

WITNESS STATEMENT

DATE: July 28, 2021

TIME: 3:36 p.m.

INTERVIEW OF: Lieutenant Matthew Jeannette
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Lieutenant Jeannette

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is currently 3:36 on July 28th, 2021. This is a Garrity interview of Lieutenant Matthew Jeannette relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Lieutenant, can you spell your name for the record.

A. Sure. Last name is Jeannette, J-E-A-N-N-E-T-T-E, first, Matthew.

2. **Q.** Okay. And you're represented by ...

ATTY. PEZZA: Joseph Pezza, P-E-Z-Z-A.

3. **Q.** And I'm here along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson, Badge

number 25, Rhode Island State Police, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Okay. Lieutenant, you had an opportunity to speak to Attorney Pezza, correct?

A. That is correct.

5. Q. And he explained the Garrity rights to you and you understand them.

A. That's correct.

6. Q. Okay. Were you the OIC, officer in charge of the shift on the night of July 8th --

A. Yes...

7. Q. -- into the 9th?

A. Yes.

8. Q. Okay. And at some point did you become aware of a black BMW that was of interest to the Providence Police?

A. Yes, I did.

9. Q. What did—initially did you learn about this vehicle?

A. Initially at the beginning of the shift it was—I would call it operating erratically throughout the city, almost baiting police cars driving reck—fast and recklessly down—down various streets. And the guys, the officers were not chasing it, but they put it over for officer safety broad—, *hey, it's going this way, it's going that way.* And I believe at one point I, I come over and make sure that we had—to confirm that we are indeed not pursuing it at that time.

10. Q. Okay. And at that—some point during the evening did you learn that certain crimes were being committed by occupants of this vehicle?

A. Yes. So, over the course of the evening I was able to put together the fact that the

three juveniles, or I should say, suspects, in that car, because we didn't know they were juveniles at the time, were utilizing that car to drive around and point rifles at people. The main turning point was the complainant at Brown, a lady—I'm forgetting her name. So, we get a call, or the, the District 9 guys get a call at Brown. There was some confusion at first: they weren't sure if it was a—it was a Brown police officer or maybe a RISD police officer, and I had dispatch call back and forth a couple of times, and they had a tough time getting—getting a hold. But eventually we were to—able to ascertain it was a, I believe a female shuttle driver from Brown. And because of the confusion, and because of the fact that now, in my mind, I was putting together the crimes from out first, the string of ADWs from out first, the reckless operation from the beginning of my shift and now this new complaint, I myself went over to Brown just to—to speak with her. Again, there was some more confusion. I think it was [Indiscernible] who was dispatching, and he couldn't get back a hold of her and he was going to clear us. And I said, no, I'm—I am here. I said call her back, I will wait here. Because I wanted to speak with her because now in my mind I'm thinking if this is—if this—if these suspects are doing all of these things, this may justify a, a pursuit, if that's where—where it comes to.

11. Q. So, you made a connection between the events that happened out first and the description of those subjects (phonetic) as possibly being the same subjects--

A. Yes.

12. Q. -- that were involved in this--

A. Correct.

13. Q. I understand. So, you did end up speaking to that complainant?

A. So, I talked to her supervisor—I forget the name of the street, Duffy (phonetic), up

by the uh, up off Benefit Street, George Street, at one of those—right, right near the uh, Superior Court House. Anyway. Her supervisor showed up, and he was on the phone with her. And I s—, He, he pulled up. I said, 'Are you the complainant?' Because to the effect of: Are you the complainant, because ...? He's like: No, I just—I'm on the phone with her. The question that I asked that sticks out in mind—I was there with Cory Brown, Patrolman Brown, and there was a Brown police officer, but I didn't catch his name. I said, 'Can you tell me why she thinks that she got a BB gun pointed at her?' And he said—And he frowned, and he went, 'Oh no,' he goes, 'that man pointed a rifle at her and she's scared shitless.' And I said, okay, that's good enough for me. I, I understand where this is going. So now at this point there's a shots fired coming out on Channel 1. John Najarian picks up the car and he's starting the pursuit on Channel 3. So, I'm trying to speak to the Brown police officer, the guy, I'm on Channel 3, and I have Cory Brown (chuckles) standing next to me. I said, 'Don't leave my side because I need to listen to Channel 1 for the shots fired as well.' And that is somewhere right about the time that I remember hearing John Najarian say: He just pointed a rifle at me, or pointed a gun at me, whatever the terminology he used.

