

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

*Peter F. Neronha  
Attorney General*



**INVESTIGATIVE REPORT  
April 6, 2026**

<b>Incident Type:</b>	<b>Death Investigation of Carlos Rivera Ortiz</b>
<b>Incident Location:</b>	<b>101 New London Ave, Cranston, RI</b>
<b>Incident Date:</b>	<b>September 15, 2022</b>
<b>Police Departments:</b>	<b>Rhode Island State Police &amp; Cranston Police Department</b>
<b>Officers Involved:</b>	<b>Cranston Police Officers Christopher Leclair, Leonard McIntyre, and Michael Rocchio</b>

## **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 Cranston Police reviewed the death of Carlos Rivera Ortiz ("Mr. Ortiz") after he was taken into custody by Cranston Police officers outside the Econo Lodge, located at 101 New London Avenue, Cranston, Rhode Island on September 15, 2022.

The purpose of this Office's review was to determine the circumstances of Mr. Ortiz's death and if any of the Cranston Police officers involved committed a criminal act while placing Mr. Ortiz into custody. Our review determined that Cranston Police officers attempted to assist Cranston Fire Department personnel in providing emergency medical aid to Mr. Ortiz. Despite multiple attempts to obtain Mr. Ortiz's cooperation, Mr. Ortiz forcibly resisted efforts by police and fire officials to place him in an ambulance. Although officers used minimal force to restrain Mr. Ortiz in order to place him in the ambulance, after reviewing all the available evidence, we conclude that Mr. Ortiz's death was not attributable to any actions by the officers involved and that no criminal laws were violated by any of the officers involved in this incident.

## **II. EVIDENCE REVIEWED**

- (1) Summary Report of Rhode Island State Police by Detective James Hudson – 43 pages
- (2) Incident Report of Rhode Island State Police – 4 pages
- (3) Rhode Island State Police Property Release Form – 2 pages
- (4) Incident Report of Cranston Police, Including Narratives for Officer Christopher LeClair, Officer Leonard McIntyre, Officer Michael Rocchio, and Sgt. Brian Corvese – 9 pages
- (5) Interview of Cranston Police Officer Christopher LeClair, dated September 15, 2022 – transcript – 18 pages
- (6) Interview of Cranston Police Officer Michael Rocchio, dated September 15, 2022 – transcript – 21 pages
- (7) Interview of Cranston Police Officer Leonard McIntyre, dated September 15, 2022 – transcript – 7 pages
- (8) Interview of Cranston Police Sergeant Brian Corvese, dated September 15, 2022 – transcript – 8 pages
- (9) Interview of Cranston Fire Department Private Mason Keach, dated September 15, 2022 – transcript – 13 pages
- (10) Interview of Cranston Fire Department Lieutenant Gordon Simard, dated September 15, 2022 – transcript – 11 pages
- (11) Interview of Civilian Witness [REDACTED], dated September 15, 2022 – transcript – 10 pages
- (12) Cranston Fire Department Incident Report (Inc. # 21005099) – 1 page
- (13) Cranston Police Department General Order 310.01 – Use of Force – 10 pages
- (14) Econo Lodge Search Warrant (Inclusive of: Receipt for Search/Forfeiture Warrant, Complaint to Search and Seize Property / or Person, Search Warrant, Affidavit, Return of Service, Attachment "A", and Attachment "B") – 11 pages
- (15) Rhode Island State Police Forensic Services Unit Report – 2 pages
- (16) Rhode Island Department of Health, Office of State Medical Examiner – Cause of Death Sheet – 1 page
- (17) Rhode Island Department of Health, Office of State Medical Examiner – Autopsy Report by Assistant Medical Examiner Patricia M. Ogera, M.D., dated February 9, 2023 – 5 pages

- (18) Rhode Island Department of Health, Department of Health Laboratories, Forensic Sciences Laboratory - Toxicology Report, dated September 19, 2022 – 3 pages
- (19) Rhode Island Department of Health, Biomonitoring and Chemical Threat Laboratory, CLIA # 41D0709206 – 4 pages
- (20) Audio Recorded Witness Statement of Cranston Police Officer Christopher LeClair
- (21) Audio Recorded Witness Statement of Cranston Police Officer Michael Rocchio
- (22) Audio Recorded Witness Statement of Cranston Police Officer Leonard McIntyre
- (23) Audio Recorded Witness Statement of Cranston Police Sgt. Brian Corvese
- (24) Audio Recorded Witness Statement Cranston Fire Department Private Mason Keach
- (25) Audio Recorded Witness Statement of Cranston Fire Department Lieutenant Gordon Simard
- (26) Audio Recorded Witness Statement of Civilian [REDACTED]
- (27) Econo Lodge Video Surveillance
- (28) Cranston Police & Fire Department Radio & Phone Transmissions
- (29) Autopsy Photographs (Inclusive of Print Card) – 130 Photos
- (30) Scene Photographs – 70 Photos

It should be noted that the evidence collected during this investigation did not include body-worn camera footage of police officers. This is because the Cranston Police Department did not begin utilizing body-worn cameras until March 2023, approximately six (6) months after Mr. Ortiz's death.

