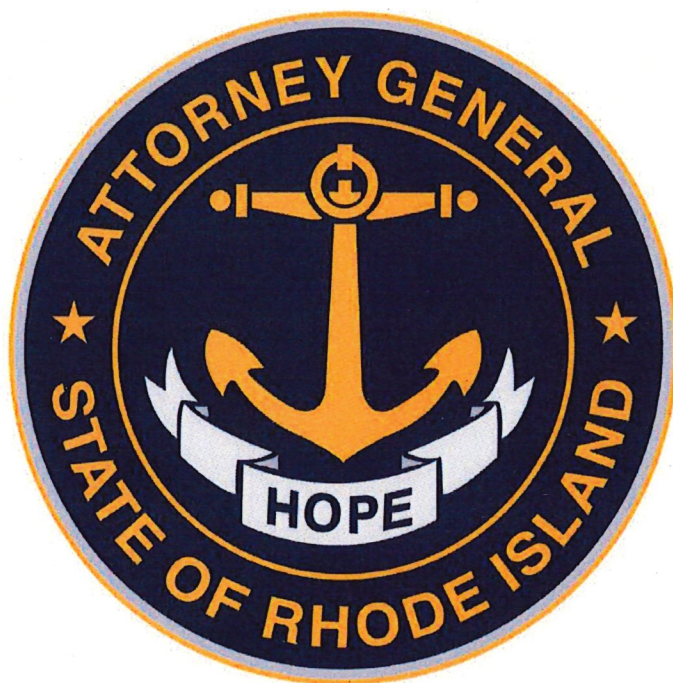


**STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL**

*Peter F. Neronha
Attorney General*



**INVESTIGATIVE REPORT
MARCH 10, 2025**

Incident Type:	Use of Force
Incident Location:	1927 Post Rd., Warwick RI
Incident Date:	November 26, 2023
Police Department:	Warwick Police Department
Involved Officers:	Officer Normand Guilbert

The Attorney General has completed its review of the use of force incident involving Officer Normand Guilbert and subject Raymond Brehmer, occurring on November 26, 2023 in the City of Warwick. The Attorney General Protocol requires review of incidents where serious bodily injury results to a person through the use of force during the apprehension or attempted apprehension of a person. Raymond Brehmer sustained a spinal cord injury during the course of an arrest effectuated by Officer Normand Guilbert of the Warwick Police Department. Our review is limited to a determination of whether the conduct of the officer involved was objectively reasonable under the law, and if not, whether it gives rise to criminal liability. It is not for this Office to determine whether any of the involved officers, or any other party, including the City of Warwick, acted or failed to act in a way that was civilly negligent or otherwise breached a duty of care giving rise to civil liability. Additionally, it is ultimately the responsibility of the Warwick Police Department, rather than this Office, to determine whether the officers complied with Department rules, regulations and training.

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 Warwick Police Department. A fulsome account of the investigation may be found in the Warwick Police Department Report of Investigation and attachments thereto. We lay out here only the facts most pertinent to our conclusion that Officer Guilbert's use of force was objectively reasonable and does not violate Rhode Island criminal laws.

Evidence Reviewed

We relied on the following items in conducting our review:

1. Warwick Police Use of Force Investigative Report – 15 pages
2. Warwick Police Department Use of Force Policy 300.01 – 11 pages
3. Warwick Police incident report 23-1871-AR – 5 pages
 - a. Narrative of Officer Normand Guilbert – 2 pages
 - b. Supplemental Narrative of Officer David Gaulin – 1 page
4. Warwick Fire Department Patient Care Report 23-17556 – 5 pages
5. Warwick Police Department Dispatch Call Log – 1 page
6. Warwick Police Body Worn Camera
 - a. Officer Normand Guilbert
 - b. Officer Jonathan Byrne
7. Transcript of Interview with Warwick Police Officer Normand Guilbert
8. Transcript of Interview with Warwick Police Sergeant McVeigh
9. Transcript of Interview with Warwick Police Sergeant Steven Major
10. Transcript of Interview with Warwick Police Sergeant Johnson
11. Transcript of Interview with Warwick Police Officer Gaulin
12. Transcript of Interview with Warwick Police Officer Jonathan Byrne
13. Transcript of Interview with Warwick EMS Jonathan Levesque
14. Transcript of Interview with Raymond Brehmer (November 28, 2023)
15. Summary of Meeting with Raymond Brehmer (January 16, 2024)
16. Raymond Brehmer Medical Records 11/26/23 – 12/29/23 - 1490 pages
17. Raymond Brehmer Criminal History

