few minutes later, Providence Police Sgt. Francisco Colon, who was alerted to the previous incidents from his dispatcher, spotted Pinto travelling in the breakdown lane of Route 6/10 near Dean Street in Providence. Colon was soon joined by other Providence Police who pursued Pinto over Atwells Avenue on Dean Street and into the downtown area of the city. Pinto drove erratically through Providence by speeding, driving up on the sidewalks and travelling on the wrong side of the street. The pursuit continued past the Convention Center, through downtown and over to Dudley Street in front of Hasbro Children's Hospital. Pinto stopped the car near the hospital entrance as multiple Providence Police officers exited their cruisers and approached the vehicle with their guns drawn. Lt. Eugene Chin reached into the vehicle and grabbed Pinto in an attempt to get him out of the car. Pinto sped away as Lt. Chin was dragged a short distance as he clung to Pinto's clothing. The officers returned to their vehicles and the pursuit continued west on Dudley Street and then turned north on Gay Street.

On Gay Street, Pinto mounted the curb and began driving north on the sidewalk. He nearly struck a civilian who was standing on the sidewalk when he passed through. Sgt. Joseph Lopes was coming south on Gay Street when he saw Pinto. Lopes blocked Pinto's path and forced Pinto to come to a stop while still on the sidewalk. As Lopes exited his cruiser with his firearm drawn, he yelled commands for Pinto to stop but to no avail. Pinto drove in reverse towards Sgt. Matthew Rampone who was positioned behind the vehicle. Rampone fired one shot at Pinto's vehicle, striking it in the rear bumper. Pinto continued in reverse pinning the same civilian between his vehicle and the chain-link fence.

Sgt. Lopes was still positioned in front of Pinto's vehicle as he fired four rounds through the windshield striking Pinto in the chest. At this point, Pinto finally brought the incident to an end by putting the car in park and raising his hands. Pinto was immediately taken to Rhode Island Hospital in a police cruiser, rather than waiting for an ambulance, where he later died of his injuries. His juvenile passenger was also taken to the hospital for treatment for the gunshot wound she suffered to her ankle.

Police body worn camera footage was captured by multiple Providence Police officers. The footage clearly depicts the highly dangerous nature of the police pursuit of Mr. Pinto. His persistent and reckless efforts to elude police capture endangered the lives of several police officers, other motorists, civilians and the juvenile seated in his own vehicle. His level of desperation and intent to evade capture is exemplified by his failure to obtain immediate medical care for his juvenile passenger after she was shot. After finally being cornered on a Providence sidewalk, he still refused to surrender and drove into police and struck a civilian. Officers on the scene on Gay Street reasonably believed that Pinto was not going to submit to their authority and surrender without using deadly force.

This Report focuses only on the facts most pertinent to our conclusion that the deadly force used by the police officers who confronted Mr. Pinto in North Smithfield and Providence was objectively reasonable and necessary under the circumstances.

