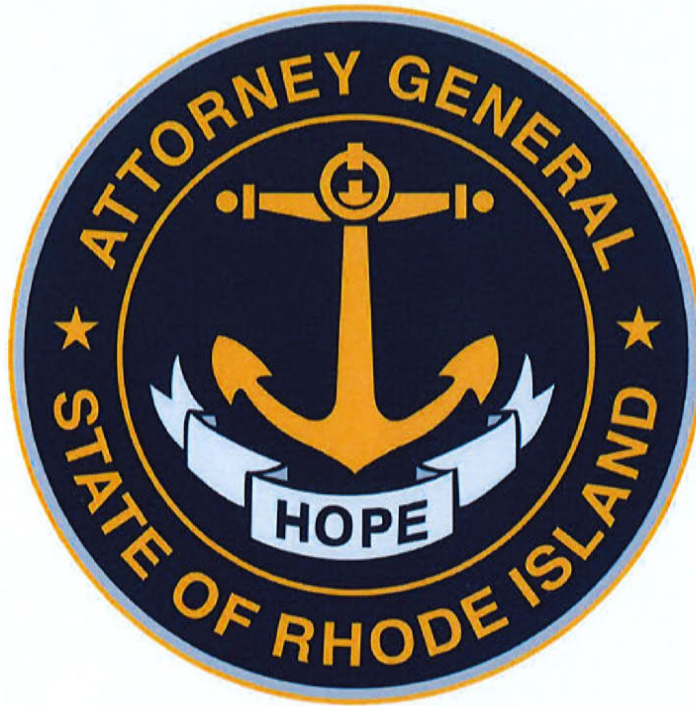


**STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL**

*Peter F. Neronha
Attorney General*



INVESTIGATIVE REPORT

Incident Type: Officer-Involved Shooting
Incident Location: 1396 Hartford Ave., Johnston
Incident Date: April 26, 2025
Police Departments: Johnston Police Department
Officers Involved: Johnston Police Officer Derrick Palazzo

The Attorney General has completed its review of the officer involved shooting in Johnston on April 26, 2025, pursuant to the Attorney General's Protocol. In the early morning hours of April 27, 2025, the Protocol was activated and the investigative team involving members of Johnston Police, the Rhode Island State Police and this office responded. This office conducted a full review of the applicable law and police policies as well as the facts and circumstances surrounding the shooting. Based on this review, we conclude that the actions of the police officer were legally justified.

Summary of Facts

The following facts were gleaned from police reports and interviews, video surveillance, body worn camera footage, and crime scene photographs. The evidence was compiled by the Rhode Island State Police Major Crime Unit into a 56-page *Officer-Involved Shooting Investigation Report* submitted by Detective Kyle Kells and includes the following items:

Interview Transcripts

- [REDACTED]
- Johnston Patrolman Matthew Merritt
- Johnston Fireman Justin Moretti
- Johnston Fireman Chris Brandmeier
- Johnston Patrolman Jared Mazzulla
- Johnston Patrolman Derrick Palazzo

Videos

- Body Worn Camera footage of Officer Palazzo
- Body Worn Camera of Officer Mazzulla
- Seasons Shell Gas Station Surveillance Video from 1396 Hartford Ave.
- Burger King Surveillance Video from 1375 Hartford Ave.
- 39 Still Photographs

This report only recounts the most pertinent facts relating to our conclusion that the use of force was justified.

On April 26, 2025, at 11:24 pm, the Johnston Police Department received an emergency call from a concerned citizen about a male and female arguing at the Seasons Shell gas station at 1396 Hartford Avenue. The male and the female who were purportedly arguing were subsequently identified as Damian Peterson of Providence and [REDACTED] of Cranston. Patrolman Matthew Merritt (Merritt), Patrolman Jared Mazzulla (Mazzulla), and Patrolman Derrick Palazzo (Palazzo) responded separately to the scene.

They arrived at approximately the same time, Merritt was the first to arrive and Palazzo, the senior officer of the three, was the last.

In her interview with police on the date of the incident, [REDACTED] described her relationship with Peterson as just friends who “hang out” occasionally. On the night of April 26, 2025, she picked him up at a friend’s house somewhere in Providence. They then went to his “stepmother’s” (mother of his brother) house for him to get some clothes and walk his dog. Afterwards, they went driving around, listening to music and getting food at a KFC drive-through. They then returned to his stepmother’s house.

