

STATE OF RHODE ISLAND  
OFFICE OF THE ATTORNEY GENERAL

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INVESTIGATIVE REPORT  
September 15, 2023

<b>Incident Type:</b>	<b>Officer-Involved Shooting</b>
<b>Incident Location:</b>	<b>25 Denison Street, Providence, R.I.</b>
<b>Incident Date:</b>	<b>February 10, 2022</b>
<b>Police Department:</b>	<b>Providence Police Department</b>
<b>Involved Officer:</b>	<b>Multiple Providence Police and Rhode Island State Police Officers</b>

## **SUMMARY OF FINDINGS**

The Office of Attorney General has concluded its review of the officer-involved shooting incident at 25 Denison Street, Providence, on February 10, 2022. The incident involved numerous Providence Police officers as well as several members of the Rhode Island State Police. The investigation was conducted pursuant to the Attorney General's Protocol for the Review of Incidents Involving the Use of Deadly Force, Excessive Force, and Custodial Deaths ("The Attorney General Protocol"), together with the Rhode Island State Police and the Providence Police Department. Based on this review, we conclude that the actions of the police officers involved were legally justified.

A thorough account of the investigation may be found in the Providence Police Department Investigation Action Report and the Rhode Island State Police Report of Investigation and attachments thereto. As detailed in those reports, members of the Providence Police Department responded to 25 Denison Street in response to a call that a resident of the address, Mr. Scott Maclean ("Maclean"), had barricaded himself and was armed. Once it became clear that Maclean had access to numerous firearms, including high-powered rifles, members of the Providence Police Special Response Unit and the Rhode Island State Police armored vehicle responded to the location. Following a lengthy stand-off with Maclean, during which he refused to engage with a police negotiator, Maclean opened fire on the officers. Maclean shot numerous rounds using multiple firearms including semi-automatic assault rifles, shotguns and pistols. SRU members returned fire and deployed numerous rounds of less lethal munitions. After a nearly 15-minute gun battle, the residence caught fire. Providence Fire Department waited to deploy personnel until they were assured that the threat was neutralized. Maclean was found inside the residence with a gunshot wound to the head. A medical examiner's report concluded that the manner of death was suicide.

This Report focuses only on the facts most pertinent to our conclusion that the deadly force used by the police officers who responded to the scene was objectively reasonable and necessary under the circumstances. Additionally, the evidence supports the conclusion that the officers' use of force did not cause Maclean's death.

## **SUMMARY OF THE FACTS**

At approximately 1:54 a.m. on February 10, 2022, 911 received a call of a male subject causing a disturbance at 25 Denison Street in Providence. 25 Denison Street is a two-family home, located in a densely populated residential neighborhood. The caller stated that the male later identified as Maclean, was heavily armed. The caller stated that Maclean "assaulted my sister earlier today" and that "he has barricaded himself in his room and he is armed, so you guys should be careful." The caller stated that, "He was actually pulling them [guns] out earlier on people." The information was provided to Providence Police dispatch which directed police to respond to the location.

Upon arrival, Providence Police set up a perimeter. Officers determined that the apartment in question was apartment 25A which was accessed by the left front door. Sgt. David Schiavulli met with Ms. Christine Maclean outside the residence. She reported that her father, Maclean, had access to numerous firearms inside the house, including assault style rifles.

According to Ms. Maclean, her father had mental health issues and had threatened family members with firearms earlier in the day. Ms. Maclean also reported that her young daughter was still inside the apartment.

Law enforcement secured Ms. Maclean, her son, and the brother who had initially called 911 at a safe distance away from the home. Sgt. Schiavulli then led a team of the patrol bureau rifle team into the location to extract the 12-year-old girl out of the apartment. Officers also confirmed that the basement and first floor of the dwelling were clear. Officers then successfully gained the attention of the young girl who came to the top of the stairs.

After the girl was removed, officers attempted to contact Maclean who was reportedly inside his bedroom on the second floor of the apartment. These efforts were unsuccessful. At about 2:20 a.m., Providence Police began evacuating the residents of adjacent buildings. Additionally, the Special Response Unit (SRU) was called to the location. The SRU consists of highly trained officers who receive specialized trainings in active-shooter, police stand-offs, hostage, and other high-risk situations. Members of the SRU are also trained and certified in the use of certain rifles and shotguns as well as 40 mm launchers of less lethal munitions which are not used by regular members of the police force. The SRU set up at various locations surrounding 25 Dennison and were primarily responsible for responding to the situation. Due to information about the presence of multiple firearms, including high-powered, long barrel weapons, Providence Police also requested that the State Police Tactical Team respond with their Lenco armored motorized vehicle, also referred to as a "Bearcat." Multiple patrol officers were deployed to the area to evacuate residents and maintain a safe perimeter.

At approximately 3:44 a.m., Officer Scott Keenan of the Providence Police Department confirmed visual contact with Maclean. Maclean was at the rear door of the residence with his hands up. Providence Police attempted to call him out but with no success. About ten minutes later, the SRU team attempted to call Maclean on his cellphone but got no response.

The State Police armored vehicle arrived on scene at around 4:30 a.m. It was operated by State Police Detective Shawn Slade with Trooper Michael Colasante in the front passenger seat. The vehicle was positioned in the driveway to the left of 25 Denison Street and would have been clearly visible to Maclean. At that time, Providence Police made repeated attempts to contact Maclean using a loudspeaker. The Providence Police negotiator could be heard over the radio imploring Maclean to come out, to end the situation peacefully, and assuring Maclean that the police knew that he had a bad day and that they do not want anyone to get hurt. These efforts too went unanswered.

Shortly after 5 a.m., Lt. Patrick Potter directed the deployment of less lethal munitions (LLMs), specifically OC canisters<sup>1</sup>, into the window of what was believed to be Maclean's bedroom, on the second floor of the residence. Providence Police broadcast loud verbal warnings regarding this deployment over the loudspeaker. The Providence Police negotiator could be heard over the radio imploring Maclean to come out, to end the situation peacefully, and assuring Maclean that the police do not want anyone to get hurt. Again, the warning met

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<sup>1</sup> OC canisters contain Oleoresin Capsicum, commonly referred to as pepper spray, which affects the respiratory system.

with no response. Shortly thereafter, Providence Police deployed a Throw-Bot into the second floor of the apartment. A Throw-Bot is a remote operated device that records video footage which is transmitted to the police in real time. The Throw-Bot does not record, however.