EVIDENCE REVIEWED

1. Rhode Island State Police Officer Involved Shooting Investigation Report (106 pages)
2. Providence Police Department, Office of Professional Responsibility Investigative Action Report (61 pages)
3. Providence Police Department, Office of Professional Responsibility Force Investigation Team Report (5 pages)
4. Providence Police Department, Weapons Bureau Review (5 pages)
5. Rhode Island State Police Incident Report (6 pages)
6. Burrillville Police Department Incident Report (5 pages)
7. Providence Police Department Incident Report (15 pages)
8. Providence Police Bureau of Criminal Identification Reports (37 pages)
9. Providence Police Bureau of Criminal Identification Photos (694 images)
10. Providence Police Obtained Surveillance Video (48 videos)
11. Providence Police Detective Bureau Report (2 pages)
12. Providence Police Reports/DOH Reports re: narcotics seizure (9 pages)
13. Providence Police Search Warrant for Chevrolet Cruz (10 pages)
14. Providence Police Search Warrant for cell phone I (7 pages)
15. Providence Police Search Warrant for cell phone II (7 pages)
16. Providence Police Vehicle Pursuit Report (5 pages)
17. Providence Police Use of Force Review Board Findings (1 page)
18. Providence Police Contact History with Michael Pinto (23 pages)
19. Police Witness Statements – audio and transcription¹
 - a. Burrillville Police Sgt. Henry Yakey
 - b. Burrillville Police Off. Bret Simas (35 pages)
 - c. Burrillville Police Off. Lucas Pontbriant (14 pages)
 - d. North Smithfield Police Lt. Gregory Landry ((11 pages)
 - e. Rhode Island State Police Trooper Cameron Clift (8 pages)
 - f. Providence Police Sgt. Matthew Rampone Walk-through Interview (14 pages)
 - g. Providence Police Sgt. Matthew Rampone Formal Interview (27 pages)
 - h. Providence Police Sgt. Joseph Lopes Walk-through Interview (12 pages)
 - i. Providence Police Sgt. Joseph Lopes Formal Interview (21 pages)
 - j. Providence Police Sgt. Francisco Colon (25 pages)
 - k. Providence Police Lt. Eugene Chin (21 pages)
 - l. Providence Police Sgt. David Schiavulli (19 pages)
 - m. Providence Police Sgt. Kyle Endres (10 pages)
 - n. Providence Police Off. Daniel Sirignano (12 pages)
 - o. Providence Police Off. Luca Ragosta (11 pages)
 - p. Providence Police Off. Nicholas Manfredi (10 pages)
 - q. Providence Police Off. Matthew Sandorse (11 pages)
 - r. Providence Police Off. Evan Alarcon (10 pages)
 - s. Providence Police Off. Eric Lane (13 pages)
 - t. Providence Police Off. Kelsey Heron (17 pages)
 - u. Providence Police Off. Jonathan Pirolli (10 pages)
 - v. Providence Police Off. Stephen Noti (8 pages)
 - w. Providence Police Off. Sean Cooney (16 pages)
20. Civilian Witness Statements – audio and transcription
 - a. Civilian 1 – [REDACTED] (20 pages)
 - b. Civilian 2 – [REDACTED] (8 pages)

¹ Transcripts were obtained by Providence Police and the Rhode Island State Police (RISP) for the joint interviews. This report references the RISP transcript page numbers.

- c. Civilian 3 – [REDACTED] (16 pages)
- 21. Civilian 3 – [REDACTED] – Cell Phone Video
- 22. Burrillville Police Body Worn Camera
 - a. Sgt. Henry Yakey
 - b. Off. Bret Simas
 - c. Off. Lucas Pontbriant
- 23. Providence Police Body Worn Camera
 - a. Lt. Chris Currier
 - b. Lt. Eugene Chin
 - c. Lt. Brian Muldoon
 - d. Sgt. Joseph Lopes
 - e. Sgt. David Schiavulli
 - f. Sgt. Michael Troia
 - g. Sgt. Brian Murphy
 - h. Sgt. Kyle Endres
 - i. Off. Matt Fadale
 - j. Off. Sean Cooney
 - k. Off. Daisey Martinez
 - l. Off. Sam Kawejsza
 - m. Off. Jacob Mota
 - n. Off. Saramarie Cerullo
 - o. Off. Raymond Criner
 - p. Off. Matthew Sandorse
 - q. Off. Daniel Sirignano
 - r. Off. Jose Buten
 - s. Off. Robert Ballinger
 - t. Off. Christian Salinas
 - u. Off. Marco Figueroa
 - v. Off. Serge Bouyssou
 - w. Off. E. Lane
 - x. Off. Kelsea Heron
 - y. Off. Jonathan Pirolli
 - z. Off. David Forte
 - aa. Off. Casey Correia
 - bb. Off. Nicholas Manfredi
 - cc. Off. Evan Alarcon
 - dd. Off. Stephen Noti
 - ee. Off. Jenna Heeder
 - ff. Off. Matthew Carlone
 - gg. Off. Luca Ragosta
 - hh. Off. Luis Pelaez
 - ii. Off. Nathaniel Eastman
- 24. Rhode Island State Police Body Worn Camera
 - a. Trooper Cameron Clift
- 25. Burrillville Police Dispatch Log
- 26. Rhode Island State Police Dispatch Log
- 27. Burrillville Police Radio Transmissions
- 28. Providence Police Radio Transmissions
- 29. Rhode Island State Police Radio Transmissions
- 30. Intercity Police Radio Transmissions
- 31. Rhode Island State Police Forensic Services Unit Reports 23-184