14. Q. Okay. And that shots fired you referenced, did you know at that time that it was a separate incident, or did you think it was this BMW that was responsible?

A. I honestly had no idea. All I knew is there was shots fired on one and the BMW going on, on Channel 3.

15. Q. Okay. And, and I'm—I was just trying to place you in that time at that moment. But do you subsequently learn that—or was there an actual shooting or, or a victim that uh...?

A. There were—That was earlier in the night there was a shooting at Pasha: a male with no complaint had been shot through the leg, I think. Because Dennis O'Brien and I

actually found the females uh, in the car. The, the description they put out was a Mercedes with Texas tags.

16. Q. Okay. All right. So, amongst all that activity that you just described, you basically I guess came to the understanding that the BMW was wanted for a, a felony assault or several ...

A. Mul--, Multiple. Yeah,

17. Q. Um, --

A. -- felony assaults. Yeah.

18. Q. You made a broadcast relative to that. Can you tell us about that?

A. Yeah, to uh--, So now that in my mind I said, okay, so it's--, these are more than likely the people that are wanted for the—for the ADWs this afternoon: there was an ADW on this woman from Brown; there was an ADW on one of my police officers. That coupled with the reckless driving and the totality of the behavior, the circumstances of that, to me that's an ongoing public safety threat, and that rises to the level that—that we need to stop that.

19. Q. Understood. So, at some point a pursuit begins.

A. Correct.

20. Q. And do you take any steps at that point or is it just that you let the pursuit [Indiscernible / voices overlapping] ...?

A. I, I try—I try and guide it where necessary, ascertain the correct facts during. But as a general rule of th-, my general rule of thumb, I try and not jamb up the air with telling them what to do because it's more important that the rank and file that need the air have it at the time.

21. Q. Okay. And I believe it was at approximately 128 hours you advised over Channel 1, 'We'll be ruling out that it's just a BB gun.'

A. Yeah, there was some—some point—, So, I actually Dispatcher Rigney (phonetic), because come—he came over and said something about a BB gun, and I, I recall saying something to the effect of: Well, how do we actually know that it's a BB gun? And he—I think his response was, 'That's a good question.' So, in the interest of officer safety and public safety, because we can't—we don't actually know that until we take a look at it, physically take hold and take a look at it we're going to treat it as though it's a real firearm.

22. Q. Okay. So at—once the pursuit began, after all this happened, did you ever consider terminating it after this information was gained?

A. Not that I specifically recall. Certainly there—there—I mean, certain cir--, circumstan—(clearing throat) – excuse me – circumstances could have presented themselves where I would have discontinued if it was, like, a heavily crowded area or . . . I don't know, driving rain, like a thunderstorm or it just became more of a hazard to my officers. But at this—at this point in time I felt it was because there's no real traffic in the city at that hour, and I felt it was more important to apprehend the three of them.