Based on the video footage obtained from the Throw-Bot, police could see Maclean go to the gun safe inside the apartment. This prompted multiple members of the SRU team to activate their body worn cameras. At about 6:09 a.m. additional OC rounds were fired into the second-floor apartment without having any discernible effect on the occupant.

At about 6:15 a.m., Lt. Potter warned his team to “take cover, he’s going to the safe. Take cover.” Two minutes later, Sgt. Charles Viera stated, “He’s got a gun. Automatic rifle . . .” Seconds later, Maclean began firing multiple rounds at the police out of the second-floor bedroom window. State Trooper Colasante’s recorded statement confirmed the fact that Maclean began firing on the officers first, at about 6:17 a.m. Additionally, SRU members can be heard over police radio stating, “That’s not us.”

Maclean shot a rifle at members of the SRU and the armored vehicle from the second-floor, rear bedroom for about two minutes before police responded. At about 6:19 a.m., Maclean fired a second volley at the police. At that point, Officer Frank Moody returned fire. Maclean continued to fire multiple weapons at the officers and surrounding buildings until about 6:29 a.m. As detailed below, multiple members of the SRU returned fire. The exchange of gunfire continued intermittently for over ten minutes. Throughout, Sgt. Viera monitored Maclean’s movements utilizing the Throw-Bot and reported his observations to members of the SRU team. For example, Sgt. Viera was able to advise SRU members when Maclean was reloading, taking another firearm, and his position in the apartment. This reporting was limited by what Sgt. Viera was able to observe from the Throw-Bot.

The gunfire ceased at about 6:30 a.m., when smoke was first reported emanating from the second-floor apartment. It was ultimately determined that Maclean had fired over 100 rounds at police. Photos obtained by the Providence BCI unit show multiple markings consistent with bullet holes to surrounding buildings such as 103 Commodore Street and 31 Denison Street. Numerous rounds fired by Maclean littered the driveway to the side of 25 Denison Street, where the Bearcat and other vehicles were located as well as the surrounding yards.

At about 6:39 a.m., the armored vehicle started backing out of the driveway as the smoke turned to flames curling out of the second-floor windows. Officers could hear ammunition from inside the dwelling expelling or “cooking off.”

At about 6:43 a.m., fire department personnel staged around the area but did not immediately respond due to this being “an active shooter situation.” At 6:45 a.m., firefighters began to extinguish the fire from the outside. At 7:13 a.m., Deputy Assistant Chief Kevin Jutras announced that the fire was placed “under control.” At that point, SRU members made entry into the residence.

Maclean was found deceased on the second floor of the residence. The Rhode Island Medical Examiner’s Office responded to the scene and took custody of Maclean’s body. The

Medical Examiner's report concluded that the cause of death was "gunshot wound to the head" and the manner of death "suicide."

Providence BCI seized a 9 mm Luger from the residence which was likely used by Maclean to take his own life. The Luger was found in Maclean's hand when his body was first examined by the Medical Examiner. The pistol had one round in the chamber and an empty magazine. There were 15 live 9 mm rounds in a holder under Maclean's body.<sup>2</sup>

All but one of the firearms seized from 25 Dennison Street were found in the rear bedroom where Maclean was found; about half of the firearms were outside an open gun safe located in the bedroom. The following list, taken from the Providence BCI firearm list report, identifies the firearms seized and the location they were found:

1. CZ 75B 9mm pistol, located in Maclean's hand with one round in the chamber and an empty magazine;
2. Molot-orvzhie limited – Vyatskie polyany Russia 7.62x39 caliber assault rifle, located on the bed to the right of Maclean (outside the safe);
3. Mossberg 12 GA Shotgun, located on the floor to the left of Maclean (outside the safe);
4. Springfield Armory Model XP45 acp pistol, on the floor in the bedroom (outside the safe);
5. Ruger Super Red Hawk Alaskan model 454 45 cal. Colt revolver, on the floor in the bedroom (outside the safe);
6. Ruger 22 LR 22 caliber pistol, on the floor in the bedroom (outside the safe);
7. Colt 223/556 caliber assault rifle, located in the fire debris in the bedroom (outside the safe);
8. Rifle stock only;
9. Ruger 22 LR, 22 caliber rifle (inside the safe);
10. Marlin 45-70 caliber rifle (inside the safe);
11. C.A.I. 7.62x54 caliber rifle (inside the safe);
12. Winchester Model 70, 30-06 caliber rifle (inside the safe);
13. Springfield rifle, caliber undetermined (inside the safe);
14. SAKO 85L 375 caliber rifle (inside the safe); and,
15. Taurus model PT111 G2 9 mm pistol (inside file cabinet on the first floor).



*Firearms seized from 25 Denison Street*

<sup>2</sup> See Providence Police BCI Firearms List Report

There were 18 SRU members surrounding the area during the gunfight with Maclean: seven members remained in and behind the armored vehicle parked in the driveway of 25 Denison Street; four were behind the building, three were in front of 25 Denison Street and three were behind 31 Denison Street.

The investigation established that the following members of the SRU team discharged their weapons during this incident:

1. Officer Eric Cuellar, positioned behind the Lenco armored motorized vehicle;
2. Officer Frank Moody, positioned behind the Lenco armored motorized vehicle and porch of 31 Denison Street;
3. Detective Matt Nadeau, position at the Lenco armored motorized vehicle and porch of 31 Denison Street
4. Officer Andre Elie, positioned behind 25 Denison Street
5. Officer Adam Chin, positioned behind 25 Denison Street
6. Sergeant Sean Comella, positioned behind 31 Denison Street
7. Detective Matt Greeley, positioned behind 31 Denison Street
8. Officer Scott Keenan, positioned behind 31 Denison Street

All the officers, with the exception of Det. Nadeau, discharged their Providence Police issued SRU rifles which were either Colt 5.56 model M-4, 5.56 caliber rifles or Daniel Defense 5.56, Model DDm4, multi caliber rifles. Det. Nadeau fired his department-issued sidearm, a Smith & Wesson Model M&P .40 caliber pistol. Det. Nadeau also discharged less lethal OC and CS rounds from a 40 mm launcher which he was assigned as a member of the SRU team. Officer Moody also discharged several OC rounds from the launcher.

### The Investigation

All the officers involved submitted to interviews following the incident. The officers who discharged their firearms were initially interviewed in the presence of their union attorney, Joe Pezza, following *Garrity* warnings. Those officers later provided consent to share their statements with investigators voluntarily.

Lt. Potter and Sgt. Viera provided voluntary statements at the location. Those members of the SRU team who did not discharge their weapons were interviewed at Providence Police headquarters. Every interview was conducted separately, and all interviews were recorded and transcribed. In total, 21 recorded interviews were conducted.