Summary of the Facts

Officer Normand Guilbert ("Officer Guilbert") responded to the parking lot of Santander Bank at 1927 Post Road, Warwick, RI, on November 26, 2023 at approximately 1:08 p.m., in response to a call for service to "keep the peace." The call was initiated by Raymond Brehmer ("Mr. Brehmer") who requested police assistance to visit his minor daughter who resided nearby with her mother. Officer Guilbert's body-worn camera was activated during the entirety of the interaction with Mr. Brehmer.

Warwick Police Department was familiar with Mr. Brehmer in connection with multiple domestic disturbance / no contact /no trespass issues involving Mr. Brehmer's dispute with his child's mother. The Santander parking lot where Officer Guilbert met Mr. Brehmer was close to the residence of Mr. Brehmer's child, whom Brehmer wanted to visit. However, there was an active "No Trespass Order" for Mr. Brehmer issued by the Kent County Family Court on September 05, 2023 which prohibited him from entering the residence. Warwick Police officers had responded to calls at this location multiple times in the preceding weeks in response to Mr. Brehmer's attempts to enter the property. The subject of the interactions was that Mr. Brehmer wished to have contact with his daughter against the wishes of the mother, despite the no trespass order.

The entirety of the November 26, 2023 interaction between Mr. Brehmer and Officer Guilbert was captured on the officer's body-worn camera. The encounter begins without incident. Mr. Brehmer informs Officer Guilbert that he is recording their encounter with his cell phone that is openly displayed throughout the interaction. The initial conversation between the parties is notably calm and unremarkable at this juncture and there is no indication of aggression from Mr. Brehmer or Officer Guilbert. Mr. Brehmer informs Officer Guilbert that he would like to visit his daughter and that all he wants to do is "...be able to hug her and kiss her." (Timestamp 00:58-1:14). During this exchange, Mr. Brehmer provides paperwork to the officer to support his contention that he is allowed "supervised" visits with his daughter. Officer Guilbert reviews the paperwork in Mr. Brehmer's presence for a few moments and then continues to research Mr. Brehmer's claims from inside his cruiser.

Officer Guilbert later exits his cruiser to engage with Mr. Brehmer (timestamp 8:48) and informs him that his paperwork is outdated, and there is a "no trespass" order in place which the officer cannot ignore. This exchange causes Mr. Brehmer to become agitated and argumentative, and he begins to raise his voice at the officer.

The encounter deteriorates quickly from this point. After Officer Guilbert informs Mr. Brehmer, "you have a no trespass order," (timestamp 9:12), he responds in a loud tone of voice "that doesn't matter," and "you're not the feelings police." Officer Guilbert continues his attempt to calmly explain the situation, but Mr. Brehmer interrupts him, yelling "do your fucking job." (Timestamp 9:24). This reaction leads the officer to say, "I am, I am" and "are we done here?" Mr. Brehmer says, "I guess so." Officer Guilbert tells Mr. Brehmer, calmly, "...if you're over there [pointing to his daughter's house] you're going to be arrested." At that point, the body worn camera footage indicates that Officer Guilbert is getting ready to get back into his police cruiser. But Mr. Brehmer continues, "...yo, shut your fucking mouth," which is also accompanied by a hand gesture in the direction of the officer and Mr. Brehmer stepping towards the officer and sticking the cellphone in front of the officer's face.