23. Q. Okay. Were you ever d--, in direct pursuit of the BMW?

A. No.

24. Q. Okay. And the pursuit terminated at, as we all know now, Salmon and King Streets.

A. Correct.

25. Q. And we know that you didn't witness the crash, correct?

A. Correct.

26. Q. You arrived on scene shortly thereafter do you know about how long?

A. I don't.

27. Q. Upon your arrival, did you witness any of the apprehensions?

Ref: 21RIX1-1193-OF

A. Everybody was apprehended when I—when I walked up.

28. Q. Okay. What steps did you take, what orders did you issue when you first arrived on scene, do you remember?

A. So, it was a messy scene, mul—vari—, you know, a couple of different jurisdictions there. And I wanted to know—I think I s--, The events that I recall in my mind, the things that stick out are: okay, how many people do we have apprehended; are we looking for anybody else; who was our driver; who was—who were the passengers; who, who may have pointed the rifles; who was maybe guilty of, of that; and medical attention to them. So one of the things that I saw was the [REDACTED] subject on the ground; I saw some blood on his lip. And one of the—I saw—One of the things that I remember recall saying is, well how-'how did he get that?' And I don't know wh-, I can't pinpoint who I was asking. The crowd that was around me, I couldn't tell you how—you know, how many police officers were around me or supervisors w... how did—'how did he get that?' 'Oh Lieutenant, he wasn't wearing a seatbelt; he smashed his face on the dashboard.' So, 'okay, so we didn't do that?' 'No, sir.' 'Okay.' And if you listen to—I'm sure you have listened to the—or watched the body camera and I say several times, 'Before anybody leaves the scene, any of the occupants of these cars leave this, I want them all checked out by rescue.' They were in a motor vehicle accident; that's priority one, order some rescues. Then I started divvying up responsibilities. I took Mike Troia and I had him handle—I, I was made aware of a city involved. Sergeant Troia is a traffic guy; I took him, and I said, 'Mike, you're gonna handle the city involved.' I think it was Shawn Kennedy, I had him grab a group of guys. There was maybe 75, 100 people had come out of the uh, Manton Heights, and they were hostile to, to put it mildly. I said, 'Turn your cameras on and face the crowd. Just form a line. I'll put up some crime scene tape. Form a line. Tape the

Ref: 21RIX1-1193-OF

whole thing. Keep the crowd at bay.' Andre Perez was handling the—he was covering the district, so he was handling the nuts and bolts of the—of the crash and the suspects. I have a conversation with Mitch Guerra; make sure that someone is here speaking with the Brown—the woman from Brown here at the station and that he can connect all the events of the afternoon with the events of the evening and start rolling everything into a, a, a big, I don't know, chargeable package; confirm that BCI is on the way. 'Did we locate any firearms?' 'Yes, Lieutenant, there are two rifles in here.' And one—one of them you looked at it from outside the car. It looked like a, like a, the Red Rider, the, the Daisy BB Gun. The other one looked pretty—pretty legit. It could have easily been mistaken for a—Like, they could both be mistaken for a rifle, but the other one, even to us, a trained eye, it—it could pass for a ri--, like a .22 rifle.

29. Q. Okay. So certainly there was a lot going on.

A. Yeah.

30. Q. I mean, and, and you—and you certainly had a lot surrounding you. Did anyone ever inform you that force was used that would trigger a Use of Force inquiry?

A. So, at the time, the questions that I asked, no is the short answer. But with an explanation. The injuries, and I to this day I will always believe, were caused by the dashboard, the kid not being belted, the kid's face hitting the dashboard. Which I confirmed. Because that was a sticking point in my mind. I said, 'We did not cause this.' No, Lieutenant, we did not cause this.' I said, 'Okay.' So, --

31. Q. Well, let me stop you there for a minute, [Indiscernible] ... Did Sergeant Perez brief you on the incident and the apprehension?

A. S--, Specifically--, Well, specific—specific to what, like?

Ref: 21RIX1-1193-OF

32. Q. Well, he arrived on scene during the apprehensions when they were being made. And seeing if you told me he's the guy had the nuts and bolts of the--

A. Yeah.

33. Q. -- investigation, --

A. Yep.

34. Q. -- I would think he'd be the supervisor to advise you, being his supervisor, of, you know, how the in--, in--, apprehensions transpired.