At that point Peterson told [REDACTED] that he was “short on cash, can [you], you know, get me some cigarettes?” She agreed and said, “let’s go to Shells.” They went in separate cars: she was in her red Honda Accord, he in his white Nissan Sentra. He pulled into the Shell gas station first and, after she pulled in, they both went into the station’s little market where [REDACTED] bought cigarettes for Peterson and a drink for herself. After leaving the market, but while still at the gas station, Peterson let [REDACTED] know that he wanted to keep hanging out with her that night and suggested various locations where they could do so. [REDACTED] demurred: she wanted to go home to her kids. Peterson got a “little upset” and kept repeating “I thought you wanted to chill.” After some back and forth, [REDACTED] started to drive off, but “he yelled out his [car] window to get my attention to come back, to stop, um don’t drive off. So, I guess that’s why it sounded like we were arguing.” [REDACTED] stopped her car, and he said to her “yo, don’t drive off, I’m trying to talk to you. . . . (Indiscernible) will you do that?” She responded along the lines of “I told you, I’m just gonna head home, you know?” [REDACTED] Statement, April 27, 2025, at 2:27 a.m., at Johnston Police Station. At that point, [REDACTED] observed police cars arriving behind her. Based on the Shell surveillance video, her red Honda was stopped diagonally at the exit of the gas station onto Hartford Ave.

Officer Merritt arrived just as Peterson was exiting [REDACTED] car. He activated his cruiser lights as Peterson was about to enter his vehicle to prevent him from leaving and began to speak with him outside Peterson’s vehicle near the trunk. Peterson did not have any identification but could provide Officer Merritt with his license number. Officer Merritt told Peterson to stay put. Because of the “weird position” of his vehicle, Peterson asked if he could just back it up. Officer Merritt said that was fine but then he should stay put. Peterson backed up about 6 feet. Officer Merritt then went over to speak with [REDACTED]. Peterson and [REDACTED] both denied that they were arguing. It should be noted that since Officer Merritt was a “probationary” officer he was not yet trained in and was not wearing a body camera.

During this time, Officers Mazzulla and Palazzo arrived on the scene and Officer Merritt went to his cruiser to run [REDACTED] and Peterson's names for warrants. [REDACTED] did not have anything, but the license number for Peterson showed he had an active state warrant for a Rhode Island State Police case.

Since Patrolman Merritt was a newer, probationary officer, Patrolman Palazzo went back to his patrol car to confirm the warrant. As he was waiting for dispatch to confirm, he kept his eye on Peterson and observed Peterson acting nervous in his vehicle. He appeared to be looking around the area for an escape route. Based on Peterson's apparent nervousness, once he confirmed the warrant, Patrolman Palazzo relocated his police cruiser near the front of Peterson's Nissan as he was still seated in the driver's seat.

Once Patrolman Palazzo positioned his cruiser, parked, and exited, Peterson began to reverse the Nissan in the opposite direction. As he exited his cruiser, Patrolman Palazzo was positioned between his cruiser's front end and directly in front of Peterson's vehicle's front end. Patrolman Palazzo drew his department-issued firearm and pointed it in the direction of Peterson and shouted, "Put it in park." At that time, Patrolman Palazzo attempted to move to his right but was trapped by his patrol vehicle. Peterson's vehicle accelerated rapidly, in the direction of Patrolman Palazzo. Patrolman Palazzo discharged his firearm twice, while simultaneously being struck by the front bumper of Peterson's Nissan Sentra.

Officer Palazzo described the incident as follows:

(Clears throat) So what I did was, [I] went back to my car and started running it, him [for warrants], to make sure. As I looked at the warrant and waited for dispatch to confirm, which is part of our policy and procedure at Johnston Police So, what I did, I took it upon – upon myself – 'cause as I was running it, I could continuously keep my eye on him, and I could see he was looking nervous to me. And by that, to articulate it to you, is he kept looking up and kept looking down, making eye-contact with me and kept looking away, and then he would stare at me for a while. And this is all while I'm running him I can tell that he wants to run. I just know the look. I – I've seen the look a million times, it's like a deer in headlight. We all know the look. So, what I do, I take my patrol cruiser, I go out onto – you probably see it on camera. I go out on to, um, Hartford Avenue, I kinda swing right. I wanna position my car in front of his vehicle, which is the white, um, rental, to stop him from fleeing. I had a feeling he was going to run. So, I positioned my vehicle in front of his vehicle. Again, he still looks nervous, he still looks like he's going to run to me.