32. Rhode Island State Police Forensic Services Unit Photographs
33. Rhode Island State Crime Laboratory Firearms Examination Report (8 pages)
34. Burrillville Police Use of Force Policy (10 pages)
35. Providence Police Use of Force Policy (15 pages)
36. Office of the Attorney General Protocol for Use of Force Incidents
37. Rhode Island Office of State Medical Examiners Autopsy Report, Michael Pinto (6 pages)
38. Rhode Island Department of Health Toxicology Report, Michael Pinto (5 pages)

SUMMARY OF THE FACTS

On September 15, 2023, at approximately 7:30 p.m., Burrillville Police Officer Brett Simas observed Michael Pinto driving a silver Chevy Cruze. Simas knew that Mr. Pinto was wanted for two felony charges of reckless driving/eluding police stemming from a police pursuit that occurred the day before in the towns of Glocester and Burrillville. Officer Simas, who had participated in the previous pursuit, activated his lights and sirens and followed Pinto from Burrillville into Glocester. Pinto lived in one of the first houses over the Burrillville town line in the Town of Glocester. Pinto pulled his car into his driveway with Simas following behind. As Pinto slowed down, Simas illuminated his spotlight and confirmed that Pinto was the driver. Simas also identified a female passenger in the front passenger seat. The pursuit began when Pinto suddenly drove onto the grass, struck a trailer and sped back onto Money Hill Road going north into Burrillville.

Simas radioed his location, road conditions, speed, Rhode Island license plate (J-U-L-I-E-T) and Pinto's identity to Burrillville Police dispatch in conformity with Rhode Island General Laws § 31-27-4.2(d). Refusing to stop, Pinto sped through his yard and led police on a pursuit through Burrillville and into Uxbridge, MA. At one point, Uxbridge Police took the lead on the pursuit and used a spike strip in an effort to disable Pinto's vehicle. Pinto eluded the strip and drove on, eventually returning to Rhode Island on Route 146 South with Burrillville officers Simas, Henry Yakey and Lucas Pontbriant following. All three Burrillville officers activated their body worn cameras during the entire pursuit.

Shortly after entering Rhode Island, the pursuit was terminated in North Smithfield, but the officers continued following Pinto south on Route 146 without their emergency lights and sirens on. During this time, police maintained eye contact with Pinto's vehicle due to the slow moving traffic. Pinto was forced to stop north of the intersection of Route 146 and Sayles Hill Road due to traffic congestion caused by construction and the traffic signal. The pursuit from Glocester had lasted approximately twenty minutes from when Officer Simas first saw Pinto.

Three Burrillville cruisers stopped in front of and directly behind Pinto's vehicle which was in the right hand lane of the two-lane Route 146. Simas parked his cruiser immediately behind Pinto and Pontbriant was behind Simas. As he followed Pinto south on Route 146, Sgt. Yakey was travelling in the left lane. When Pinto came to a stop, Yakey parked his cruiser in the middle of both lanes at an angle. Yakey's cruiser was approximately ten feet in front of Pinto thus blocking his ability to proceed.

Officer Bret Simas was the first officer out of his car. He ran to the driver's side door of the Cruze and ordered Pinto out. As the car slowly moved in reverse, Simas tried to open the door, but it was locked. Pinto refused to get out of the vehicle and refused to stop. As this was occurring, Yakey exited his cruiser and walked towards Pinto's car with his firearm drawn. Pinto turned the wheels of the Cruze towards Yakey preparing to force his way past Sgt. Yakey and his parked cruiser. Yakey, who was positioned in front of the Cruze, ordered Pinto to stop.