The following is a summary of some of the pertinent information obtained from the interviews with the officers at the scene. Complete witness statements and transcripts of the officer interviews are included in the Providence Police and State Police investigative materials.

Corporal Shawn Slade: Cpl. Slade stated that at approximately 3 a.m. he was contacted as a member of the State Police Tactical Team and instructed to deploy to Providence with additional State Police tactical members using the team's armored vehicle known as the Bearcat. He arrived at the scene at about 4 a.m. Cpl. Slade stated that he parked the vehicle near the front of

the residence. In the vehicle with him was Trooper Michael Colasante, a negotiator from the Providence Police Department, and the robot operator from Providence Police. The robot operator communicated his observations via radio to the other officers on scene.

Cpl. Slade stated that the negotiator called out to the suspect using the long-range acoustic device (LRAD) which is affixed to the vehicle, directing him to leave the residence. He indicated that this was done over an extended period with no response. The Bearcat was then moved to the driveway to the left of the building and the negotiator continued to call to the suspect. Cpl. Slade stated that Providence Police breached a second story window to the apartment and then deployed less lethal munitions into the apartment. As there was no response, the Providence Police Department repeated the process with a second window. Thereafter, Providence deployed a "Throw-Bot" into the apartment. According to Cpl. Slade the person monitoring the camera footage from the Throw-Bot inside the Bearcat continued to give commands to the suspect inside using the LRAD.

Once police observed the suspect remove a rifle from a gun safe and load it, the negotiator began giving commands to "drop the gun." Immediately thereafter, the suspect began firing the rifle at police. Cpl. Slade then observed return gunfire from the Providence Police. Cpl. Slade described an extended exchange of fire during which he observed officers standing near the armored vehicle being fired upon. Cpl. Slade stated that the suspect used four to five different firearms during the incident. Additionally, the suspect shot at the robot multiple times.

According to Cpl. Slade, at some point, "a pyrotechnic-type device" was shot into the window which he believed to be a less-lethal round. At the time, the suspect was still exchanging gunfire with police. Almost immediately, smoke began to come out of the second-floor window. The gunfire ceased as the smoke grew.

Trooper Michael Colasante: Trooper Colasante provided substantially the same information as Cpl. Slade. Trp. Colasante stated that the LRAD was used to communicate with the suspect for about two hours before the Providence Police Department resorted to using chemical munitions. Trooper Colasante stated that prior to the window being broken and chemical munitions deployed, police announced their intentions over the LRAD. Trooper Colasante stated that the suspect began firing on police at about 6:17 a.m. Colasante said that when the suspect began shooting, the negotiator called out asking the suspect to drop his weapon and stop shooting. According to Colasante, Providence Police first returned fire after the second volley of gunfire by the suspect.

Sgt. Charles Viera: Sgt. Viera stated that he monitored the Throw-Bot which was deployed inside the second-floor apartment while sitting in the Bearcat armored vehicle. Sgt. Viera communicated his observations to the rest of the team over police radio. According to Sgt. Viera, he observed Maclean go to the gun safe and take an assault rifle and "banana clip" from the safe. Maclean then went to the window and began firing at officers. Sgt. Viera was certain that Maclean was the first to fire.

Sgt. Viera watched Maclean retreat from the window several times to go to the safe to retrieve additional weapons including a shotgun and a handgun. He then returned to the window

to continue firing. Sgt. Viera also saw Maclean shoot at the Throw-Bot attempting to disable it. Once Maclean emptied one of his handguns, he crawled back to the safe on his hands and knees to retrieve another handgun. Sgt. Viera also reported seeing police fire multiple rounds into the apartment.

Ultimately, Sgt. Viera saw Maclean lie motionless on the floor. Sgt. Viera could not tell whether Maclean was injured or whether he was lying in wait. Almost immediately, he could see smoke to the right side of the apartment which got progressively worse. Sgt. Viera relayed these observations to the SRU team members and no additional shots were fired once Sgt. Viera reported that Maclean was not moving.

Officer Shane Romano: Officer Romano was the crisis negotiator for the Providence Police Department on scene. He had served in that position since 2009. Officer Romano arrived at the scene at about 3:30 a.m. Officer Romano stated that upon arrival he was briefed by Lt. Potter. He also spoke to the suspect's son and daughter to collect information about Maclean. Officer Romano was aware that police had responded to that location a week earlier and had taken Maclean to a healthcare facility. He was also aware that Maclean had access to a safe containing multiple weapons. Officer Romano recalled being in the armored vehicle with Sgt. Michael Wheeler and Sgt. Viera. He stated that he made multiple attempts to contact Maclean on his cellphone. He also attempted to contact Maclean using the LRAD system on the Bearcat to no effect.

Officer Romano stated that he called out to the suspect to stop him from retrieving weapons. Once Maclean started shooting at police, Officer Romano could hear bullets striking the armored vehicle. He stated that, even during the exchange of gunfire, he continued to call out to the suspect over the loudspeaker. At some point, SRU team members requested that he stop using the LRAD as it disrupted their ability to respond to the situation.

Lt. Patrick Potter: Lt. Potter stated that after multiple unsuccessful attempts to contact Maclean, he made a decision to insert the Throw-Bot into the second-floor apartment in order to get a better view of the suspect. Lt. Potter stated that he made the decision to deploy OC rounds, which are less lethal munitions, or LLMs, into the second-floor apartment to prompt Maclean to exit the apartment. Lt. Potter believed that the OC rounds would act as an irritant and would ordinarily prompt a person to come out to the fresh air. According to Lt. Potter, LLMs were deployed over approximately 10-15 minutes but had no discernible effect on Maclean. After several OC rounds were discharged, Sgt. Viera called out to the team that Maclean retrieved a firearm from the safe. At that point, Lt. Potter instructed the SRU members on scene to take cover. Almost immediately, Maclean began firing at the police.

According to Lt. Potter, when faced with deadly force, as they were, members of the SRU were authorized to return fire without specific orders to do so. Lt. Potter stated that he authorized Det. Nadeau to deploy the Spede-Heat CS gas munition when there was a break in the gunfire with the intent of having Maclean come out of the building. Lt. Potter stated that he believed that deployment of this CS munition was "the only option we had at that time that could give condensed CS into that room which would totally disorient him and hopefully [he] can flee the room and flee outside" alive. Lt. Potter hoped that this would end the exchange of gunfire,

and viewed it as “a last ditch effort to . . . make it so uncomfortable in that room that he had to flee it.”