A. Right. So that un--, that unfolded in, in many stages. So, I, I was made aware of some facts on scene and then some facts when we got back to central station. So, the f--, the facts on scene, to the best of my, my recollection and knowledge were that we had to wrestle the kids out of the car; that some strikes were done; and then it—But no one used any, any uh, spray, any impact tools, anything like that.

35. Q. Okay.

A. And then only one of the kids—Kids, I s--, I say 'kids' now, but at the time it was just suspects because we didn't know, um, had sustained a little laceration, but again, from uh, from the accident.

36. Q. Okay. Did anybody inform you about Domingo Diaz's, or Patrolman Diaz's actions on h--, on the scene?

A. So, at some point in time, I'm pretty sure it was back at central station, this is one of the things that Andre and I had a conversation about, and I was shown a, a, a short video clip, I don't know who—who played it for me, of Domingo striking the kid somewhere in the—in the—in the ribcage area, and Andre takes him and says, 'All right, that's enough,' and he pulls him back and he says something like, 'Cuff him,' or 'Now cuff him,' or something to,

to that effect.

37. Q. Is that on the scene?

A. This is on the scene. This was—I'm at now—This is—For me when I'm learning about this is later at central. But this is, you know, obviously on the scene.

38. Q. All right. So, on the scene did anybody tell you that Patrolman Diaz had to be pulled off the apprehension of Maddox?

A. Not that I recall, no.

39. Q. Did you—anybody on the scene tell you that Patrolman Diaz spit in the direction of [REDACTED] after he was apprehended? Did you hear Patrolman Diaz yell, 'Shut the fuck up' to onlookers?

A. No.

40. Q. Did any officer inform you of this?

A. No.

41. Q. Okay. Do you know who decided to send Patrolman Diaz with [REDACTED] to Rhode Island Hospital in the rescue?

A. I—I'm, I'm gonna guess it's one of my sergeants, but no, I don't. I don't know.

42. Q. Okay. You have a couple of videos: one--

A. Yup.

43. Q. -- was uh, pre-arrival and you're driving around I'm sure monitoring and—so we don't need to look at that. Your second video starts at 2:05, so it's post-apprehension. So, you haven't arrived, and so -- we did uh, ...

AUDIO PLAYING: MALE SPEAKING: I don't want nobody-no one ...

44. Q. -- observe you giving the instructions, you talking.

A. Can you back that up for one second.

45. **Q. I can. [Indiscernible]**

AUDIO PLAYING: [Indiscernible] And uh, Mike. 'Yes.' 'I want someone taken down here;

I don't want nobody—it's no one's fault ... UNIDENTIFIED SPEAKERS / INAUDIBLE...

46. **Q. This is at 205 and 30 seconds. This is when the young patrolwoman was informing you she was involved in a city-involved accident.**

A. Y--,Yeah, Sanchez. Yup.

47. **Q. Um. And you have a couple of officers over here attending to** [REDACTED]

A. Yes, they are. Yup.

48. **Q. Okay. Um, --**

AUDIO PLAYING: Officer Sanchez: I got in um, an accident...[Indiscernible] Lieutenant

Jeannette: All right. ... Don't worry about it. It's all right. We'll take care of it. Just ... FEMALE

SPEAKING: (Shouting) MALE SPEAKING: Yup. Back—Back that up. Back them up. Too close. Back them up. FEMALE SPEAKING: [Indiscernible] / [Indiscernible voices in background]...