### **III. FINDINGS OF FACTS**

On September 15, 2022, at approximately 1:46 a.m., Cranston Police were dispatched to the Econo Lodge, located at 101 New London Ave., Cranston, for a well-being check on a male subject. Dispatch had received a call that a man was screaming and walking into the roadway near the Econo Lodge. Officers Rocchio and LeClair arrived on scene at approximately 1:49 a.m. Immediately upon arrival, they observed a male subject, later identified as Mr. Ortiz, wearing a grey shirt and grey shorts, walking northbound on the sidewalk in front of the Econo Lodge. Officers Rocchio and LeClair exited their cruisers and approached Mr. Ortiz. Mr. Ortiz appeared to be sweating profusely and was continuously saying, "help me." Mr. Ortiz spoke rapidly, with short, garbled sentences, and was difficult to understand. Having made these observations, Officer Rocchio believed Mr. Ortiz may be experiencing some type of mental health episode or be under the influence of a controlled substance. As a result, Officer Rocchio contacted dispatch and requested a rescue to respond at approximately 1:50 a.m.

As Officers stood by with Mr. Ortiz, he continued to say, "help me" at a more rapid rate. Officers attempted to speak with Mr. Ortiz to understand what was bothering him. Officers asked Mr. Ortiz to sit down in the hotel parking lot, which he did for some time. During this time, Officers continued to ask Mr. Ortiz what was wrong with him and how they could help. At one point, Mr. Ortiz said that his "chest hurt[s]".

Cranston Rescue 4 arrived on scene at approximately 1:53 a.m. Upon arrival, Cranston Fire Department ("CFD") personnel responded to the location of the parking lot where Officers Rocchio and LeClair and Mr. Ortiz were located. Rescue personnel spoke with Mr. Ortiz by 1:54 a.m. They then put on gloves and helped Mr. Ortiz up from the ground. Mr. Ortiz could be seen on surveillance footage holding his chest with his hands.

At approximately 1:55 a.m. CFD personnel began guiding Mr. Ortiz towards the ambulance. At this point, Mr. Ortiz attempted to pull away from CFD personnel and the

direction of the ambulance. Officer Rocchio then grabbed Mr. Ortiz' wrist to help guide Mr. Ortiz towards the ambulance. A few seconds later, at approximately 1:55:26 a.m., as they were heading towards the ambulance and passing by a parked police cruiser, Mr. Ortiz again tried to pull away from police and CFD personnel. At this time, Officer LeClair assisted and all three men attempted to pull Mr. Ortiz towards the ambulance as he (Mr. Ortiz) resisted and attempted to pull away. Mr. Ortiz actively fought with police and resisted their efforts. It bears noting that Mr. Ortiz was a 6'4" tall male, weighing approximately 265 pounds.

Approximately four (4) seconds later, at 1:55:30 a.m., CFD Private Mason Keach responded to assist Lt. Simard and Officers Rocchio and LeClair, as Mr. Ortiz continued to actively resist, fight and pull away from the three men. Officers Rocchio and LeClair gave several commands to Mr. Ortiz to put his hands behind his back and to stop resisting. However, Mr. Ortiz continued to ignore those commands.

Seconds later, at 1:55:37 a.m., a CFD fire engine arrived and two more CFD members ran to the location of Mr. Ortiz to assist. In addition, Officer McIntyre arrived at this time and also responded to the cruiser where police were attempting to place Mr. Ortiz into handcuffs. Approximately fifteen (15) seconds later, at 1:55:52 a.m., all four (4) men were still standing, attempting to place Mr. Ortiz into handcuffs without success. When Officer McIntyre arrived, he took hold of Mr. Ortiz's legs to help the other officers bring him to the ground. Once the five men (three Cranston police and two fire officials) placed Mr. Ortiz on the ground, a sixth male, a member of CFD, joined the effort to control Mr. Ortiz by securing his legs while officers attempted to handcuff him.