Pinto accelerated and drove his vehicle at Sgt. Yakey nearly hitting him.² Yakey placed his left hand on the hood of the vehicle in an attempt to avoid getting hit as Pinto rammed his car into the left rear bumper of Yakey's cruiser. Yakey fired one shot through the front windshield at Pinto and quickly fired a second shot through the driver's side window. The second shot struck the juvenile who was seated in the front passenger seat. With the juvenile screaming from her injury, Pinto reversed the vehicle and angled around Yakey's cruiser and proceeded to flee south on Route 146. Burrillville officers, including Yakey, followed Pinto for a short distance but ended the pursuit before the interchange of Route 146 and Interstate 295. Just four seconds elapsed from the point at which Sgt. Yakey confronted Pinto with his gun drawn to the second gunshot. The entire confrontation took a total of approximately ten seconds.

The body worn cameras of Sgt. Yakey and Officer Simas give a clear view of the chaotic, fast-moving nature of the car stop. With Simas trying to open the door and yelling for Pinto to stop, Pinto calmly ignored him as he put the car in reverse to get a better angle to escape past Yakey. When Yakey emerged from his vehicle and took a position in front of the Cruze, his body worn camera shows Pinto turning the front wheels directly at Yakey as he accelerated. Pinto proceeds forward despite Sgt. Yakey yelling commands and pointing his firearm directly at him. Yakey's first shot, which is audible on the body worn camera, occurs almost simultaneously with his left hand being placed on the hood of the Cruze in an effort to avoid being struck. The camera also shows the bullet's trajectory as it pierces the driver's side of the windshield. Also at this point, Pinto crashes the front right side of the Cruze into Yakey's cruiser's left, rear bumper.

The video footage shows that Yakey's shots were fired in quick succession. Within one second of firing the first shot, Yakey fired a second through the driver's side window. The second bullet shattered the window and an immediate scream from the female passenger can be heard. When processing Pinto's vehicle, Providence Police located two projectiles identified as 9mm by the Rhode Island State Crime Lab. Of the three officers who fired their weapons during this entire incident, Sgt. Yakey was the only one armed with a 9mm pistol. Both Providence Police officers fired .40 caliber weapons. One 9mm projectile was found in the trunk of the Chevy Cruze consistent with Yakey's first shot fired at Pinto (labelled by Providence BCI as 19G). As seen in Sgt. Yakey's body worn camera, he was in front of the Cruze when he fired the first shot which means the projectile travelled through the windshield, through the rear seat where there is a defect and into the trunk. The second 9mm projectile was located by Providence Police BCI detectives on the floorboard below the front passenger side seat (labelled 19D). This too is consistent with the body worn camera footage showing Sgt. Yakey's second shot at the Cruze which shattered the driver's side glass and hit the juvenile in the front passenger seat.

Pinto was undeterred by his encounter with the police. He calmly backed up the vehicle and ignored police commands to stop and Sgt. Yakey's firearm which was pointed at him from just a few feet away. Sgt. Yakey withheld further gunfire as Pinto drove away.

Rhode Island State Police Trooper Cameron Clift was on patrol monitoring the incident through his police radio. He heard a BOLO (be on the lookout) for a silver Chevy Cruze with Rhode Island vanity license plate J-U-L-I-E-T that was wanted in connection with a "shots fired" incident with Burrillville Police. Approximately twenty minutes after Sgt. Yakey fired his weapon, Trooper Clift spotted the wanted vehicle with front end damage and a different license plate at the interchange of Interstate 295 South and Route 6 East. Clift activated his lights and

² Off. Simas told investigators that he thought Pinto drove the car into Yakey because "it sent him backward." In Yakey's interview, he said his leg "was a little sore" and then added, "Honestly...I don't know. I - I couldn't say if he did[hit me] or not."

sirens to investigate as he radioed dispatch with the new plate information.³ Pinto exited Route 6 at Atwood Avenue but abruptly re-entered the highway after passing against a red light. Clift followed the vehicle back onto Route 6 but was advised to terminate the pursuit after Pinto's speed exceeded 80 miles per hour as they approached Route 10 in Providence.