Det. Matthew Nadeau: Det. Nadeau stated that he was assigned a 40 mm launcher for the operation. He was also in possession of his side arm, a .40 caliber Smith and Wesson. He stated that he responded to the SWAT truck and took a bandolier that contained a supply of less lethal rounds. According to Det. Nadeau, he was with the team that approached the residence with the Bearcat as cover. He could hear the negotiation attempts with Maclean. Det. Nadeau stated that he was ordered to use some impact rounds from the launcher to break the second-floor window. This was not entirely successful. He then observed Sgt. Sean Comella use a ladder and hook to “rake” the windows in order to throw the Throw-Bot into the apartment.

Det. Nadeau recalled that he deployed several OC rounds into the residence. This was followed by gunfire from the apartment directed at the Bearcat and in his direction. Det. Nadeau stated that he then put himself in a position to return fire. Det. Nadeau stated he discharged his .40 caliber pistol in the direction of Maclean. It was later determined that Det. Nadeau discharged 12 rounds. Following this, Det. Nadeau stated that he was directed by Lt. Potter to discharge a CS gas round into the residence to force Maclean out. According to Det. Nadeau, he believed that the CS gas munition would fill an area with gas and have a stronger effect than the OC rounds. Det. Nadeau stated he positioned himself on the porch of 31 Denison Street, next to Officer Frank Moody. He stated that after the round was discharged, gunfire ceased. He could then see smoke and fire emanate from the building. At the time of this discharge, Det. Nadeau and the other members of the SRU team still considered Maclean to be an active threat.

Sgt. Sean Comella: Sgt. Sean Comella stated that in order to breach the window of the apartment, he had to use a ladder and hook device from the fire department. He climbed on the ladder and used the hook to “rake” out the window. He then threw in the Throw-Bot. After completing this mission, he returned to his position behind the Bearcat. He then heard gunfire coming from the second-floor window. After the second volley of gunfire, Sgt. Comella fired approximately three to five rounds. Sgt. Comella and Det. Greeley then moved position to the rear yard of 31 Denison Street. As they did so, they were met with gunfire from Maclean. Sgt. Comella estimated it was as many as fifteen to twenty rounds. Sgt. Comella and Det. Greeley then returned fire using a Colt 5.56 model M-4 rifles which they were trained and authorized to use as members of the SRU team. After a short time, they saw smoke emanating from the apartment and the gunfire stopped.

Officer Frank Moody: Officer Moody was behind the Bearcat when Maclean began firing at the officers. After the second volley fired by Maclean, Officer Moody returned fire using a Colt 5.56 Model M-4 rifle. Upon hearing about Maclean’s movements from Sgt. Viera, Officer Moody suggested using additional OC rounds to force Maclean out. Officer Moody took possession of the 40 mm launcher and deployed several rounds through the window. He also recalled Det. Nadeau using the 40 mm launcher to fire LLMs into the apartment. Officer Moody described continuous and repeated fire from the suspect. He described seeing muzzle flashes and observing rounds fired in his direction. Officer Moody described returning fire from multiple locations and reloading his weapon with several magazines and different rounds of ammunition.

According to Officer Moody, he has never come under such sustained fire from a suspect over his more than forty years with the Providence Police Department.

Officers Andre Elie and Adam Chin: Both of these officers were also members of the SRU team. They were assigned to the rear yard of 25 Denison Street. Both officers stated that at some point during the exchange of gunfire, they heard a transmission from Sgt. Viera that Maclean moved to the rear window of the residence. At that point, Officers Elie and Chin both discharged their weapons as they had a clear line of sight of that window. It is not clear how many rounds they discharged. Officer Eli was equipped with a Colt 5.56 model M-4 rifle and Officer Chin was equipped with a Daniel Defense 5.56 DD M-4 rifle.

Officer Scott Keenan: Officer Keenan stated that once Maclean began firing, he relocated to a shed in the rear of 31 Denison Street which gave him a better vantage point. Officer Keenan stated he observed muzzle flashes coming from the second-floor window from which Maclean was firing. Officer Keenan was aware that Sgt. Comella and Det. Greeley were coming under fire and believed them to be in danger. Officer Keenan stated that he discharged his rifle, a Colt 5.56 M-4.

Officer Eric Cuellar: Officer Cuellar provided a similar account to the other officers involved. He was present for the failed attempts to engage with Maclean. He was also aware of the deployment of OC rounds and of the Throw-Bot. Officer Cuellar heard the initial gunfire and asked his team whether it was them. They said it was not. He then saw muzzle flashes coming from the second-floor window and observed Officer Moody engage. Because Officer Cuellar determined that Maclean was firing at them, he returned fire with his Daniel Defense 5.56 model DD M-4 rifle. Officer Cuellar stated that it sounded like the Bearcat was being hit. He stated that he reloaded his firearm and engaged again.

#### Civilian Interviews

Several neighbors were also interviewed about the incident. A resident of 106 Commodore Street stated he heard police calling for Maclean to come out of his house and to answer his phone and talk to them. He recalled gas munitions being deployed, gunshots, and then the residence caught fire. This resident recorded the event using his cellphone.

Joshua and Christina Maclean: Both of Maclean's children spoke with police when they arrived to the scene. They told police about their father's mental health problems, the presence of multiple firearms, as well as the fact that he drank extensively throughout the day preceding the shooting. During her interview, Christina Maclean stated that her father said, in the week prior to the shooting, that he would "commit suicide by cop" and that he was going to "go out guns blazing." Christina Maclean stated that the firearms in the apartment belonged to her. She said that there were about 15 firearms in the residence including numerous hunting rifles and an AK-47 assault rifle.

#### Body-worn camera footage and other video surveillance

The BCI unit collected 19 body worn camera entries from SRU members and 25 body-worn camera entries from the patrol bureau. The BCI unit also collected 92 video clips from

surrounding buildings on Commodore Street and Branch Avenue (doorbell cameras and cellphone video footage).

The State Police report summarizes the body worn camera footage in great detail which will not be repeated in this report. The body worn camera footage was independently reviewed in preparation of this report. The footage corroborates the accounts provided by the involved officers. The body worn camera footage of all the SRU officers depict a sustained gunfight between Maclean and the officers. Throughout, Sgt. Viera can be heard communicating to officers his observations of what transpires inside the apartment through the Throw-Bot as well as Maclean's location inside the apartment. Sgt. Viera can be heard telling the officers when Maclean accesses the gun safe and when he arms himself with various weapons. The various body worn cameras depict multiple rounds being fired at officers from the second floor apartment and officers returning fire in response to shots fired at them. The officers return fire in a targeted, coordinated manner, and in response to directions given by Sgt. Viera.