As I put my vehicle in park, I open my car door, I observe him put the vehicle into reverse and begin to reverse. Now, his vehicle's trapped, that's why I did it. That's why I placed my vehicle in front of it, so he couldn't run. That's the only reason. In the parking lot, not in the road. (Clears throat) He backs up but he's trapped. He's trapped betwixt my vehicle, that building, and then the two other officers' vehicles essentially. It would be almost like a horseshoe around him, and I was in front of him, and then I blocked his way out on to Hartford Avenue, and his girlfriend's vehicle was also kinda in the way as well. So, now I'm positioned in between the front of my vehicle, the front of his vehicle and then there's two or at least one patrol car to my right. So, I'm kinda sandwiched in between a lot of cars.

He backs up. So, like I said I'm exiting the vehicle, he backs up, I draw my weapon as he's backing up. I -- I yell for him to put it in park. I said, *please put it in park*. Obviously, he fails to do so. He immediately throws it in to drive, um, he accelerates. I'm not sure if he spun tire or not, I don't remember. But, um, he accelerates, he starts driving towards me or trying to get away. I'm not sure. He felt like he was trying to dr -- run me over to be honest. And I was trapped. I had -- I tried to sl-sliding to my right to avoid being struck by a vehicle. Um, obviously I was in fear for my life because I was trapped. I couldn't -- I couldn't -- I, eh, I wanna -- my brain works that I want to jump over the vehicle, something like that, to get out but I couldn't because my cruiser's too tall. So, I'm a shorter guy, I'm like 5'9. So, I was trapped. I couldn't -- I couldn't get out from those vehicles.

So, like I said, I had my firearm in my hand. I felt like I had no choice. I felt like my life, um, my life was in danger. Um, so, I discharged my weapon. I believe I shot twice as he was driving towards me. He then -- I feel like he swerved to his left and struck -- and he definitely stuck me. I don't know if he struck me in my leg or my arm. As I was firing, once or twice and then he struck me with his vehicle, and I started falling to my right and fire what believe to be one or two more times. Um, and then I fell to the ground, and he continued across, um, Hartford Avenue, and that's where his vehicle stopped when he struck the building across the (indiscernible).

Palazzo Statement April 27, 2025, at 3:44 a.m., at Rhode Island Hospital

At the same time Peterson reversed his vehicle and then quickly drove it forward toward Officer Palazzo, Officer Mazzulla could be seen on the Shell surveillance video approaching the driver's side door of Peterson's car in an effort to pull him out of it. Patrolman Mazzulla described the incident in his interview:

Q. Did you actually see the car go towards Officer Palazzo?

A. **Yeah**

Q. You did. Did you feel like—

A. **So when he put it into reverse, I attempted to go up to the car and try to grab him out of it and then he just floored it toward Palazzo.**

Q. How close were you to the car?

A. **Um, maybe a little further than me to that door right there.**

Q. And the, uh, so you had a good eye view of what's going on?

A. **Yeah**

Q. Okay, how close was Officer Palazzo to the vehicle at that point?

A. **So, Palaz-once he backed up, Palazzo maybe 10, 15 feet, and then he just gassed it.**

Q. Did you hear a gas like do you hear—

A. **Yeah**

Q. revving?

A. **Yeah**

Q. So, did he say anything? Like I know you were pretty close to the car.

A. **No, I didn't hear him say anything.**

Q. Could you see him like obviously—

A. **I saw the reverse lights come on.**

Q. Okay

A. **And that's when I attempted to approach the car and then he put it in drive and took off.**

Q. And he seemed like he was in a hurry to get out of there?

A. **Yeah, he was trying to get away.**

Mazzulla Statement April 27, 2025, at 3:04 a.m., at Johnston Police Station.

Patrolman Palazzo then fired two (2) more times as Peterson was driving and fleeing past him. Peterson was subsequently struck and sustained one gunshot wound to

his upper leg/thigh area. Peterson continued to accelerate rapidly, lost control of the Nissan, and struck a concrete pole in front of Baylee Thai Cuisine at 1369 Hartford Avenue, Johnston, Rhode Island. All three officers ran or drove across Hartford Avenue towards the crash scene and placed Peterson in handcuffs and rendered emergency aid, including placing a tourniquet on his wound until rescue arrived. Peterson was transported by Johnston Rescue to Rhode Island Hospital. Officer Palazzo was also treated at the hospital that evening and was found to sustain only minor injuries.