Less than two minutes later, at 8:20 p.m., Providence Police Sgt. Francisco Colon saw Pinto's vehicle pass him on the right travelling in the breakdown lane on Route 6/10 at Dean Street. Colon heard the updated broadcast including a different RI registration: VJ 457 which matched the plate he saw on the Cruze. He pursued Pinto onto Dean Street and was quickly joined in the pursuit by Det. Matthew Rampone and others. Rampone took the lead as Pinto drove onto sidewalks, travelled the wrong way down one-way streets and ignored signals and stop signs while speeding through downtown Providence. The pursuit extended past the Providence Convention Center and onto Dorrance Street. Pinto drove on the wrong side of the road through the Jewelry District to Dudley Street and slowed down in front of the entrance to Hasbro Children's Hospital. Three Providence Police cruisers immediately surrounded Pinto. Lt. Eugene Chin parked his vehicle next to the Cruze. He approached Pinto in the driver's seat and ordered him out of the vehicle. Pinto ignored the commands and put the car in reverse striking Sgt. Rampone's cruiser behind him. Lt. Chin reached into the car and grabbed a hold of Pinto by his clothing. Pinto then put the car in drive and accelerated. He pulled Lt. Chin a short distance before Chin was forced to let go. Lt. Chin suffered a laceration as his forearm was cut on the broken glass from the driver's side window. Pinto drove up onto the sidewalk in front of the emergency entrance before he returned to Dudley Street and escaped in the direction of Prairie Avenue.

The pursuit continued up Dudley Street where Pinto took a right on Gay Street towards Women and Infants Hospital. As Sgt. David Schiavulli followed Pinto onto Gay Street, he saw a marked Providence Police cruiser (Sgt. Lopes) coming towards Pinto in the opposite direction. To avoid being boxed in, Pinto veered to his left and onto the sidewalk. Schiavulli also mounted the curb behind Pinto. At this point Pinto was boxed in on the sidewalk. Schiavulli was behind him, Sgt. Lopes was approaching him from the front, and he was blocked in by a row of cars to the right of him and a fence to his left.

Lopes parked his cruiser on the sidewalk and got out of the car with his firearm drawn. As he approached the Chevy Cruze, Pinto put the car in reverse and backed down the sidewalk towards Schiavulli's cruiser. Sgt. Matthew Rampone was directly behind the Cruze on the sidewalk with his firearm drawn. Behind him was Civilian 1. She worked in the hospital and was smoking a cigarette on the sidewalk when she got caught between Schiavulli on her right and Pinto driving down the sidewalk towards her on her left. As Pinto drove at Rampone and Civilian #1, Rampone fired one round from his pistol at the car.⁴ Pinto continued to drive in reverse and narrowly missed Sgt. Rampone who was now positioned between the passing Cruze and the chain link fence behind him. As Pinto drove towards Civilian 1, Rampone fired his weapon again through the driver's side open window.⁵

³ Providence BCI detectives documented significant front-end damage to the Cruze and also found two RI Registration vanity license plates J-U-L-I-E-T during their search. One was in the passenger compartment directly behind the driver's seat and the second was in the trunk.

⁴ Providence BCI documented a bullet hole in the rear of the Cruze's trunk below the left taillight. The projectile passed through the trunk and exited the car through the left, rear wheel well.

⁵ In his interview with investigators, Sgt. Rampone was unsure how many rounds he fired from his service weapon. He was not wearing a body camera. The RISCL identified two of the six cartridge casings located at the scene as having been fired from his weapon. Rampone, however, told investigators his weapon was loaded with fifteen cartridges. When he turned it over to detectives at the scene, the firearm was loaded with twelve cartridges

Simultaneously, Sgt. Lopes walked toward Pinto's car with his firearm drawn as it reversed down the sidewalk at Rampone and Civilian 1. Approximately one second after Rampone's first shot, Lopes fired four rounds directly into the Cruze's windshield.⁶ Lopes' four-round volley took just two seconds as timed on his body worn camera. Finally, the Cruze came to rest against the chain link fence. Civilian 1 was pinned between the fence and the driver's side door as police surrounded the vehicle yelling commands at Pinto to "put it in park." Pinto raised his hands and belatedly complied. At this point, blood was already visible on multiple areas of his shirt. His juvenile passenger then emerged from her crouched position under the dashboard on the front passenger side of the vehicle.

