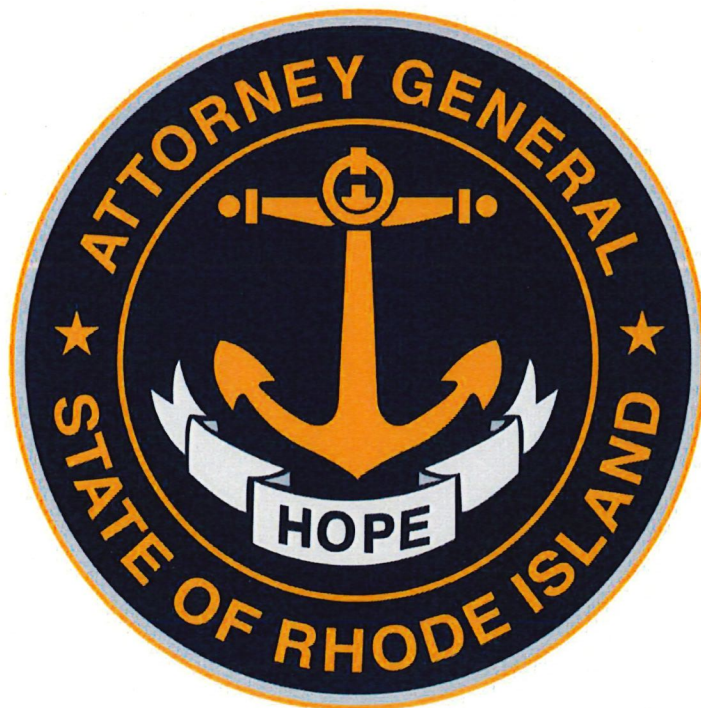


**STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL**

*Peter F. Neronha
Attorney General*



**INVESTIGATIVE REPORT
July 27, 2026**

Incident Type:	Officer-Involved Shooting
Incident Location:	1819 Boston Neck Road, North Kingstown, RI
Incident Date:	August 1, 2025
Police Departments:	Rhode Island State Police, North Kingstown Police and the Naval Criminal Investigative Service (NCIS)
Officers Involved:	Rhode Island State Police Detective Lindsay Laurie North Kingstown Police Detective Ashley DePolito NCIS Supervisory Special Agent Steven St. John

SUMMARY OF FINDINGS

The Office of the Attorney General has concluded its review of the August 1, 2025 officer involved shooting that occurred on Boston Neck Road in North Kingstown, RI. That review revealed that during a multi-agency investigation into child sex trafficking, three officers fired their service weapons at a male suspect who struck North Kingstown Police Detective Dylan Navakauskas with his vehicle. Those officers, all of whom were involved in the sex trafficking investigation, are Detective Lindsay Laurie of the Rhode Island State Police, North Kingstown Police Detective Ashley DePolito and Naval Criminal Investigative Service (NCIS) Special Agent Steven St. John.

The investigation of this incident 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 North Kingstown Police. Based on the investigation and our review of the findings, the Office of the Attorney General concludes that the officers' actions were legally justified.

A thorough account of the investigation may be found in the Rhode Island State Police, North Kingstown, and NCIS reports. As detailed in those materials, on August 1, 2025 state, federal and local law enforcement agencies worked together on multiple online communication platforms posing as juveniles open to sexual encounters with adults. In the hours leading up to the officer-involved shooting, the suspect, Alec Perry (DOB: [REDACTED]) is alleged to have communicated with an undercover police officer posing as a juvenile female. During those conversations, Perry reportedly expressed an interest in a sexual encounter with the person he believed to be a juvenile.

Perry drove to the North Kingstown Park and Ride where he had arranged to meet with the undercover officer. Once Perry parked his car within about one hundred feet of a recreational vehicle (RV) where law enforcement officers involved in this investigation were located, multiple police officers in unmarked cars attempted to box him in and arrest him. Rather than submit to the police show of force, Perry reversed a few feet and then accelerated in an attempt to escape. In doing so, Perry ran over Det. Navakauskas with the front and back wheels of his vehicle and then drove out of the parking lot. Three officers fired their weapons at Perry's vehicle as he sped out of the lot onto Boston Neck Road. Perry was not hit by the projectiles, but his car sustained some damage. He was arrested a short distance away within minutes of fleeing the parking lot. Det. Navakauskas, who was seriously injured after being struck by Perry's vehicle, was transported to the hospital for treatment and later discharged.