49. **Q. I believe that's when you're telling the officers to keep the onlookers at bay, --**

A. Correct.

50. **Q. -- and uh, --**

A. That crowd

51. **Q. -- and was putting up [Indiscernible] ...**

A. -- was getting big fast. Yup.

52. **Q. -- crime scene tape. And so we don't have to go through this whole thing, you know, and basically--**

A. Just at some—at some point, just so you know, at some point I, I, it—it might be

worth it to confirm and -- or just for your own ratification, or you guys too, about the medical attention for, for the, for the kids, or any other directives I--It's--

53. Q. Well, oh --

A. Because I'm not sure at what point I, I give those orders.

54. Q. Well, we're--we're very aware.

A. Okay.

55. Q. And we--and we've looked at all --

A. Okay.

56. Q. -- of these...

A. Just making sure. I don't know what you guys have seen...

57. Q. -- and we're aware of that--

A. -- and what you hadn't seen. Okay.

58. Q. -- you made sure that attention was provided to everyone. Initially it was, we couldn't find the driver, he was in the car up the street.

A. Right.

59. Q. And that took some time. So, we understand all that.

A. Okay.

60. Q. I actually want to show you this video. This is your third video, which is short. Um . . .

This is Patrolman Voyer.

A. Mm hmm.

61. Q. Can you tell me what he's showing you here on his phone?

A. I think he's showing me which kid he apprehended, or which was the uh--He's helping me determine which was the front seat passenger. Because I think that's what he

WITNESS STATEMENT OF JEANNETTE, LT. MATTHEW

Ref: 21RIX1-1193-OF

says: 'Oh, I had the front seat passenger.' And so we were trying to match them back.

Because now there's confu--, As, as you saw earlier, there's confusion wh--, where is the driver, where's the—where are our suspects, and who was seated where and who did what.

62. Q. Okay. Other than what I just saw there, did anybody else show you on their phone any body cam video on the scene?

A. You know, I'm not sure. I, I, I thought someone had shown me something at central station, but maybe I'm confusing Mitch showing me that there with showing them to me at central station?

63. Q. Okay. Well, . . . you didn't respond to Hasbro Children Hospital, —

A. No.

64. Q. -- did you?

A. No.

65. Q. Did you send a supervisor to Hasbro to—to—to maybe determine or talk to Mr. [REDACTED]?

A. I don't think it's—No, I don't think a uh, -- I don't think a supervisor was sent there.

I can't recall actually.

66. Q. Can you tell me why not.

A. I didn't see any—And right now, even now I wouldn't see any—any—any reason to.

I mean, we would only send a patrolman on a—on a hospital watch.

67. Q. Yeah, not necessarily for a hospital watch. I know patrol officers were sent there.

A. Right.

68. Q. But a certain amount of force was used—

A. Right.

69. Q. -- on [REDACTED] --

A. Right.

70. Q. -- and he sustained not just a cut lip, he had some facial injuries where there was blood ... on a large part of his f--, portion of his face. I understand that one of the patrolmen who is an EMT informed you that, you know, when he was tending to him, it might have been the airbag. Do you re--, Do you recall Patrolman--

A. I --

71. Q. -- Sepe telling you that?

A. Yeah. Either the airbag or the dashboard or, or, or something--

72. Q. Right.

A. -- to that effect. Injuries--

73. Q. Uh--

A. -- sustained consistent with being--

74. Q. Right. But you--

A. -- sustained in the crash.

75. Q. As a Lieutenant, I don't think you were going to just rely on his thoughts or how-how-how it happened. I, I'm just asking if um, how you came to the determination that his injuries were not the result of a use of force.