The body worn camera footage also confirms multiple attempts to engage with Mr. Maclean through the loudspeaker. For instance, the body worn camera of Officer Moody at 5:03 a.m., taken from inside the Bearcat depicts the police negotiator engaging with Maclean using the LRAD. The negotiator says: "Scott, its Shane. This is it. You gotta make contact with me. Ok? Just talk with me. We can end this peacefully. This doesn't have to be bad at all. Alright? Just talk with me. That's step one. We need to make contact with you, or you leave us no choice. We're going to have [to go] through the window. We have to check on your well being. You have to stay away from the window so you don't get hurt. But we much rather have you talk with me." In the background, voices can be heard saying: "no movement. No movement." "We've made every attempt that we can make."

The body worn camera footage of Officer Bibeault, beginning at about 6:18:11 a.m. depicts the sound of multiple shots fired at police. Almost immediately, one can hear the police negotiator over the LRAD instructing Maclean to come down with his hands up. The instructions continued even after shots were fired by Maclean. At the same time, one can hear Sgt. Viera relaying that Maclean is loading a magazine and that he has an automatic rifle. Again, on the body worn camera, one can hear the negotiator issuing instruction for Maclean to put down his weapon, stop what he's doing and come down. A minute later, at 6:19 a.m., Sgt. Viera states that Maclean is "still loading." The police negotiator states, "Stop what you're doing. Come downstairs." Immediately, multiple shots are fired. Lt. Potter can be heard instructing officers to take cover.

Officer Moody's body-worn camera, taken from a position behind the Bearcat also depicts Maclean initiating fire at police officers, even as the police negotiator attempts to talk him down and even as police are firing less lethal OC rounds into the apartment. The footage depicts Maclean firing a volley first, and return fire by Officer Moody after the *second* volley fired by Maclean. The footage shows intermittent exchanges of fire between Maclean and the officers who are taking cover behind the Bearcat. At about 6:23 a.m., Lt. Potter instructs to "keep dumping smoke. Let's make it uncomfortable for him. Whatever you got." Multiple shots are heard and Sgt. Viera is heard in the background stating that Maclean is shooting the Throw-Bot and loading the rifle. The body worn camera footage depicts officers loading additional less

lethal rounds at about 6:25 a.m., followed by another exchange of gunfire at about 6:26 a.m. Immediately after that exchange, Officer Moody states, "I got OC" and he can be seen loading it and firing multiple rounds into the residence. At 6:28 a.m. more shots are fired, and Officer Moody runs from the rear of the Bearcat to the porch of the next-door residence. At about 6:29 a.m., Sgt. Viera can be heard in the background describing Maclean loading a weapon. Officer Moody fired his rifle several times from the porch towards the rear second floor window. Officer Moody yells to have the gas gun brought over to him. Multiple shots can be heard in the background and almost immediately Det. Nadeau moves to Officer Moody's position and fires additional rounds from the 40 mm launcher at about 6:31 a.m. Other shots can be heard in the background. Immediately thereafter, Officer Moody states, "I see the smoke. I don't know what that's from. Probably from the dry wall." He yells over to Officer Nadeau to "come to me" and yells "cover, cover." He asks Officer Nadeau whether those are SpedeHeat rounds, which Officer Nadeau confirms, saying "that's what he told me...." At about 6:32 a.m., Moody states, "there's a fire going." Officers Moody and Nadeau remain at their position with their weapons aimed at the target apartment for several additional minutes. Sgt. Viera can be heard in the background saying "no movement." The amount of smoke emanating from the rear second floor window grows more intense. There is conversation about getting more ammunition and at 6:36 a.m., the police negotiator can be heard over the LRAD directing Maclean to come out the front door. Flames are now visible from the second floor window. At about 6:39 a.m., Lt. Potter relays that the fire company still refuses to come in due to the threat, and there is discussion about whether or not Maclean is moving. At about 6:40 a.m., the Bearcat begins moving out of the driveway and Officer Moody says, "we need engine company in there now."

Det. Greeley's body worn camera footage also covers the duration of the gunfight between Maclean and the officers. Det. Greeley was initially set to enter 25 Dennison Street with members of the SRU team at about 6:16 a.m. when Sgt. Viera advised that Maclean was going into the gun safe and the team was ordered to get out of the building. At 6:17, Sgt. Viera says, "He's got an automatic rifle," followed immediately with multiple shots fired. In the background, members of the SRU confirm that, "that's not us." About a minute and a half into the video, Det. Greeley discharges his rifle numerous times at the second floor window of the residence from his position behind the Bearcat. A minute later, more shots are fired at the police with officers taking cover. Once there was a break in the gunfire, Det. Greeley and Sgt. Comella run to the rear of the 31 Denison Street. From that position, the SRU members had a direct line of sight into the rear second floor window of 25 Denison Street. The video has the same soundtrack of intense gunfire and Sgt. Viera narrating Maclean's movements and location inside the apartment. At 6:26 p.m., multiple shots can be heard in the background with a member of the SRU team stating, "he's firing rounds at random now." At 6:27 a.m., Sgt. Viera states that "he has a handgun," and almost immediately thereafter multiple shots can be heard. At 6:29 a.m., Sgt. Viera states, "he appears to be loading a weapon." The entire time, Det. Greeley and Sgt. Comella are against the side of 31 Denison Street training their rifles in the direction of 25 Denison Street. The team members communicate about who has a clear shot and the video depicts them taking turns firing multiple rounds in the in the direction of the target. At 6:30 a.m., Det. Greeley states, "we just took rounds from him." Several shots are fired, and someone says, "That's probably him guys." Det. Greeley, Sgt. Comella and/or Ofc. Keenan can be seen shooting back. Det. Greeley confirms on the radio that they are the ones who returned fire. More shots are fired until about 6:31 a.m.. At about 6:32 a.m., Det. Greeley states that he sees an active fire.

The body worn cameras of patrol officers deployed to the area were also reviewed. Those videos depict the evacuation of families from surrounding buildings, including elderly residents and families with young children. These evacuations took place in the middle of the night and continued until the firefight was going on in the early morning hours, with multiple evacuations occurring with the loud sound of gunshots in the background. Residents were visibly terrified as they fled their apartments escorted by Providence Police officers.