Perry was charged with assaulting a police officer and other offenses in connection with this incident.¹ This report focuses on the facts most pertinent to our conclusion that the force used by the officers was objectively reasonable under the circumstances as they reasonably perceived them.

¹ Those felonies include Assault with Intent to Commit Murder (RIGL§11-5-1), Assault on a Police Officer (RIGL§11-5-5), Leaving the Scene of an Accident Resulting in Injury (RIGL§31-26-1) and Indecent Solicitation of a Minor (RIGL§11-37-8.8) as well as multiple misdemeanors. Perry pled nolo contendere to these charges and others on July 23, 2026 and is currently serving twelve years in prison with a lengthy probationary term to follow in W2-2026-0045A.

EVIDENCE REVIEWED

1. Rhode Island State Police Officer Involved Shooting Investigation Report (85 pages)
2. Rhode Island State Police Incident Report (8 pages)
3. Rhode Island State Police Incident Report II (5 pages)
4. Rhode Island State Police Uniform Crash Report (12 pages)
5. Rhode Island State Police Forensic Services Unit Report with Supplements (57 pages)
6. North Kingstown Police Incident Report (2 pages)
7. North Kingstown Police Call Report (2 pages)
8. Narrative for Off. Julian Varela, North Kingstown Police Department (1 page)
9. Narrative for Lt. Kevin Dailey, North Kingstown Police Department (1 page)
10. Narrative for Off. Brigid White, North Kingstown Police Department (1 page)
11. Narrative for Off. Troy Frazier, North Kingstown Police Department (1 page)
12. Naval Criminal Investigative Service Report (2 pages)
13. Rhode Island State Crime Lab Reports 1, 2 and 3 (9 pages)
14. Statement of Det. Lindsay Laurie, Rhode Island State Police – audio and transcript (32 pages)
15. Statement of Det. Ashley DePolito, North Kingstown Police Department – audio and transcript (24 pages)
16. Statement of Supervisory Special Agent Steven St. John, Naval Criminal Investigative Service – audio and transcript (23 pages)
17. Statement of Det. Dylan Navakauskas, North Kingstown Police Department – audio and transcript (36 pages)
18. Statement of Analyst Alisa Harvie, Federal Bureau of Investigation – audio and transcript (6 pages)
19. Statement of Special Agent Craig Graham, Federal Bureau of Investigation – audio and transcript (10 pages)
20. Statement of Special Agent Dave Semmler, Federal Bureau of Investigation – audio and transcript (17 pages)
21. Statement of Special Agent Dominick Canty, Federal Bureau of Investigation – audio and transcript (11 pages)
22. Statement of Supervisory Special Agent Colin Woods, Federal Bureau of Investigation – audio and transcript (21 pages)
23. Statement of Investigative Analyst Amanda Nott, Naval Criminal Investigative Service – audio and transcript (17 pages)
24. Statement of Supervisor Investigator Todd Travers, Naval Criminal Investigative Service – audio and transcript (17 pages)
25. Statement of Special Agent Daniel Duval, Naval Criminal Investigative Service – audio and transcript (14 pages)
26. Statement of Special Agent McKenzie Myers, Naval Criminal Investigative Service – audio and transcript (10 pages)
27. Statement of Special Agent Rachel Hackney, Naval Criminal Investigative Service – audio and transcript (21 pages)
28. Statement of Det. Kyle Kells, Rhode Island State Police – audio and transcript (13 pages)
29. Statement of Det. Austin LaRiviere, Rhode Island State Police – audio and transcript (24 pages)
30. Statement of Lt. Heather Palumbo, Rhode Island State Police – audio and transcript (7 pages)
31. Statement of Sgt. Kyle Draper, Rhode Island State Police – audio and transcript (11 pages)
32. Statement of Det. Brendan Morgan, Rhode Island State Police – audio and transcript (8 pages)
33. Statement of Det. Adam Arico, Warwick Police Department – audio and transcript