By 1:56:01 a.m., Mr. Ortiz had been placed on the ground and officers attempted to handcuff him. While on the ground, Mr. Ortiz continued to struggle with police and resist being handcuffed. He continued to ignore repeated verbal commands to stop resisting.<sup>1</sup> During this time, Officer Rocchio delivered one knee strike to Carlos' buttocks area, and Officer LeClair delivered knee strikes to Mr. Ortiz's tricep/bicep area, in order to gain compliance with the cuffing process.<sup>2</sup> Forty-six (46) seconds later, at 1:56:47 a.m., Mr. Ortiz was finally handcuffed, and all men who were assisting in the cuffing process stood up. It is important to note that two (2) sets of handcuffs were used to secure Mr. Ortiz. Mr. Ortiz remained on the ground as officers and CFD members awaited the arrival of the stretcher from Rescue 4. Forty-five (45) seconds later, at 1:57:32 a.m., the stretcher arrived at Mr. Ortiz's location. At 1:58:02 a.m., four of the police officers and fire personnel lifted and placed Mr. Ortiz onto the stretcher. By 1:59:00, Mr. Ortiz was at the rear of the ambulance, about to be loaded inside.

While on the stretcher, Mr. Ortiz continued kicking and screaming. At one point, he began spitting at Private Mason Keach. Due to Mr. Ortiz's combative behavior, CFD requested police accompany them in the ambulance to Rhode Island Hospital for safety. Officer Rocchio rode in the rear of the ambulance with CFD personnel. While in the ambulance and during the ride to the hospital, Mr. Ortiz was resisting efforts by CFD to provide medical treatment. A spit shield was placed onto Mr. Ortiz due to his continued spitting.

The ambulance arrived at Rhode Island Hospital at approximately 2:17 a.m.<sup>3</sup> As they arrived, CFD personnel indicated that Mr. Ortiz was in respiratory distress, but had a pulse. CFD

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<sup>1</sup> See written narrative and audio statement of Officer LeClair, as well as written narrative and audio statement of Officer Rocchio.

<sup>2</sup> See id.

<sup>3</sup> See Cranston Fire Department Incident Report.

personnel immediately provided medical care while en route to Trauma Room 3. Once inside the hospital, doctors and nurses took over CPR and further attempts at life saving measures. Unfortunately, life saving measures were unsuccessful and Mr. Ortiz was pronounced dead at approximately 2:39 a.m. on September 15, 2022.

An autopsy was performed on September 16, 2022 by Assistant Medical Examiner Dr. Patricia M. Ogera, MD. Samples of Mr. Ortiz's cardiac blood, femoral blood, and urine were taken and submitted to the Department of Health Laboratories for toxicological testing. Based on the results of that testing, Dr. Ogera diagnosed Mr. Ortiz with "acute cocaine intoxication" at the time of his death. In her autopsy report, Dr. Ogera documented several abrasions and contusions on Mr. Ortiz, but found no evidence of significant injury. Additionally, Dr. Ogera concluded that Mr. Ortiz was laboring under several other significant medical conditions or diseases at the time of his death, [REDACTED]. Dr. Ogera concluded that Mr. Ortiz, "died as a result of the toxic effects of cocaine with his natural disease considered contributory." The manner of death was classified as Accident.

Immediately following the incident, members of the Cranston Police Department, the Rhode Island State Police, and the Office of the Attorney General initiated an investigation into the circumstances and cause of Mr. Ortiz's death pursuant to the Attorney General Protocol. The primary investigative team was comprised of the following individuals: Rhode Island State Police, Major Crimes Unit Detective Lieutenant Damien Longo, Detective Sergeant Herbert Tilson, Detective Corporal Robert Hopkins, Detective James Hudson, and Detective Jarred Andrews.

#### **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. Ortiz's death technically occurred while in the custody of the Cranston Police, though during his ambulance transport and while at Rhode Island Hospital he was under the care of healthcare providers. Although some force was used to place Mr. Ortiz into custody for purposes of rendering medical aid, there were no credible allegations that excessive force was used, no evidence of deadly force, and the medical evidence reviewed did not attribute Mr. Ortiz'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. *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.” *Id.* at 396-97. Critically, the reasonableness inquiry is an objective, not a subjective, one. The “question is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” *Id.* (emphasis added). The Supreme Court could not have made this clearer: “An officer’s evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer’s good intentions make an objectively unreasonable use of force constitutional.” *Id.* at 397. In other words, in an excessive force case, for purposes of the first part of the test, it does not matter what is in the particular officer’s mind at the time of the use of force. What matters is what the reasonable officer would have done if faced with the situation at hand.

Rhode Island law must be applied in light of these constitutional principles. Under Rhode Island law, an arrest is made by the restraint of the person to be arrested or by his submission of his person to the custody of the person making the arrest. R.I. Gen. Laws § 12-7-7. Rhode Island law further provides that “no greater restraint than is necessary shall be used for the detention of any person, and no unnecessary or unreasonable force shall be used in making an arrest.” R.I. Gen. Laws § 12-7-8.