Neither Patrolman Mazzulla nor Merritt discharged their weapons during this incident. The State Police seized Officer Palazzo's firearm, a Glock 17 9mm semi-automatic pistol, and determined that four bullets were missing from the magazine. Crime Scene investigators seized four FC 9mm cartridge casings from the scene. Investigators recovered 1 projectile and two projectile fragments from Peterson's Nissan. An intact projectile was also recovered from Mr. Peterson at Rhode Island Hospital.

The narratives provided by [REDACTED] and the officers on the scene were consistent with the Shell station video which provides the best video documentation for the incident.

Indeed, Peterson's actions that night were further confirmed by Peterson himself on March 31, 2026, when he pled nolo to five counts in case number P2/2025-4324A before Magistrate Judge Joseph McBurney. Count one alleged that Peterson assaulted Officer Palazzo with a dangerous weapon, his car; count two alleged that he operated his vehicle in a reckless disregard for the safety of others resulting in injury to Officer Palazzo; count three alleged that he possessed a controlled substance, fentanyl, less than 10 grams; count five (count four was dismissed) alleged that he obstructed Officer Palazzo in the execution of his duties; and count six alleged that he used force in resisting an arrest by Officer Palazzo.

The facts were read into the record by an Assistant Attorney General and the Magistrate then addressed Peterson:

Court: Mr. Peterson, did you hear the facts as they were read into the record?

Mr. Peterson: **Yes**

Court: Are they true?

Mr. Peterson: **Yes, sir.**

Court: Anything you want to say to me before I impose sentence in that case?

Mr. Peterson: **I take responsibility for my actions**

The Court then sentenced Peterson to six years at the A.C.I. with the first four to serve the remaining two years suspended with six years of probation on Count One. On the remaining four counts he was sentenced to concurrent suspended sentences.

Applicable Law

When considering a police officer's actions which involve the use of force in his 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 Johnston Police officer 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).

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.G.L. § 12-7-9. The Use of Force Policies of the Johnston Police Department (General Order 300.00) apply the legal principles set forth above. They provide that an officer is authorized to use lethal force to:

1. 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).
2. 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.

Johnston Police General Order 300.00.

Analysis and Conclusion

Based on the information obtained through the joint investigation and summarized above, the use of deadly force by Officer Palazzo was necessary and objectively reasonable under the circumstances. Officer Palazzo had confirmed that there was indeed a warrant for Peterson’s arrest, Peterson reversed his car, ignored Officer Palazzo’s order as he drew his weapon to “put it in park” and then accelerated right at Officer Palazzo. As Peterson accelerated toward Officer Palazzo, he placed him in fear of his life leaving him with limited options for self-defense. Officer Palazzo found himself sandwiched between cars, in close proximity to Peterson. He did not place himself there recklessly; rather he was continuing a proper stop of Peterson as part of an investigation into his altercation with [REDACTED] during which it was found Peterson had an active warrant. Peterson had previously followed police orders to move his car and place it in park, and he initially remained in park as this investigation took place. It was only after Officer Palazzo exited his vehicle that Peterson drove at him.

Officer Palazzo, in legitimate fear for his safety when confronted by the potentially deadly force of an accelerating automobile, discharged his weapon twice. As he fell to the ground after being hit by Peterson's car, Officer Palazzo discharged his weapon two more times at the fleeing car. Officer Palazzo reasonably feared an imminent threat of serious bodily injury as Peterson drove at him and he also had the obligation to stop Peterson from fleeing into the street, potentially endangering other motorists.

Officer Palazzo had but an instant to react to an incredibly dangerous situation that placed him at immediate risk of death or serious bodily injury. Under these circumstances, his use of deadly force was legally justified.