- (22 pages)
34. Statements (2) of Civilian 1 – audio
 35. Statement of Detective Jeffrey Munoz, Rhode Island State Police – audio and diagram
 36. Rhode Island State Police, Federal Bureau of Investigation and the Naval Criminal Investigative Service Operational Plan (17 pages)
 37. Firearm Qualification Reports (15 pages)
 38. Rhode Island State Police Use of Force Policy (15 pages)
 39. North Kingstown Police Department Use of Force Policy (10 pages)
 40. Naval Criminal Investigative Services Use of Force Policy (37 pages)
 41. Search Warrant, Affidavit and Attachments for 2017 White Infiniti QX60 (12 pages)
 42. Search Warrant, Affidavit and Attachments for Black Apple iPhone 16 Pro Max (8 pages)
 43. Search Warrant, Affidavit and Attachments for White Apple iPhone 12 Pro Max (8 pages)
 44. Criminal Background Check for Alec Perry (24 pages)
 45. E-911 Recording and Documentation (1 recording/3 pages)
 46. Rhode Island State Police Forensic Services Unit Photographs (1573 photos)
 47. Rhode Island State Police/North Kingstown/Intercity Radio Transmissions
 48. Undercover Online Communications with Alec Perry
 49. Jamestown Police Body Worn Camera Video
 50. Surveillance Camera Video of the North Kingstown Park and Ride – (2 videos/same view)

SUMMARY OF THE FACTS

On August 1, 2025, the Rhode Island State Police (RISP) conducted a multi-agency, undercover child sexual exploitation investigation. The RISP were the lead agency partnered with the Federal Bureau of Investigation (FBI), the Naval Criminal Investigative Service (NCIS), the North Kingstown Police Department (NKPD) and the Warwick Police Department (WPD).

The operation was headquartered in a recreational vehicle (RV) stationed at the Park and Ride at 1819 Boston Neck Road, North Kingstown. Throughout the day on August 1, multiple law enforcement officials communicated on various online platforms posing as juveniles open to having sexual relations with adults. Other officers involved in the investigation sought to recover victims of sex trafficking through similar undercover methods.

NCIS Special Agent Rachel Hackney worked undercover posing online as a thirteen year old girl. At approximately 2:15 p.m., Hackney was on a free, anonymous chat platform named “Chatib” when she engaged a user named “Risktaker” in an online conversation. Risktaker’s profile identified himself as a twenty-eight year old male from Rhode Island. While communicating with Risktaker, Hackney informed him that she was “only 13”. Risktaker allegedly wrote back that he did not care what her age was and that he was interested in having sex with her in his car.

Later that day, Risktaker² initiated another chat with Hackney. After some back and forth, at approximately 7:00 p.m., Hackney and Perry agreed to meet up at the RV in the parking lot near the Plum Beach Bistro. Perry told her that he was about twenty-five minutes away. As Perry approached the RV in his white Infiniti SUV, he asked the undercover officer to come out and meet him in the parking lot. Hackney exited the RV for just a brief moment, waved and then went back in. Perry confirmed that he saw her in the chat on Discord at 7:41 p.m.

² Risktaker was later identified as Alec Perry. For the remainder of this report, he will be referred to as Perry.

Once Perry entered the Park and Ride parking lot, a surveillance camera captured his vehicle and his subsequent interaction with law enforcement. The following information, unless otherwise noted, is based on the surveillance video footage from the Park and Ride. While later in the day, the sun had not set and the parking lot is completely visible on the surveillance video without the assistance of artificial light.

Perry stopped and parked his Infiniti SUV at the end of a double row of cars in the parking lot at 7:41 p.m. The RV was in front of the SUV and to the right approximately fifty feet away. To Perry's immediate left was a parked car but he had a clear lane in front of his car, behind his car and to his immediate right. Once Perry parked the car, he remained inside and idle for nearly one minute despite the request of the decoy to come to the RV. The RISP then made the tactical decision to make the arrest utilizing unmarked vehicles parked nearby.

At 7:42 p.m., three undercover vehicles moved into position to box in Perry's SUV and make the arrest. A bluish/grey Honda CRV operated by RISP Det. Austin LaRiviere pulled up behind Perry's SUV. RISP Det. Lindsay Laurie was in the rear passenger seat of the CRV and NKPD Det. Ashley DePolito was in the front passenger seat. Both of these detectives quickly exited the CRV and positioned themselves to the passenger side of Perry's vehicle.