Once the car stopped moving, the juvenile was pulled from the vehicle by multiple police officers. Pinto was dragged out of the car through the front passenger door as well. Sgt. Lopes immediately got in the driver's seat and steered the car away from Civilian 1 as other officers lifted her over the chain link fence to the grassy area beyond the fence.

Officers decided not to wait for a rescue and drove Pinto and the juvenile passenger directly to the emergency room from the scene. As Pinto was placed in a cruiser for transport to the hospital, a small plastic bag containing pills and a white substance was located by police. A review of Lt. Brian Muldoon's body worn camera shows the bag falling from Pinto's waist area just before he was taken to the hospital. The RI Department of Health weighed and tested the bag's contents and determined that it contained approximately twenty grams of cocaine and fifty-eight tablets of fentanyl. From the time Pinto was pulled from the car to his arrival at the hospital, less than three minutes elapsed. Shortly after his arrival, however, he was pronounced dead.

The juvenile was treated at the hospital for a gunshot wound to her ankle. During a brief statement to the transporting police officer, she told her, "[Pinto] didn't want to get caught because he was on probation."

Dr. Patricia Ogera of the Rhode Island Office of the State Medical Examiners completed the autopsy and wrote a report with her findings. She determined that Mr. Pinto's cause of death was a gunshot wound to his chest that pierced his heart and lodged in his back. The RI State Crime Lab determined that the projectile found at autopsy was a .40 caliber projectile. Dr. Ogera determined that the projectile entered Pinto's chest from the "front to the back, left to right and slightly downward." She also found that he was injured from a second "probable gunshot wound" to his upper right chest. That projectile left both entry and exit wounds in his chest, but did not contribute to his cause of death. The toxicology report indicated [REDACTED]. Dr. Ogera determined Pinto's manner of death to be homicide or death at the hands of another person.

indicating that he fired his weapon three times. The actual number of times he fired, however, does not affect our findings.

⁶ The four shots fired by Lopes are clearly shown on his body worn camera. Additionally, he recalled that before his shift began, he had a full complement of cartridges in his magazine (15) and one cartridge in the chamber. When his firearm was seized by investigators, the weapon was loaded with a total of 12 cartridges. Finally, the RISCL matched four shell casings found at the scene to Lopes' firearm.

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 an applicable criminal statute. In this case, as we find that the conduct of the Burrillville and Providence Police officers who used deadly force was 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 n16 (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. Id. 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." 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).

Applying these principles, Rhode Island law provides that "A police officer may use force dangerous to human life to make a lawful arrest for committing or attempting to commit a felony, whenever he or she reasonably believes that force dangerous to human life is necessary to effect the arrest and that the person to be arrested is aware that a peace officer is attempting to arrest him or her." R.I. Gen. Laws § 12-7-9. The Use of Force Policies of the Providence Police Department (General Order 300.01) and the Burrillville Police Department (General Order 300.01) apply the legal principles set forth above. They provide that an officer is authorized to use lethal force to:

1. Protect himself/herself, another officer, or other person(s) when the officer has a reasonable belief that an imminent or significant threat of death or serious bodily injury exists to himself/herself, another officer, or other person(s).

2. Effect the capture of, or prevent the escape of, a fleeing violent felon who the officer has probable cause to believe poses an imminent or significant threat of death or serious bodily injury to the officer or others. (Providence PD General Order 300.01)

Analysis

Based on the information obtained through the joint investigation and summarized above, the use of deadly force by the Burrillville and Providence police officers on the night of September 15, 2023 was necessary and objectively reasonable under the circumstances. In North Smithfield on Route 146, Burrillville Sgt. Yakey parked his car, got out and was immediately faced with a deadly situation. Michael Pinto, who had spent the last twenty minutes driving recklessly and threatening the safety of motorists, pedestrians and police in an effort to escape police apprehension, pointed his car and accelerated at him. With his weapon drawn and little time to avoid being hit by the car, he fired his weapon twice to stop the threat and defend himself. His body camera video clearly shows how little time he had to react and how close he came to being seriously injured or killed by Pinto.