A. I asked several times, and 'No, Lieutenant, that was the result of him hitting the dashboard.'

76. Q. Okay. Did you c-, look at any body c-, camera video when you got back to the station?

A. Like I said, just snippets of either guys watching theirs, only things that were brought to my attention.

77. Q. Okay.

A. So I just want to clarify before you move on, right. So, there—there's a lot going on--

78. Q. I'm fully aware of that...

A. And I'm—I'm back at—I'm back at central station. And ideally, I, I would have liked to have watched more body cam footage, but I have a multitude of things going on: I made—made sure I coordinated with detectives from the afternoon; I got like, nine people doing primary pursuit letters; I'm drafting a brief to the Command Staff; I have Mike Troia and BCI doing the city involved and all this kind of stuff. So, the kid's, the extent of the kid's injuries and the, the—specific to a force review, because I know that's where you're going with this, like, a force review, like, I didn't e--, I wasn't even aware of the extent of the kid's injuries until sh--, maybe the, the afternoon of the next day when I had a conversation with uh, with Captain Aspinall, we—we, the next day or the day after, w--, he s--, you know, Roger made me a--, aware that the kid had s--, had sus--, had been in the hospital for an extended amount of time. And we said, you know what, let's go back and let's—let's put a spotlight on it, let's focus on it, let's go back and review it, check ourselves; make sure we did everything right, let's order the review. And that's how the—how the force review was generated 24 or 36 hours later, or--

79. Q. Well, --

A. -- [Indiscernible] maybe.

80. Q. -- this office received the Use of Force review on Tuesday, so, since it happened on a Thursday into a Friday, um, just for your knowledge.

A. Yup.

81. Q. Um, --

A. Whatever the timeframe was. I know I was off that weekend, so I wasn't here for a couple of days.

82. Q. Obviously a critical incident. Did you notify Captain Fernandez or Aspinall that evening?

A. Yeah, re--, I r--, I called Rick Fer--, excuse me—I called Rick Fernandez while I was still on scene before—close to the end or before the car was—was towed.

83. Q. Okay. And I don't want to assume anything, but did you tell the Captain that the injuries were based on the accident because that's what you were told?

A. That's correct.

84. Q. Do you know why no accident report was ever prepared for the BMW's collision?

A. No.

85. Q. Okay. And again, I fully recognize how much you had going on that night. But the car was in an accident, but we—we have no accident report for it. Did you discuss the incident with lu--, Lieutenant O'Brien once you arrived back at the station?

A. Yeah, so Dennis was [Indiscernible], Dennis was there on—on scene. Gee, I don't know if Dennis came back to the station. I think it was just on scene when I dis--, I discussed the, the facts and circumstances. Just, you know, I always think two heads are better than one, three heads are better than two, just kind of get an outside perspective or another perspective just to make sure I'm checking all the boxes. So yes, I did.

86. Q. Okay. And in those discussions between you and Lieutenant O'Brien, were any talk of Use of Force Incident inquiries being done or necessary?

A. N--, not that I can recall, no.

87. Q. Did you direct any of the paperwork preparation for this incident?

A. S-, How do you mean?

88. Q. So upon your arrival back here, like you said, you had a bunch of officers, you had supervisors. Did you say I need pursuit ...

(voices overlapping)

A. Yeah, well ...

89. Q. -- I need pursuit letters, I need um, --

A. Right. At one point--

90. Q. -- witness statements?

A. If you pull a—pull the dispatch tapes, at one point you come over—I come over and you can hear me say, 'Anybody that was a primary in that pursuit respond to the central station.' And like I said, there was like eight—eight, maybe nine people. And then I switched back, once we were back here, um, once Sergeant Perez and all the people were here and just,— I, I, I do it as a, as a, as a course of habit whenever there's any sort of some kind of major incident, a shooting, a serious traffic accident, whatever, the men and women who are working: hey let's make sure we do this; let's make sure we do that; let's make sure we take care of this; is this taken care of; yes Lieutenant. Okay, so these are the things that I want done. And whatever, a, b, c, d is, you know, AIR forms, the completed narrative, let's review this; let's make sure the BCI is taking photographs; whatever is applicable to the situation as a--, as a course of habit I usually review with the group that's working on the—on the case.

91. Q. Can you tell me when you first became aware that force was used that would have required a inquiry?

A. So, I—Like, I—As I, as I said, it was I--, I had phone conversation with Captain Aspinall, and it was days later. I, I can't remember exactly what it—what it was. (sighs) I don't know.