Simultaneously, a blue GMC Acadia SUV operated by NKPD Det. Dylan Navakauskas pulled in front of Perry's Infiniti. Navakauskas, who was in his NKPD uniform, got out of the Acadia and ran around the front of Perry's vehicle which was partially boxed in at that point. RISP Det. Sgt. Kyle Draper was also positioned to the left front of Perry's SUV. He too exited the Acadia and yelled commands at Perry identifying himself as "State Police" and ordering him out of the vehicle. At this point, four officers, all of whom were wearing clothing with police insignia prominently displayed, were out of their vehicles identifying themselves as police and converging on Perry's Infiniti SUV: Det. Sgt. Draper, and Dets. Navakauskas, Laurie and DePolito.

The surveillance video clearly shows Perry's reverse lights illuminate within one to two seconds of the officers' approach. Perry then backed up a few feet and accelerated while veering the Infiniti to the right to avoid the Acadia. As he accelerated around the Acadia, Perry steered the vehicle into Det. Navakauskas, who was moving from Perry's left to his right in front of the Infiniti. Before being struck by the vehicle, Navakauskas yelled at Perry, "Don't do it. Don't do it." He remembered that Perry's eyes "deadlocked on me and he just punched it." Navakauskas was then struck and fell backwards before being run over "two distinct" times. The surveillance video shows that Perry appears to hit Navakauskas with the left front tire and the rear tire as well.³ The brake lights on the Infiniti did not illuminate before, during or immediately after Perry's vehicle drove over the detective.

As Perry accelerated towards Navakauskas, NKPD Det. DePolito was positioned to the right of the Infiniti. She wore a ballistic vest with a gold police badge on it as well as a badge on her hip. Upon exiting the front passenger seat of the CRV, she drew her firearm, pointed it at the Infiniti and identified herself as police. As Navakauskas was "coming around the front of the [Infiniti]...the vehicle fled at a high rate of speed" DePolito reported to investigators.⁴ She did not see exactly where Navakauskas made impact with the Infiniti, but she knew that he was hit

³ The RISP Forensic Services Unit later analyzed the Infiniti QX60 operated by Perry. Investigators found damage to the driver's side of the vehicle consistent with the surveillance video which shows Det. Navakauskas being struck.

⁴ Dets. DePolito and Laurie gave compelled "Garrity" statements to investigators on August 7 and August 6, 2025 respectively. Through counsel, Dets. DePolito and Laurie waived their rights under Garrity v. New Jersey, 385 U.S. 493 (1967) and agreed to make these statements available to investigators for use in this report.

by the fast moving vehicle. She immediately fired her weapon "at the operator" of the fleeing vehicle which, according to her, was "about 15 feet" away.

Det. Laurie emerged from the rear passenger side of the CRV at about the same time as DePolito. She too saw Navakauskas in front of the Infiniti as Perry "accelerated right into him." During her interview with investigators, Det. Laurie, who was just a few feet away from DePolito, recalled that DePolito fired one shot "into the passenger side of the [Infiniti]." As Perry sped away, Laurie waited until she "had a clear view of the car and the suspect" and that is when she fired her weapon at the driver. Laurie was "99% sure" she discharged her pistol twice.

The surveillance video shows Perry speeding away through the parking lot past the RV that served as a command post and then along a line of parked school buses. As he did so, officers emerged from behind the school busses and the RV. One of those officers was NCIS Supervisory Special Agent Steven St. John who was monitoring the communications between the decoy and Perry. St. John walked out of the RV when the signal to make the arrest was given. He took a right turn when he got out of the RV and as he did, he had a clear view of Det. Navakauskas lying on the pavement. Since he heard gunfire and saw the passenger window of the Infiniti open, he assumed that Det. Navakauskas had been shot by Perry. St. John said he repeatedly fired his weapon at Perry as he drove past him to protect the other law enforcement officers who were on scene. He continued firing until he saw the back window of the Infiniti shatter from the bullet's impact.

Following the gunfire, Perry drove out of the parking lot. He did not, however, use the marked exit lane. Instead, he drove over a sidewalk and a curb and onto Boston Neck Road. Within just a few minutes, Perry was apprehended after he crashed his vehicle into a fence and led police on a short foot chase. Perry was uninjured by the officers' gunfire and the car crash.