### Radio Calls

The BCI unit collected and analyzed 592 radio calls pertaining to the investigation. The radio calls relay much of the conversation that was also captured on various body worn cameras and also corroborate the accounts provided by law enforcement during their interviews. The following briefly summarizes some of the more pertinent radio transmissions<sup>3</sup> (not all radio transmissions reproduced):

06:09:15 Lt. Potter: "We're getting no response out of that bedroom."  
06:15:49 Lt. Potter: "Take cover. He's going to the safe. Take cover."  
06:16:40 Lt. Potter: "Take cover, take cover." *Shots heard in the background.*  
06:16:45 Lt. Potter: "Take cover. That's not us. That is not us. That is not us."  
06:16:51 Lt. Potter: "Shots fired. Shots fired." *Shots heard in the background.*  
06:17:41 Det. Greely: "We still have shots fired, shots fired." *Shots heard in the background.*  
06:17:49 Sgt. Viera: "He's going back to the safe. Back to the safe."  
06:17:56 Sgt. Viera: "He's got another rifle. Another rifle."  
06:18:11 Sgt. Viera: "He's got another rifle guys. He's loading another magazine. Loading another magazine."  
06:18:22 Sgt. Viera: "Automatic rifle. Automatic rifle."  
06:19:14 Lt. Schiavulli: *Multiple gunshots can be heard in the background.* "Shots fired. Shots fired."  
06:19:28 Sgt. Viera: *Multiple gunshots can be heard in the background.* "He's in the door. He's taking cover in the doorway."  
06:19:40 Sgt. Papa: "Car 300, we don't want any cars coming down Branch Ave. OK? Have a couple of our cars on Branch Ave. We don't want any traffic coming down here."  
06:20:01 Sgt. Papa: "Car 300. Alright, that's an urgent response. Hurry. I don't want any patrol car past 350 Branch Ave., alright? We're going to keep these civilians out of here. We're going to evacuate the main road here." *Shots heard in the background.*  
6:20:03 Sgt. Viera: "Back in the bedroom. Back in the bedroom. Back in the bedroom. Going to the window."  
*Shots fired in background of subsequent radio transmissions.*  
*Still clearing civilians out of surrounding houses.*  
06:22:08 Lt. Potter: "Chip keep coming over intermittently with his location alright?... let's put more smoke in that room, make it uncomfortable."  
*Subsequent radio transmissions call for introduction of less lethal smoke rounds into the bedroom.*

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<sup>3</sup> Note that the time stamp on the radio calls may differ from the time stamp on the body worn cameras. Additionally, not all body worn cameras were synced to precisely the same time.

06:22:33 Sgt. Viera: "He's still up. He's still up. Oh, shots fired. He's down. He's down. I don't know what he did. He's down. He's looking at me."

06:22:46 Ofc. Calle: "...turn your lights off. He's shooting." *Background: "he's shooting the bot. He's shooting."*

6:23:16 Sgt. Viera: "Still shooting the bot. He's where the safe is. Shooting out towards the doorway with, looks like a shotgun."

06:23:34 Sgt. Viera: "He's seated on the floor. And he's getting ready to... He's looking out. Bravo Side. Bravo Side."

06:23:48 Sgt. Comella: "Yeah, that was at us." *Shots in background*

06:23:54 Sgt. Viera: "Coming to the window. He's got a shotgun."

06:23:58 Det. Greely: "He's right on us."

06:24:28 Sgt. Comella: "Yeah, he fired one at us. Missed us by about a foot, ok? Let us know when he's reloading if you can."

06:24:59 Sgt. Viera: "Back in the safe right now. He does have a rifle in hand. He's got a handgun." *Shots in background*

06:25:25 Sgt. Viera: "Back in the safe. On all fours. Back in the safe. Back window. Ok he's firing 380. He will. Snub nose. Back in the safe. Charlie window. Charlie window, you can take him. Charlie window. Automatic fire. Charlie window." *Shots in background.*

06:25:49 Sgt. Viera: "Back side window. Somebody can take him. He's in the safe. That's it. Put him through that back window now. He's firing out Bravo side. Put him through Charlie."

06:27:13 Sgt. Viera: "He's hunched over between the safe and the bed. Hunched over between the safe and the bed. He's got a small caliber handgun. Alright, he's making a move back to Bravo side."

06:27:34 Sgt. Viera: "Yup, he has a weapon. He has a handgun."

06:28:40 Sgt. Viera: "Alright, I'm staring at him. I, I... He's definitely still moving. I can't tell if he's loading a weapon. He's between the closet and the Bravo side window. Nah, he's still moving."

06:28:58 Sgt. Viera: "I see a lot of movement. He's ducking down every time."

06:29:49 Sgt. Viera: *Gunshots in the background* "Yeah, that's probably him, guys. He's hunched over Bravo side. He's facing Bravo side."

06:30:04 Sgt. Greely: "That's all us. Greely, Comella and Cannot. We're all on this side. We advised on that window." *Gunshots in the background.*

06:30:27 Sgt. Viera: "Further right. Further right." *Multiple gunshots can be heard.*

06:30:53 Sgt. Viera: "Still hunched over. He's not moving. But he's alive. He's moving, enough."

*Shots can be heard. Sgt. Viera keeps saying "further right."*

06:31:30 Sgt. Viera: "Still hunched over. Absolutely no movement. He has not moved."

*Radio dispatch: All cars remain on service. No one is to secure.*

06:32:02 Det. Greely: "Ah we got some pretty good smoke coming out the back window. And I see flames. Active fire. Active fire going."

06:32:15 Sgt. Viera: "Target is not moving. He's still hunched over. Has not moved."

06:32:37 Sgt. Greely: "Alright, fire is going pretty good in the back bedroom."

06:33:02 Sgt. Viera: "Just give it a minute. If it's bad enough, he's going to move. I think you have him here, but give me a minute."

*Subsequent radio calls over the next two minutes, Sgt. Viera confirms no movement by the subject multiple times. Officers report on fire intensifying. Calls for fire department to respond.*

06:36:55 Sgt. Viera: "He's still down. His foot definitely moved. Moved to the left towards the closet door."

06:37:48 Sgt. Viera: "Fire is lighting up pretty good in that room. No movement since the foot slid."

06:38:55 Stg. Viera: "Smoke's getting very thick. Lots of debris falling on top. He has not moved."

06:39:03 Lt. Potter: "Back the Bearcat out."

06:39:34 Sgt. Comella: "Lt. Potter and all operators on scene. Just be advised that ammunitions cooking off in there. And definitely not survivable. There are rounds going off."

06:39:50 Lt. Potter: "Alright I got the radio. Keep the air clear. SRU keep the air clear. I'm going to turn this over to fire."