Officer Guilbert reacts to this threatening behavior and now moves to place Mr. Brehmer under arrest. Officer Guilbert swats away the hand of Mr. Brehmer that is holding the cell phone and states, “get that shit out of here” (timestamp 9:34). Officer Guilbert then grabs a hold of Mr. Brehmer’s shirt with his left hand to take him into custody. Officer Guilbert radios for another officer, stating loudly “give me another officer.” (timestamp 9:36). Officer Guilbert then attempts to gain control of Mr. Brehmer’s left arm and Brehmer visibly whips his hand and arm out of reach of the officer while turning and moving away from the officer toward a grassy section at the edge of the gas station. (Timestamp 9:36). Officer Guilbert grabs a hold of Mr. Brehmer’s jacket and turns him around. (Timestamp 9:39)

From this point of the encounter, the body-worn camera of Officer Guilbert is less helpful due to the close proximity of the camera to Mr. Brehmer’s back, which does not assist in discerning the actions of the parties in great detail. However, Officer Guilbert’s instructions to Mr. Brehmer are clearly audible. He states, “turn around. Put your hands behind your back. Put your hands behind your back.” The video shows Mr. Brehmer pulling away from Officer Guilbert who, it appears, is walking directly behind him. According to Officer Guilbert, he was holding Mr. Brehmer’s right hand behind his back at the time and trying to grab a hold of his other hand. Officer Guilbert continues to state, “give me your hand.” Officer Guilbert’s body-worn camera video does not clearly depict how Mr. Brehmer and Officer Guilbert got to the ground from their standing position, as the image is obscured by Brehmer’s jacket. But the video does not show Officer Guilbert throwing, slamming, or otherwise using excessive force against Mr. Brehmer. The actual arrest takes approximately six seconds to accomplish. (timestamp 9:39-9:45).

According to Officer Guilbert’s narrative (23-1871-AR), and subsequent interview, he observed Mr. Brehmer “...attempting to pull his arms away from me.”¹ Officer Guilbert stated, “I finally pinned his right arm to his back as he was still struggling to pull and walk away from me.”² This account is corroborated by the body worn camera footage. Officer Guilbert then stated that “I pinned his right arm to his back as we walked towards a curb leading to a grassy area [Mr. Brehmer] was still attempting to walk away as we hit the grassy patch, he began to fall forward to the grass. I maintained positive control of his right arm pinning it to his lower back as we fell to the ground.”³

Officer Guilbert provided the same account during his interview with the Professional Standards Unit on December 5, 2023, when he stated: “ And as I’m going to grab for his arms, he was kind of passively resisting, pulling his arms from me, uh, still walking, uh towards the street. Uh, I clicked my radio, requesting a second unit, and as we were walking away the . . . parking lot pavement’s coming to an end. I finally got his arm, uh his right arm pinned to his back. And as we were moving to a little grassy area, I can feel him start to fall forward. And I kinda – with the motion I had his arm pinned to his back, I fell with him. We both fell to the ground. Uh, I fell to my knees, so my full body weight wasn’t on him from what I feel. . . .”⁴ From the body worn camera footage it appears that Officer Guilbert was on the ground with Brehmer and then stood up. In response to questioning, Officer Guilbert surmised that Brehmer tripped on the curb between the paved parking lot and the grassy patch where they came to the ground.

¹ Narrative of Officer Normand Guilbert 23-1871-AR, page 2

² Narrative of Officer Normand Guilbert 23-1871-AR, page 2

³ Narrative of Officer Normand Guilbert 23-1871-AR, page 2

⁴ This interview was given pursuant to *Garrity* warnings, in the presence of counsel. Officer Guilbert later agreed to share the interview with the Attorney General’s Office for the purpose of our review.

Mr. Brehmer was interviewed by Captain Daniel DiMaio of the Warwick Police Department Professional Standards Unit on November 28, 2023. He gave a different account of the events than Officer Guilbert. According to Mr. Brehmer, Officer Guilbert “flipped him onto the curb.” (Brehmer Int. at p.10). He denied acting aggressively towards Officer Guilbert before the arrest, claiming that the decision of Officer Guilbert to “attack him” was unprovoked. When asked whether he complied with Officer Guilbert’s direction to put his hands behind his back, Mr. Brehmer did not answer the question.