The RISP Forensic Services Unit (FSU) conducted a full investigation including documentation of evidence at the Park and Ride and the parking lot at North Kingstown Beach where Perry was arrested. Consistent with the statements of the three officers who said they discharged their firearms, FSU investigators found three different types of shell casings at the Park and Ride. With the assistance of the Rhode Island State Crime Lab, they also compared the shell casings to the firearms of the officers involved and determined that Det. Laurie discharged her weapon three times, Special Agent Steven St. John fired five times and Det. DePolito fired once for a total of nine gunshots.

Perry's Infiniti was inventoried and damage to the vehicle was documented. FSU located two suspected bullet defects on the exterior of the vehicle and three on the interior and they attempted to determine the bullets' trajectories using that information. According to the FSU Report, projectile 1 likely entered through the rear hatch door and terminated in the back of the second row seat. Projectile 2 likely entered the vehicle through the rear window causing it to shatter, then through the driver's side second row headrest and finally struck the driver's side "B- pillar."⁵ The projectile was located on the floor of the rear seat. Projectile 3 perforated the outer metal of the front passenger side door and was lodged inside the door where it was recovered. The Rhode Island State Crime Lab determined that all three projectiles found inside the Infiniti were fired from NCIS Supervisory Special Agent Steven St. John's firearm.

⁵ The B-pillar is the roof support post located directly between the front and back doors of a vehicle.

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-prong analysis is required. First, determine if the officers' use of force in arresting or detaining the suspect was necessary and reasonable. If the answer is yes, then the inquiry ends, and no criminal charges will stem from the incident. If, however, the answer is no then you move to the second prong, determining whether the officers' actions meet the elements of an applicable criminal statute, which in this case is Felony Assault under R.I. Gen. Laws §11-5-2. Since we find the officers' use of force to be objectively reasonable, we need not address the second prong in this report.

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).

Law enforcement officers are permitted to use a degree of force that is "objectively reasonable" under the totality of circumstances. Id. at 8-9. Relevant facts to consider 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 United States 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).

In cases that involve fleeing suspects such as this one, the Supreme Court holds that where an officer has probable cause to believe that a "suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force." Garner, 471 U.S. at 11; McGrath v. Tavares, 757 F.3d 20 (1st Cir. 2014). "Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given." Garner, 471 U.S. at 11-12.

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 North Kingstown

Police, Rhode Island State Police and Naval Criminal Investigative Service apply the legal principles set forth above. In relevant part, they provide that an officer is authorized to use lethal 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)....[And] to prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended. **(NKPD General Order – 300.01)**
- [To] Protect him/herself, another law enforcement 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 law enforcement officer or other person(s) to include effecting the capture of, or preventing the escape of a subject whose freedom represents an imminent threat of death or serious bodily injury to the officer or another if not immediately apprehended. **(RISP General Order – 51A)**
- [W]hen necessary; that is when the special agent...has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the special agent...or another person. The standard that will be used to measure the special agent's...actions will be that of "objective reasonableness."... Deadly force may not be used solely to prevent the escape of a fleeing subject. However, deadly force is authorized when a special agent...has probable cause to believe that the subject has committed a crime that involved the infliction or threatened infliction of serious physical harm, that deadly force is necessary to prevent the subject's escape, and the fleeing subject poses an imminent danger of death or serious bodily harm to law enforcement, security personnel, or another person. **(NCIS Use of Force Policy 1, Chapter 34)**

Analysis

In applying the law set forth above to the facts as determined by the joint investigation, we find that the use of deadly force by the three officers involved was objectively reasonable under the circumstances. Each of these officers reacted in response to Perry striking a fellow law enforcement officer and then fleeing the scene at a high rate of speed, thereby posing additional danger to other officers and civilians in the area. While all three officers used lethal force on the same subject (Alec Perry) within a few seconds of one another, they all had their own unique viewpoints from which they were assessing the perceived threat. Therefore, this report will evaluate their responses individually.