06:41:27 Lt. Potter: "There was no movement. Fire can come right up. Those are rounds that are cooking off."

*Subsequent calls confirm SRU members suffered no injuries.*

#### Evidence Seized from 25 Denison Street

The BCI unit seized 14 firearms, including five pistols, eight rifles and a 12-gauge shotgun from 25 Denison Street. BCI seized full and partially full canisters of ammunition (spent and unspent) and a rifle stock from the bedroom inside 25 Denison Street.

#### Scene Reconstruction

The Forensic Services Unit of the Rhode Island State Police and the Providence Police BCI unit processed the scene at 25 Denison Street and the surrounding area following the incident. The FSU unit utilized a Leica 3-D Scanner to assist with documentation of the scene. They conducted 14 scans of the exterior of 25 Denison Street, 31 Denison Street and 103 Commodore Street; 11 scans of the interior of 25 Denison Street Apartment A; and six scans of the parking lot of 368 Branch Avenue. As a result of their investigation, they determined that Maclean fired a total of 116 rounds at police during this incident.

#### Autopsy Report

Dr. Alexander Chirkov performed an autopsy of the body of Scott Maclean on February 11, 2022, with a reexamination of the body on February 14, 2022. The report describes the state of the body as follows: "The body was found in the second-floor bedroom. It was covered by fire debris. The decedent was found face down and charred on the back. The room was completely destroyed by fire. The body was warm to the touch. When the body was turned over, a pistol was found in his right hand. The firearm was loaded." The examination noted that much of the body was charred by the fire. Examination revealed "a single perforating gunshot wound to the head." The entry wound was "located above the right ear" with "no identifiable margin or abrasion due to charring of the skin." The bullet perforated the right temporal bone, "right temporal cerebral lobe, right frontal cerebral lobe, and left temporal cerebral lobe, before exiting the skull through the left temporal bone." The autopsy report noted a subdural hemorrhage on the right side and subarachnoid hemorrhage. The direction of the bullet's travel was "right to left, slightly front to back, without significant upward or downward deviation."

Significantly, both lungs were “pink” and there was “no soot” in the lungs. The final diagnosis was “perforating gunshot wound to the head” and “*postmortem* thermal injuries to the entire body.” (Emphasis supplied.) A toxicology report found ethanol and cannabinoids above the reportable limit. The ethanol level was particularly high leading Dr. Chirkov to note “acute ethanol intoxication.” In sum, Dr. Chirkov concluded that Maclean “committed suicide before his body received injuries from the fire.”

#### Providence Fire Department Arson Squad Report

The Providence Fire Department investigated the cause and origin of the fire that erupted on the second floor of 25 Denison Street on February 10, 2022. The investigation was conducted in compliance with the requirements of the National Fire Protection Association standards. The investigation report noted that due to the location being an active shooter scene, deployment of fire suppression crews was delayed by up to 15 minutes. This allowed the fire to spread “to reach full room involvement” which hampered the effort to determine a point of origin.

The report concluded the following:

In instances like this where the precise cause cannot be proven, the proper classification of this fire is undetermined. In any event, the possible causes considered for the source of the fire were all accidental.

Also, despite not being able to definitively identify a single ignition source, investigators have no reliable evidence to indicate or suggest that this was an incendiary fire or the result of an intentional act by the occupant.

In conclusion, based on all the information available to investigators at this time, the fire originated in the rear bedroom on the second floor of the left apartment unit 25A. The cause of the fire is undetermined. However, the witnessed introduction of munitions into the building at the determined area of origin and a subsequent fire igniting moments later points to the probable cause of the fire being that during the police stand off in an attempt to neutralize the threat less-lethal ammunitions were deployed. This was reportedly accomplished by launching a 40 mm CS Spede Heat round through the 2<sup>nd</sup> floor window opening [on the left side of the building]. This munition, which has an incendiary component to it, then landed in/on combustible materials within the building’s bedroom, igniting the items which eventually extended to the entire compartment and other areas of the building.

Providence Fire Department Arson Squad Report, at 21.

## LEGAL ANALYSIS

### Applicable Law

When considering a police officer's actions which involve the use of force in his/her capacity as a peace officer a two-part analysis is required. First, it must be determined if the officer's use of force in arresting or detaining the suspect was necessary and reasonable. If an officer's conduct is found to be necessary and reasonable, then the inquiry ends, and no criminal charges will stem from the incident. If, however, it is determined that the use of force was not necessary and not reasonable then an inquiry must be made as to whether the use of force meets the elements of the applicable criminal statute, in this case Felony Assault, R.I. Gen. Laws § 11-5-2. In this case, as we find that the conduct of the Providence Police officers who used deadly force and less lethal 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).

### Analysis

Based on the information obtained through the joint investigation and summarized above, the use of deadly force and less lethal force by the Providence Police Department was necessary and objectively reasonable under the circumstances. The evidence is uncontroverted that officers did not begin using deadly force until after they were fired upon by Maclean multiple times. Officers resorted to deadly force only after they attempted, unsuccessfully, to negotiate with

Maclean over several hours and after they used multiple less lethal OC rounds in an attempt to force him out of the apartment and separate him from his arsenal of weapons.

Maclean posed an immediate threat of death or serious bodily injury to the officers and any civilians who might have been in the area. Maclean had access to an arsenal of 15 weapons including automatic rifles, high powered semi-automatic rifles, a shotgun and handguns. He had hundreds of rounds of ammunition. All of this information was known to officers both because Maclean's daughter told them about the arsenal and because Sgt. Viera had a clear visual of the weapons and Maclean's loading and handling of the weapons through the Throw-Bot.

Although the SRU used a significant degree of force to respond to Maclean, that force was proportional to the threat posed by him. First, it is notable that the SRU team continued to use less lethal rounds throughout the confrontation in an effort to force Maclean out of the apartment and end the encounter without serious injury or loss of life to Maclean or others. Multiple rounds of smoke and direct impact OC rounds were deployed throughout the confrontation to no apparent effect. Indeed, at about 6:23 a.m., Lt. Potter instructed to "keep dumping smoke. Let's make it uncomfortable for him. Whatever you got." Ultimately, Det. Nadeau used a long-range SpedeHeat CS round because the other rounds had no impact. Det. Nadeau informed Lt. Potter that he was using these rounds. While it is possible (though not conclusively determined) that the use of a SpedeHeat CS round may have contributed to outbreak of a fire at the residence, there is no indication that this was the intent of the officer using this round. Rather, Lt. Potter, Det. Nadeau and Ofc. Moody all stated that the use of the CS round was intended to fill the apartment with smoke and get Maclean to exit the apartment.