Additionally, while the second gunshot fired by Yakey goes through the driver's side window, seemingly when the immediate danger has passed, such a parsing of one second of video requires us to do exactly what the Supreme Court tells us in Graham that we should not do: use our "20/20 vision of hindsight" in the "peace" of our offices to evaluate police conduct.⁷ The first shot was clearly justified in self-defense and the second shot fired so quickly thereafter, was equally justified for the same reason. Sgt. Yakey who had just barely avoided being struck (if he avoided it all) had no time to reassess the threat Pinto posed before firing a second time. When he did get a moment to reassess, he rightly withheld his fire even though he had the opportunity to stop him with additional gunshots. Yakey was no longer in the vehicle's path and therefore force that was legally authorized just a moment earlier was no longer reasonable and necessary.

By the time Pinto got to Providence, he was driving equally as recklessly and still exhibiting the behavior of a man desperate to avoid capture. As such, he continued to present a danger to surrounding motorists and bystanders, as well as to the pursuing officers – just as he had on Rt. 146. Before he turned onto Gay Street, Pinto took police on a harrowing pursuit throughout the City of Providence that involved speeding, failing to stop at stop signs and stoplights, driving on the wrong side of the road, driving on sidewalks and nearly striking an officer. The officers who were involved at this point of the pursuit had a broad understanding of what had taken place in North Smithfield on Route 146 and the nature of the pursuit throughout the state. They knew that Pinto was willing to endanger the lives of the public and police to avoid capture.⁸

When Pinto jumped the curb outside Women and Infants Hospital, Sgt. Lopes and Sgt. Rampone were authorized to stop him with deadly force for a multitude of reasons. First, at that moment Pinto was boxed in on the sidewalk and drove directly at Sgt. Rampone putting his life in danger. With no way to escape, these officers reasonably believed that Pinto would try to

⁷ "“Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers,” violates the Fourth Amendment.” Graham, 490 U.S. at 396 quoting Johnson v. Glick, 481 F.2d 1028, 1033 (2d Cir.1973).

⁸ Rampone told investigators that while he was pursuing Pinto, Pinto was “blowing through red lights...and there's people everywhere. There's people diving out of the way.” In their statements, both Rampone and Lopes mentioned that as they got involved in the pursuit of Pinto, they were aware that he already had committed a “felony assault” on a police officer earlier in the night and the officer discharged his firearm.

force his way out as he already had at various points throughout the statewide pursuit even if it meant hitting Sgt. Lopes, Sgt. Rampone and/or Civilian 1. Second, as Pinto put the car in reverse, he drove at Rampone who had no room to maneuver. The chain link fence restricted his movement and prevented him from taking cover. Third, both Sergeants Lopes and Rampone saw Civilian 1 narrowly avoid being struck when Pinto drove forward on the sidewalk. When Pinto reversed, she was still on the sidewalk near the fence and clearly in danger of being struck -- and later was struck -- by Pinto.

Therefore, when Rampone fired his weapon the first time, Pinto was coming at him and headed directly for Civilian 1. When he fired again, Pinto was passing within inches of him and barreling into Civilian 1. In light of the danger to himself and to Civilian 1, Sgt. Rampone's use of force was legally justified as it was reasonable and necessary to defend his life and the life of Civilian 1. The same is true of Sgt. Lopes. He fired his weapon four times in rapid succession as Pinto drove towards Sgt. Rampone and Civilian 1. His use of deadly force was a reasonable and necessary response to the threat of death or serious bodily injury posed by Pinto to the lives of Sgt. Rampone and Civilian 1.

CONCLUSION

Our review of the investigation conducted by the Providence, Burrillville and Rhode Island State Police Departments concludes that the use of deadly force by members of the Providence Police and Burrillville Police was reasonable and legally justified. Michael Pinto created multiple extremely dangerous situations everywhere he travelled that night. In addition to threatening the safety of the police and public statewide, he endangered the life of his juvenile passenger in order to avoid capture for a relatively minor crime. In doing so, he gave Providence Police officers Rampone and Lopes and Burrillville Police officer Yahey little choice in how they confronted him. Therefore, this Office finds they were legally authorized to use deadly force in self-defense and in defense of others, and this matter is closed.

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