PETER F. NERONHA
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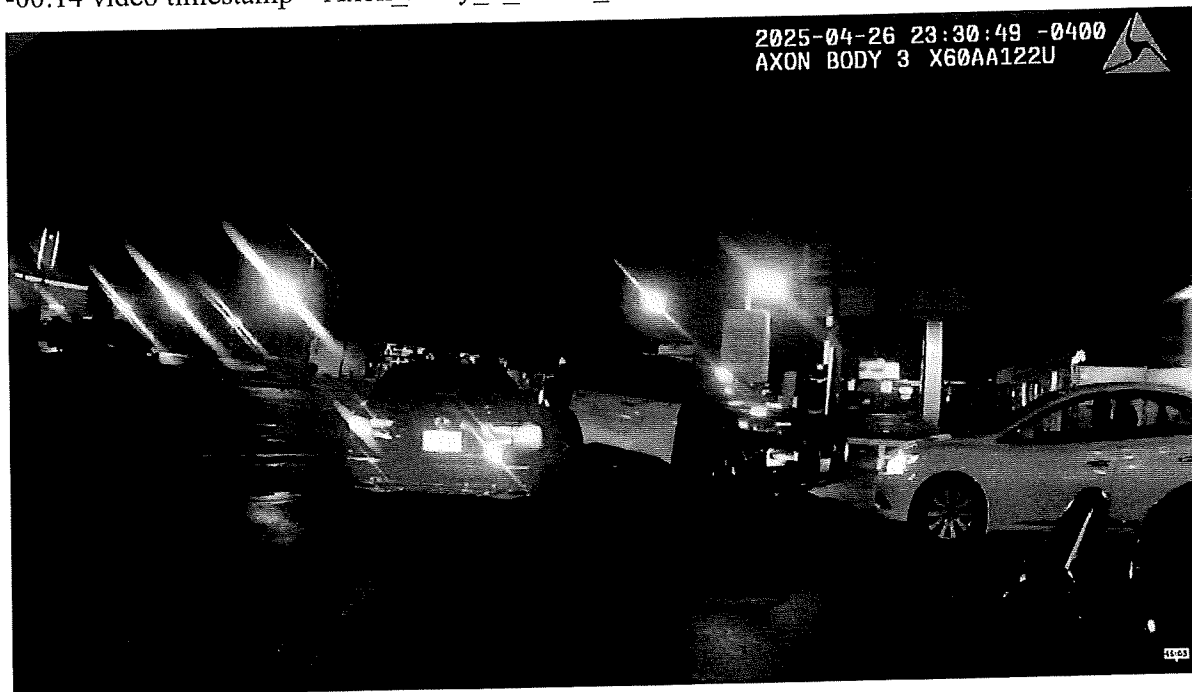


J. Patrick Youngs
Assistant Attorney General



Adi Goldstein
Deputy Attorney General

-00:14 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



Description: Patrolman Palazzo parks his cruiser in front of the white Nissan and next to the red Honda.

-00:15 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



Description: Peterson is observed seated in the front seat of the white Nissan. Peterson is observed leaning forward and places the Nissan in reverse. Peterson then reverses the Nissan away from Patrolman Palazzo's cruiser.

-00:17 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



Description: Peterson is observed reversing the Nissan.

-00:17 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



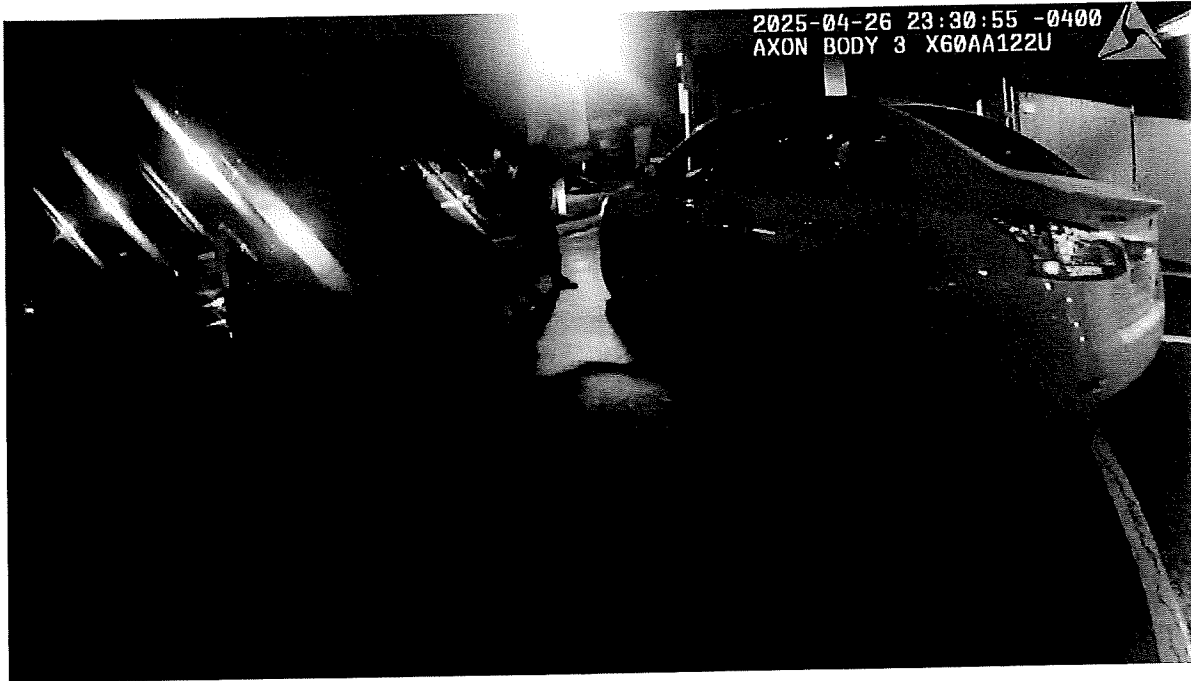
Description: Patrolman Mazzulla advances towards Peterson's white Nissan.