Det. Ashley DePolito

While the law cited above limits the use of deadly force when subjects flee from law enforcement, the circumstances that confronted Det. DePolito are exactly the type the Supreme Court was referring to. According to her statement, which is largely supported by the surveillance video, Det. DePolito was seated in the front passenger seat of the CRV operated by Det. Lariviere when the order was given to arrest Perry. She exited the vehicle with her firearm

drawn and yelled commands at Perry identifying herself as law enforcement. DePolito said that she saw Det. Navakauskas coming around the front of Perry's vehicle when Perry "cut [the Infiniti's] tires and began to flee...[and] accelerated extremely fast." DePolito did not see what part of the Infiniti struck Navakauskas, but she saw "his body contorted in the air" from the impact. She then fired her weapon one time at Perry when his vehicle was driving away from her. DePolito estimated that the car was approximately fifteen feet away. When asked by investigators why she discharged her weapon, she answered plainly; because "He had – the operator used deadly force against my partner."

Clearly, Perry's reckless operation of the vehicle provided enough evidence to Det. DePolito for her to reasonably determine that he was a danger to the public including the other law enforcement officers on scene. Before she fired her weapon, it was objectively reasonable for her to believe that Perry was extremely dangerous. Perry ignored the commands and presence of police who wore clearly marked police insignia on their clothes. He desperately tried to evade capture by maneuvering his car around the surrounding officers and their undercover cars. He accelerated and turned his vehicle into Det. Navakauskas as the detective struggled to get out of its path. Then, after hitting the officer and projecting his body into the air, Perry fled the scene without slowing down. It was only after seeing Perry commit multiple dangerous felonies that Det. DePolito fired her weapon in an effort to prevent further harm to the public and her fellow officers who were in the path of the fleeing vehicle. Additionally, DePolito was faced with a "tense, uncertain and rapidly unfolding" series of events. The surveillance video shows that approximately three seconds elapsed from the point at which she exited the CRV to the assault on Det. Navakauskas. DePolito's actions in trying to stop the threat of harm to others were well supported and entirely reasonable based upon the reliable evidence.

Det. Lindsay Laurie

Det. Laurie was confronted with the same circumstances that faced Det. DePolito as both detectives were within a few feet of one another during the assault on Det. Navakauskas. Laurie exited the CRV from the rear passenger side behind DePolito, and she heard her fellow officers identifying themselves as "State Police" and yelling for Perry to exit the vehicle. She observed Navakauskas get "bumped a couple times"⁶ by Perry before he "completely accelerated right into him." Laurie saw DePolito "fire a shot into the...passenger side of the car." She had her firearm out of her holster but didn't fire when DePolito did because "there [were] people on the other side of the car." When the line of fire was clear and she had Perry in sight, she fired her weapon.

Laurie was asked why she discharged her weapon and she answered in equally direct language as was used by DePolito:

"Because the driver of the vehicle...I watched him just try to kill another police officer and he was a threat to every other person inside that Park and Ride, and the general public if he fled the scene."

As stated above, the incontrovertible evidence supports Det. Laurie's assessment of the dangerousness of Alec Perry at that moment. Her knowledge came not from police reports or witness accounts but rather from events that unfolded right in front of her. Perry's actions in

⁶ This portion of Det. Laurie's statement is not borne out by the surveillance video nor entirely by Det. Navakauskas' statement. But his statement does say, "I got my hand on the hood and I'm looking at him..." before being struck. This may partially explain Laurie's recollection. In any event, this mild discrepancy does not affect our final determination.

running down the detective presented the most extreme kind of danger. He had already used deadly force on the police, and he still had the capacity to inflict more harm. In fact, Laurie knew there was no exit from the back of the parking lot where Perry was headed, and she thought he was going to return to the area where the officers were in an effort to leave the Park and Ride.⁷ For all of these reasons, Det. Laurie's belief that Alec Perry posed a danger of serious bodily injury or death to other officers and the public was objectively reasonable.

Supervisory Special Agent Steven St. John

St. John had a different viewpoint from Dets. DePolito and Laurie. He was monitoring the situation from inside the RV when the order was given to arrest Perry. St. John walked out the RV door which faced the back of the parking lot and he heard gunfire. He took a right turn when he got out of the RV and saw Det. Navakauskas "laying on the ground motionless." St. John drew his firearm as he heard the revving engine of the Infiniti. The surveillance video shows St. John initially as a blur as he emerged from behind the RV. Within a second the image of him sharpens and clearly shows him with his firearm fixed on the fleeing Infiniti. St. John said that as the Infiniti passed him, he recognized the face of the driver through the open front passenger side window as the target of their investigation. St. John mistakenly determined that Perry must have shot Navakauskas through the open window.