92. Q. It's important, so--

A. No, I understand.

93. Q. --I'm, I'm o--, You know, so this happened on--on a, --

A. It happened on--

94. Q. -- on a Thursday--

A. -- a Thursday.

95. Q. -- to a--into a Friday.

A. Yup. And I had f--

96. Q. All right. So, 8th into the 9th. Did you work that whole week...?

A. Friday. Oh, I had uh, Saturday, Sunday off, and I went back to work Monday night.

97. Q. So, do you recall a conversation with Captain Aspinall on the weekend when you were off, or did that not happen until Monday the 12th?

A. I want to say Monday. Because usually when I'm away here, I'm a, I'm a single dad, I have two small--small kids. So usually when I'm away from here, it's all about my, my two sons, and I don't--I don't really engage in anything here. So, I would say Mon--, I'm thinking Monday afternoon, Tuesday at the latest. I, I - I don't recall.

98. Q. Okay. So, now that when you're--you're aware that actual force was used that would require an inquiry, did you at that time review any body worn camera video of this incident?

A. I came in here and I met with Sergeant Romano (phonetic) Detective Sergeant Romano. She and I watched some footage of, of Mitch Voyer. Actually, we watched his, some of the tactics that he used, and we had a small discussion about it.

99. Q. Okay. Did you review any policies related to this incident: use of force, pursuit policy,

body worn camera policies?

A. I'm pretty familiar with those.

100. Q. I—I'm not in--, I'm not insinuating you're not familiar with them, I'm asking you if you reviewed any pr--, prior to coming here for this or prior to directing the Use of Force Inquiry?

A. Yeah, I review them from—from time to time.

101. Q. Okay. Did you—By yourself or with anybody else?

A. Nope, by myself.

102. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

103. Q. Lieutenant, are, are you aware of any relatives of any of the suspects that were apprehended that night being on scene after the fact?

A. There was a large crowd. There was somebody on King Street. So, most of the—most of the crowd was on Salmon Street directly adjacent to the, to the buildings. There was a couple of people, a man and two women maybe that walked up, and they—that's my cou--, some sort of family relation. But I don't really know if it was an actual family relation. And I remember Dennis O'Brien speaking with them saying something to the effect of: Well, if you know the mother, just let her know this is where her son will be, or something. But no, I don't want to speculate as to exactly what it was. But that's the only thing I recall in terms of some sort of family connection.

104. Q. Okay. And the, the BMW that was involved in the accident, did, did you observe it on scene; were you able to--

A. Yes, ...

105. Q. -- see what was taken out of it, or?

A. Yes. So, when I walked up, the two rifles, BB gun rifles, were still in it. So, I saw it in state as it, as it hit the curb.

106. Q. And did you observe anything else that was seized from the vehicle?

A. (exhales) Cell phone perhaps? I think.

DETECTIVE VINTON:

107. Q. Lieutenant, you had made mention earlier to observing Officer Diaz apply some strikes to the, the body of [REDACTED]

A. Yes.

108. Q. Can you also s--, Can you just kind of give a little more to that just so—kind of his placement, where [REDACTED] was, was he being compliant at that time.

A. So, to the—to the best of my recollection, [REDACTED] was on the ground. He had one of those fanny packs—I don't know what they call them now--, but the—if you recall one, you know, from when we were kids, under his chest, and his hands were under his, his chest. I think it would have been his right ribcage that Diaz was striking to the best of my recollection.

109. Q. While he was administering the strikes, did you hear any officers or Officer Diaz giving verbal commands to [REDACTED] to give him the hands from underneath his body?

A. I, I'm pretty sure. But there was a lot of yelling: Give me your hands, stop resis--, The, the t--, the typical—That's almost background noise to any of us at this point that have been in those situations.

DETECTIVE SERGEANT ZIENOWICZ:

110. Q. Okay. Lieutenant, anything else you want to tell us, anything that you, you, you think might be helpful or anything you'd like to pass onto us?