Referring again to the body-worn camera footage of Officer Guilbert, the officer disengaged from Mr. Brehmer almost immediately after they fell to the ground. The officer stood up, called for another officer, and then is observed bending down in order to place Mr. Brehmer into handcuffs. (Timestamp 9:59-10:11) He then immediately disengaged from Mr. Brehmer who remained lying on the ground with his face down. Beyond this point in the encounter between Officer Guilbert and Mr. Brehmer, there are no actions of Officer Guilbert or any other officer that would qualify objectively as “use of force.” Officer Guilbert again asked for another officer and he also asked for rescue “for a check up.” Officer Guilbert asked Mr. Brehmer whether he wanted to sit up and he assented. As Officer Guilbert sat him up, it was apparent that he suffered a laceration on his forehead which was bleeding. Mr. Brehmer immediately told Officer Guilbert, “you broke my neck, you broke my neck.” Officer Guilbert remained calm and attempted to place Mr. Brehmer into a comfortable position as they waited for backup. As it became apparent that Mr. Brehmer could not sit unassisted, the officer rolled him to his side, removed his personal effects, and asked him whether he wanted to sit up again. Mr. Brehmer indicated he would like to sit up, and Officer Guilbert sat Mr. Brehmer up against his legs. Additional Warwick Police officers arrived on scene and attempted to assess Mr. Brehmer’s condition. An attempt to have him stand was not successful. He was placed in a sitting position against another officer’s leg where he remained until rescue arrived. Mr. Brehmer was subsequently placed into the care of emergency medical responders once they arrive on scene.

Mr. Brehmer was transported to Rhode Island Hospital where subsequent medical evaluation determined that he suffered a cervical spinal cord injury requiring surgery. Mr. Brehmer would require significant rehabilitation following surgery and his mobility and functionality were severely impaired. He remained hospitalized for approximately a month and was then discharged to acute rehabilitation.

Mr. Brehmer was interviewed a second time on January 16, 2024 at Newport Hospital. Present for this interview were Lt. Matthew Higgins, Mr. Brehmer’s counsel, his sister, and Assistant Attorney General Robert Johnson. During this interview, Mr. Brehmer claimed that Officer Guilbert “kept smashing his knee into the back of my neck.” This claim is belied by the body-worn camera footage. It’s also belied by the fact that Mr. Brehmer made no such claim either on the day or the arrest or his subsequent hospital interview. Mr. Brehmer again stated that Officer Guilbert “just attacked” him, but he admitted that “I was going to fight him because he had no right,” and “I was trying to not let him grab me.” In other words, Brehmer admitted that he resisted Officer Guilbert’s attempt to arrest him.⁵

⁵ **R.I.G.L. §12-7-10 Resisting legal or illegal arrest:** (a) It shall be unlawful for any person to use force or any weapon in resisting a legal or an illegal arrest by a peace officer, if the person has reasonable found to believe that he or she is being arrested and that the arrest is being made by a peace officer.

Applicable Law

Determining whether a police officer's use of force in the course of their official duties was lawful requires a two-part analysis. First, we must determine whether the officer's use of force in arresting or detaining the suspect was "necessary and reasonable." R.I. Gen. Laws § 12-7-8. 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 reasonable then we analyze whether the use of force meets the elements of the applicable criminal statute which, in this case, is Felony Assault, R.I. Gen. Laws § 11-5-2. Since we find Officer Guilbert's use of force to be objectively reasonable, we will not conduct an analysis under this section of the law.

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 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 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.

Legal Analysis

With these legal principles in mind, and based on the available evidence, we cannot conclude that Officer Normand Guilbert's use of force was excessive under these circumstances, nor that he intended to assault Mr. Brehmer. Officer Guilbert determined that Mr. Brehmer's refusal to follow his order to walk away, which was followed by his continued aggressive behavior towards the officer warranted placing Mr. Brehmer under arrest.⁶ The body worn camera footage clearly corroborates Officer Guilbert's account that he gave Mr. Brehmer an opportunity to leave and, in fact, Officer Guilbert was himself preparing to leave the scene when Mr. Brehmer continued to engage the officer in a combative manner. This prompted Officer Guilbert to react and place his hands on Mr. Brehmer to arrest him. Officer Guilbert immediately called for backup at that point – making clear his intentions to arrest Mr. Brehmer.