We note that the technical specifications for long-range SpedeHeat rounds indicate that they present a risk of fire and should be used outside, not in or aimed at buildings.<sup>4</sup> This information is also included in training materials used by the Providence Police to train officers who are authorized to use the 40 mm launcher which were provided to this Office. While ordinarily, use of such a munition in a building would be inconsistent with the manufacturer specification and police training, our analysis is focused on whether the officer's discharge of this munition was reasonable under the particular circumstances of this case. We analyze that mindful of the Supreme Court's admonition that 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.

Here, officers faced an active shooter who presented an imminent risk of death or serious bodily injury to them and others. In these circumstances, they were not only authorized to use less than deadly force, but they were clearly authorized to use deadly force. The deployment of the SpedeHeat occurred after about 14 minutes of a sustained exchange of gunfire with Maclean and within a minute or so of the last shots reportedly fired by Maclean. It followed multiple attempts to disable Maclean using OC rounds, which failed. It also followed multiple shots fired

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<sup>4</sup> According to Defense Technology technical specifications, this type of round "is designed for the outdoors and has fire-producing capability." [40mm-Spede-Heat-Long-Range.pdf \(defense-technology.com\)](#)

by officers at Maclean which likewise failed to disable him. Radio communications that preceded the deployment of the SpedeHeat indicate that Lt. Potter, who was the commanding officer on scene, wanted to introduce smoke that would force Maclean out of the apartment and end the shootout. It also bears noting that police knew that 25 Denison Street was otherwise unoccupied at the time and that the surrounding buildings had also been evacuated. While the introduction of a SpedeHeat round into a residence may not be reasonable under other circumstance, here, where officers were permitted to use deadly force and were under continued attack by Maclean, the decision to deploy a SpedeHeat round in an attempt to end the confrontation – and possibly save Maclean’s life –this use of force was objectively reasonable.

As the facts recounted above illustrate, officers used deadly force only after Maclean fired on the officers multiple times and only after it was clearly relayed to the officers that Maclean had a weapon in his hands, was loading a weapon, or firing a weapon. Throughout the encounter, Sgt. Viera and Lt. Potter provided information to SRU team members about Maclean arming himself, loading weapons, and his location inside the apartment when firing weapons. The uncontroverted body worn camera and radio call evidence shows that Maclean fired multiple volleys at officers from various high-powered weapons and handguns from about 6:16 a.m. until about 6:29 a.m. At times, these volleys came in quick succession, and at times several minutes passed between volleys as Maclean reloaded. Officers likewise returned fire intermittently, either in response to fire by Maclean or information relayed by Sgt. Viera. Notably, the last shot apparently fired by Maclean was at about 6:29 a.m., or only about a minute before the SpedeHeat round was fired and less than two minutes before the return fire from the SRU team concluded at about 6:31 a.m. No shots were discharged by officers after the fire was observed at about 6:32 a.m.

Maclean’s use of deadly force constituted an immediate threat of life not only to the officers but to surrounding residents. Multiple officers described the situation as unprecedented and remarked that they had never before come under such sustained fire from a suspect. As this neighborhood of Providence is densely populated, the risk to civilians residing in nearby buildings was considerable. Projectiles from the high-powered rifles used by Maclean could easily penetrate walls and windows of surrounding buildings. Body worn camera footage depicting the evacuation of terrified residents from the surrounding residences with the din of gunfire in the background underscored the dangerousness of the situation. The FSU team thoroughly documented the damage to buildings and vehicles adjacent to 25 Denison Street. The FSU team collected dozens of projectiles from Denison Street, the driveway of 25 Denison Street, surrounding yards, and the walls of neighboring buildings and vehicles parked nearby. The numerous firearms, shell casings and empty magazines found inside the second-floor bedroom evidence just how much firepower Maclean had at his disposal.

While the use of deadly, and less deadly, force by the officers was legally justified under these circumstances, it also bears noting that the deadly force used by the officers did *not* cause Maclean’s death. The medical examiner’s report concludes that Maclean died as a result of a single, self-inflicted gunshot wound to the head. No other gunshot wounds are noted in the report. According to the medical examiner’s report, the thermal injuries to Mr. Maclean’s body occurred *postmortem*. Indeed, based on the radio communications, it appears that Mr. Maclean was immobile as of about 06:31:30 when Sgt. Viera stated: “Still hunched over. Absolutely no

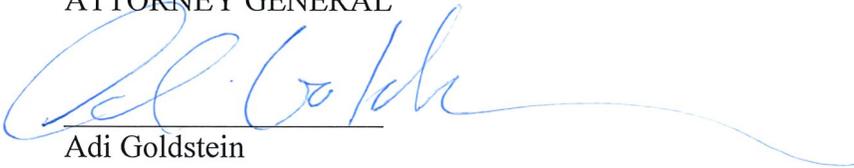
movement. He has not moved.” Two minutes later, despite the growing smoke and fire, he still has not moved. With the exception of one transmission,<sup>5</sup> no further movement of Maclean was observed until fire engulfed the apartment at about 6:38-6:39 a.m. and visuals were lost.

### Conclusion

Our review of the extensive investigation conducted by the Providence Police and the Rhode Island State Police of the incident at 25 Denison Street on February 10, 2022, concludes that the use of deadly force and less than deadly force by members of the Providence Police SRU team was reasonable and legally justified. This was an extremely dangerous stand-off with an active shooter with a vast arsenal at his disposal. The police response by the Providence Police SRU team was organized, deliberate, and targeted.

Law enforcement deployed every tool in their toolbox to attempt to diffuse the situation without the use of deadly force, including repeated attempts at negotiations and use of less lethal munitions. Those efforts failed. Once Maclean began firing at officers they had little choice but to respond in kind in an effort to neutralize the threat. Despite the significant amount of firepower used by the SRU, Maclean apparently died by his own hand. Maclean’s death was ruled a suicide and was not caused by the weapons discharged by the officers or from the fire which erupted at the conclusion of the stand-off. This matter is therefore closed.

PETER F. NERONHA  
ATTORNEY GENERAL



Adi Goldstein  
Deputy Attorney General

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<sup>5</sup> Sgt. Viera claims to have seen Mr. Maclean’s foot move at about 6:36 a.m., after about five minutes of no movement. Given the progression of the fire at that point, as well as falling debris and ammunition going off, as well as the medical examiner’s report, it seems unlikely that this was a voluntary movement, if in fact there was movement at all.