## B. Analysis

Based on our review of the video evidence, the witness statements, and the medical records<sup>4</sup>, we are satisfied that the actions of the Cranston Police officers engaged with Mr. Ortiz on the evening of September 15, 2022, were objectively reasonable and necessary under the circumstances. Mr. Ortiz’s behavior constituted a clear threat to his own safety as well as the safety of rescue personnel, and police officers. Cranston Fire Department were sufficiently concerned for their safety that they requested the assistance of police to bring Mr. Ortiz into the

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<sup>4</sup> We primarily relied on the video surveillance from the Econo Lodge, written and oral statements of Officers Rocchio, LeClair, and McIntyre, oral statements of CFD Lt. Simard and CFD Private Keach, as well as the autopsy and toxicology reports. As previously noted, the evidence collected during this investigation did not include body-worn camera footage because the Cranston Police Department did not begin utilizing body-worn cameras until March 2023, approximately six (6) months after the events recounted here.

ambulance and further requested that an officer accompany them in the rear of the ambulance to the hospital – even though Mr. Ortiz was already restrained at that point.

At 1:48 a.m., prior to police arrival, video surveillance captured Mr. Ortiz walking directly into the roadway, attempting to wave cars down, and walking to the median. Mr. Ortiz then proceeded to lie down in the median of New London Avenue. Officers Rocchio and LeClair arrived on scene a minute later. At that time, Mr. Ortiz was captured on surveillance video holding his chest, waving at police, then resting/leaning on a stone pillar as police exit their cruisers and approach him. Upon making contact with Mr. Ortiz, officers observed him to be profusely sweating and continuously saying, “help me.” The sweat marks are clearly visible from the video surveillance on the front and back of Mr. Ortiz’s grey t-shirt. Officers observed Mr. Ortiz to be speaking rapidly, with short, garbled sentences which were difficult to understand. Having made these observations, Officer Rocchio, who is also a certified Drug Recognition Expert (DRE), immediately requested rescue to the scene.

While officers waited with Mr. Ortiz for rescue, they continued to calmly engage him and no force was used. After rescue personnel arrived, Mr. Ortiz asked to be taken to the hospital. By 1:55 a.m., Cranston Fire Lt. Simard can be seen putting on blue latex gloves and helping Mr. Ortiz to his feet. Mr. Ortiz can be seen holding his hand to his chest. Mr. Ortiz began walking towards the ambulance, accompanied by Officers Rocchio and LeClair, as well as CFD Lt. Simard and Private Keach. CFD members are visible on video surveillance on either side of Mr. Ortiz as they guide him in the direction of the ambulance. Cranston officers are next to them, but they do not touch Mr. Ortiz until a few seconds later when Mr. Ortiz begins pulling away from Private Keach. At this point, Officer Rocchio grabbed a hold of Mr. Ortiz’ left wrist to assist bringing Mr. Ortiz towards the ambulance. This minimal use of force was clearly reasonable and did not result in any harm to Mr. Ortiz.

But this minimal force failed to get Mr. Ortiz to the ambulance. He again tried to pull away, and this time, additional officers were required to respond to gain control of him. Mr. Ortiz – whether he meant to or not—continued to violently resist efforts to get him the medical care he evidently needed – recall that he complained of chest pain and asked to go to the hospital. Officers spent between 15-30 seconds attempting to handcuff Mr. Ortiz while he was upright, and, when that did not work, took him to the ground so that he could be safely restrained. By 1:56:01 a.m., Mr. Ortiz had been placed on the ground and officers attempted to handcuff him. While on the ground, Mr. Ortiz continued to struggle with police and resist being handcuffed. He continued to ignore repeated verbal commands to stop resisting. During this time, Officer Rocchio delivered one knee strike to Mr. Ortiz’s buttocks area, and Officer LeClair delivered knee strikes to Mr. Ortiz’s triceps/biceps area, to gain compliance with the cuffing process. Forty-six (46) seconds later, at 1:56:47 a.m., Mr. Ortiz was finally handcuffed. In total it took six personnel (three police and three rescue) to gain control of Mr. Ortiz so that he could be safely secured on a stretcher and taken to the hospital to receive medical attention. In light of these circumstances, the minimal force used was reasonable and necessary.

We found no evidence in the audio-recorded witness statements, surveillance footage, autopsy report, or photographs to suggest that Cranston Police officers Rocchio, LeClair, or McIntyre’s actions were improper. The modicum of force utilized by the officers lasted only as long as necessary to get Mr. Ortiz into handcuffs. Once Mr. Ortiz was secured, no additional force was used. Medical treatment was then immediately initiated by Cranston Fire.

Moreover, it does not appear that any of these actions contributed to Mr. Ortiz’s death. The medical examiner, Dr. Patricia Ogera, also makes clear that it was the toxicological effects of

cocaine and Mr. Ortiz's natural diseases which caused his death. The circumstances of his arrest were not a contributing factor to his death.

Because we find that the actions of CPD Officers Rocchio, LeClair, and McIntyre were reasonable and necessary under these circumstances, and because these actions, in any event, did not contribute to Mr. Ortiz'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. Ortiz's death was not attributed to 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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