Holding onto Mr. Brehmer, Officer Guilbert gave him clear directions to place his hands behind his back. Mr. Brehmer did not comply: he pulled his left arm away, and attempted to turn and walk away from the officer. Again, the body worn camera footage corroborates Officer Guilbert's account on that point. Indeed, Mr. Brehmer himself admitted during his January 2024 interview that he was going to fight the officer and was not going to acquiesce. Officer Guilbert managed to get both hands on Mr. Brehmer's jacket, turned Mr. Brehmer around and got a hold of his right hand behind his back. This action was entirely consistent with an attempt to place a suspect into handcuffs. But Mr. Brehmer still did not comply with multiple orders to place his hands behind his back, he continued to pull away, and Officer Guilbert never got a hold of Mr. Brehmer's left hand. The body-worn camera footage shows that both were half-walking, half-stumbling towards the grassy area, with Mr. Brehmer pulling away. As Officer Guilbert attempted to get a hold of Mr. Brehmer's arms they both go down towards the ground. The body-worn camera footage does not show Officer Guilbert slamming, flipping, or pinning Mr. Brehmer to the ground. Rather, it appears to be a dynamic situation where Officer Guilbert is trying to gain control of a suspect.

Although Mr. Brehmer repeatedly asserted to Capt. DiMaio that Officer Guilbert "flipped him to the ground," the footage does not so indicate. Importantly, even if we were to conclude that Officer Guilbert brought Mr. Brehmer to the ground deliberately, as opposed to an uncontrolled fall – as Officer Guilbert described it – that would not change our analysis. Officer Guilbert had to gain control of Mr. Brehmer in order to handcuff him. And he did not gain this control until after Mr. Brehmer was on the ground due to Mr. Brehmer's ongoing resistance. The video footage does not depict any action that could be construed as excessive force up to point. In other words, whether Mr. Brehmer fell forward with Officer Guilbert behind him – the most likely scenario given the curbing and the ongoing struggle between the two – or whether Officer Guilbert brought Mr. Brehmer to the ground deliberately, there is no evidence that Officer Guilbert used excessive force to do so or intended to injure Mr. Brehmer in the process. This was a dynamic situation where Officer Guilbert was attempting to place a person into custody who was resisting him.

Moreover, there is no evidence that Officer Guilbert assaulted Mr. Brehmer or attempted to inflict pain or injury on Mr. Brehmer. As noted above, the evidence is to the contrary. Officer Guilbert sought to end their encounter and avoid arresting Mr. Brehmer. Once he decided to

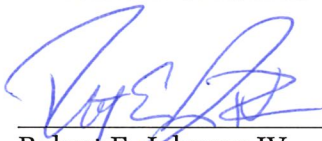
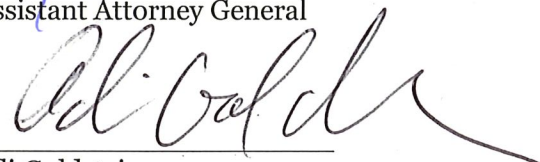
⁶ Although we conclude that Officer Guilbert had probable cause to arrest Mr. Brehmer for disorderly conduct at that point, we note that whether or not the arrest was lawful is not dispositive of the analysis. Under Rhode Island law, a person cannot resist arrest, whether that arrest is lawful or not. R.I. Gen. Laws § 12-7-10.

arrest him, Officer Guilbert immediately called for backup and persisted in issuing verbal commands to Mr. Brehmer, which he ignored. Officer Guilbert did not employ any compliance strikes or kicks, attempting instead to hold onto Brehmer and gain control of his arms. Mr. Brehmer's allegation that Officer Guilbert "smashed his knees" to Mr. Brehmer's neck is wholly unsupported by the available evidence. There is no evidence of knee strikes on the body-worn camera which captured the entire incident and showed that the Officer separated himself from Mr. Brehmer immediately after they got to the ground. Additionally, following the fall, Mr. Brehmer responded verbally to officers on scene, and repeatedly informed them that he believes his neck was broken, but at no time during this accounting of his injuries on scene, or later at a subsequent interview at the hospital did he make any mention of knee strikes to his neck employed by Officer Guilbert.

Conclusion

It is extremely unfortunate that Mr. Brehmer sustained a serious injury as a result of this arrest. However, this outcome does not transform an otherwise objectively reasonable use of force into an unreasonable one. For the reasons set forth above, we conclude that Officer Guilbert's use of force was objectively reasonable and commensurate with the resistance being offered by Mr. Brehmer. Accordingly, this case is closed.

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