The United States Supreme Court has long recognized even if an officer's actions are predicated upon what ultimately is determined to be an erroneous perception, that the error does not necessarily mean the officer used an unreasonable amount of force. "If an officer reasonably, but mistakenly, believed that a suspect was likely to fight back, for instance, the officer would be justified in using more force than in fact was needed."⁸ Saucier v. Katz, 533 U.S. 194, 205 (2001). The critical question is, therefore, was the officer's mistaken impression reasonable? Here the evidence clearly indicates that it was.

St. John's determination about the need for lethal force was based upon his rapid assessment of circumstances which were unfolding in real time. Before he exited the RV, St. John knew through experience that the arrest of Perry was going to be high-risk, as the subject remained in the car. Investigators, through the use of the decoy, attempted to mitigate that risk by luring Perry out of the Infiniti, but when they were unsuccessful, they determined to proceed with the arrest. After all, this was an individual who responded to the location in order to have a sexual encounter with a 13-year-old minor – a serious felony and a great public danger. Thus, St. John had reason to anticipate that Perry might use the vehicle to either assault police or attempt to flee – which he in fact did. Additionally, St. John heard a gunshot, saw the motionless detective on the ground, and nearly simultaneously heard the engine of the Infiniti revving as Perry sped toward him. He then saw the target of their investigation driving and concluded that he was involved in what he thought was the shooting of Det. Navakauskas. A speeding car, a gunshot, an injured officer all occurring during a dangerous arrest points to the same conclusion St. John inferred at the scene. This conclusion, albeit incorrect, was objectively reasonable based upon what he saw and heard in the few seconds preceding his response.

⁷ As stated above, Perry exited the parking lot by driving over a sidewalk and curb and not through a marked exit.

⁸ Also, the seminal Fourth Amendment police officer use of force case of Graham v. Connor quoted above involved an arrest by Officer Connor of Mr. Graham under the mistaken belief that Graham had just robbed a convenience store. The truth was that Mr. Graham was diabetic and needed some orange juice to counteract an "insulin reaction." Graham entered a convenience store but quickly exited because the line was too long for him to wait in his medical condition. Graham's actions aroused the suspicions of Officer Connor who stopped Graham's car which led to his arrest. Graham v. Connor, 490 U.S. 388-89.

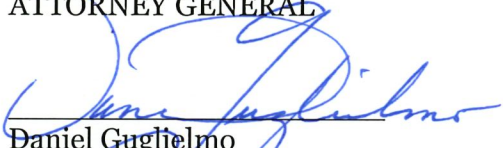
Furthermore, St. John's erroneous determination of what occurred to Det. Navakauskas was not materially different from the actual facts. Although he was not the victim of gunfire, Navakauskas was a victim of a deadly assault with a weapon (a motor vehicle) equally fatal. The distinction between an assault with a firearm and an assault with a vehicle is immaterial based upon these facts. Both scenarios were deadly and justified a lethal response. Therefore, Special Agent St. John's belief that he was responding to an assault with a deadly weapon (though he was mistaken about the nature of the weapon) was objectively reasonable.

CONCLUSION

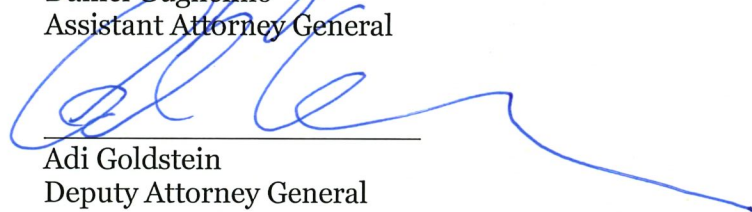
Our review of the investigation conducted by the Rhode Island State Police and the North Kingstown Police Departments concludes that the uses of force by Detective Lindsay Laurie, Detective Ashley DePolito and Special Agent Steven St. John were objectively reasonable and legally justified under the totality of the circumstances. The police officers involved were compelled to react within a few seconds to a very dangerous situation created by Alec Perry. Based upon his actions, the outcome of this incident could have been far more tragic. Fortunately for all involved, it did not result in more serious injuries or fatalities.

This matter is therefore closed.

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ATTORNEY GENERAL



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