-00:19 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



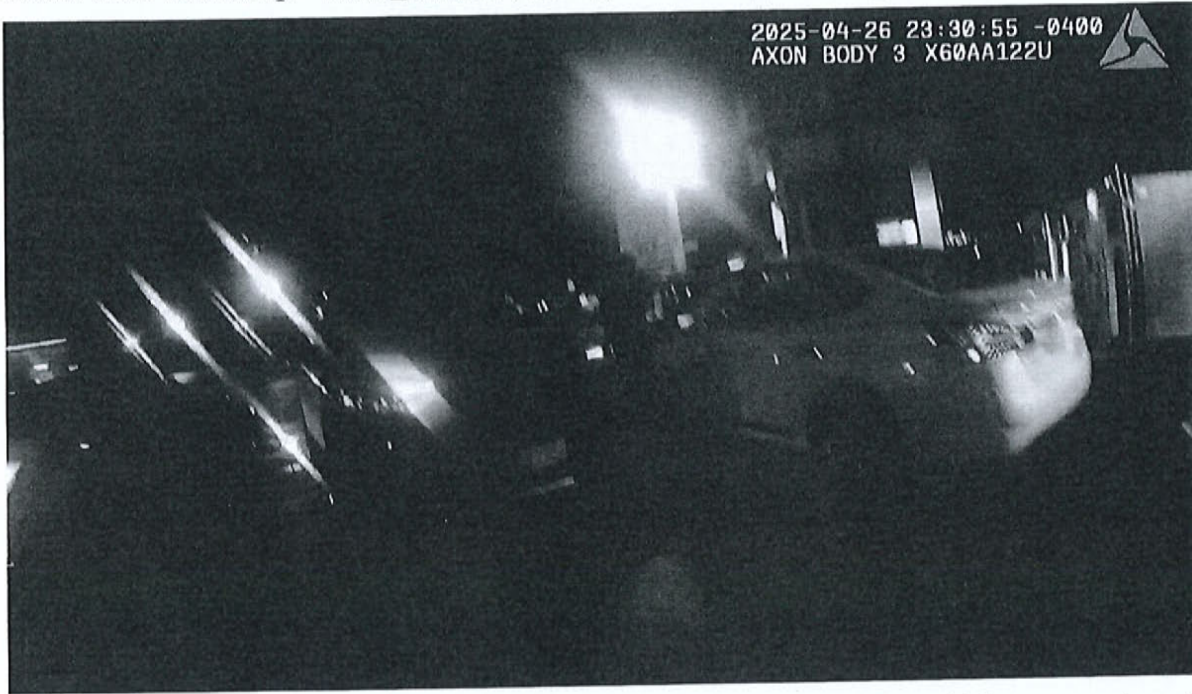
Description: Peterson accelerates the white Nissan, turning his tires to the right. Patrolman Palazzo is observed on the left, in front of the Nissan with his firearm drawn.

-00:19 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



Description: Peterson continues to accelerate the white Nissan and veers to the left, heading towards Patrolman Palazzo. Patrolman Palazzo is observed placing his left hand on the white Nissan, and moving to his right, out of the path of the Nissan. Patrolman Palazzo is heard yelling, “get out of the car, get out of the car.”

-00:20 video timestamp – Axon_Body_3_Video_2025-04-26_23:30:55_S/N X60AA122U



Description: Peterson continues to accelerate, and the driver's side of the vehicle appears to make contact with the left side of Patrolman Palazzo. One (1) round is then fired by Patrolman Palazzo.

-00:20 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



Description: Peterson continues to accelerate, and the driver's side of the Nissan appears make contact with Patrolman Palazzo.

-00:21 video timestamp – Axon_Body_3_Video_2025-04-26_2330_S/N X60AA122U



Description: Peterson drives by Patrolman Palazzo. Patrolman Palazzo proceeded to fire three (3) more times, while falling to the ground.