A. No. No thank you. I appreciate ...

WITNESS STATEMENT OF JEANNETTE, LT. MATTHEW

Ref: 21RIX1-1193-OF

111. Q. Okay. It's currently 3:56. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 26, 2021

TIME: 9:55 a.m.

INTERVIEW OF: Lieutenant Dennis O'Brien
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Lieutenant O'Brien

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. So, can you kindly sign the Garrity and date it.

(pause)

2. Q. And at some certain point we're going to show some video maybe, you know, throughout these interviews.

A. Yeah. Sure.

3. Q. So. Um. (pause) Good morning. It is 9:55 on July 26, 2021. This is a Garrity interview of Lieutenant Dennis O'Brien relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. In the room is Lieutenant O'Brien. Can you state your name Lieutenant.

Ref: 21RIX1-1193-OF

A. O'B-R-I-E-N.

4. Q. And for the Lieutenant...?

ATTY. PEZZA: Joseph Pezza. I'm Dennis' attorney.

5. Q. My name is Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. I am with ...

**DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson,
Badge number 25, Rhode Island State Police.**

**DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State
Police.**

6. Q. Okay. And Lieutenant, you signed your Garrity form and you were informed by Attorney Pezza of your Garrity rights and you understand them, correct?

A. Yes.

7. Q. Okay, sir. Were you on duty the night of July 8th into July 9th?

A. Yes.

8. Q. What was your assignment that evening?

A. I was on an overtime assignment, it's called the Pedestrian Bridge Downtown

Detail.

9. Q. Okay. And so your duties and responsibilities there are?

A. Just to monitor--, We monitor the pedestrian bridge, club closing time. Then I'll start making my way downtown, India Point Park, we keep an eye out to—for several months. We do it every weekend.

10. Q. Okay. Did you at some point in the evening become aware of a black BMW that was of interest to the police?

Ref: 21RIX1-1193-OF

A. Yes.

11. Q. What information do you recall hearing about that vehicle?

A. We had several calls in regards to that vehicle of uh, of suspects shooting BB guns in several different locations, you know, shooting BB guns at people, several different calls. I believe one of the calls came over as a possible actual gun. So, we had mixed BB gun or a real gun.

12. Q. And did you ever observe this vehicle before you arrived on Salmon and King Streets?

A. No.

13. Q. Okay. Do you know who began the pursuit of the vehicle?

A. I don't recall.

14. Q. Did you yourself ever consider terminating the pursuit?

A. No.

15. Q. Why not?

A. I wasn't the OIC. And when the pursuit actually started—I mean, we had several different incidents where we would see the car, we'd break it off, [Indiscernible] leaving. And then for the big incident here, at that point, like I said, I wasn't the OIC, but based on what was happening, if I was the OIC, that—that pursuit was a hundred percent justified.

16. Q. Okay. Being that the reasoning ...

A. Just the totality of the circumstances: we had several felony assaults; it went on for, like I said, I don't know how many different victim—, like 12—12, 13 different—different incidents. But clearly they weren't going to stop, and we—I think we had an obligation, you know, they were a, you know, we were well within our right of chasing the—chasing the car—chasing the car.

Ref: 21RIX1-1193-OF

17. Q. So you—you were never in direct pursuit of the vehicle.

A. No.

18. Q. Did you know how many passengers were in the vehicle?

A. I believe they came over and said there was three.

19. Q. So if you were never in direct pursuit of the vehicle, you didn't observe any weapons until you were on scene?

A. I n--, The first time I saw the vehicle was when I walked up on scene when ev--, everything was over.

20. Q. Okay. And you observed weapons in that vehicle?

A. Yeah, they were right—right inside the car. The—it was a convertible and the top was down.

21. Q. Did you monitor Lieutenant Jeannette state on Channel 1 based on witness information to rule out the suspects are using BB guns for officer safety?

A. S--, Say again.

22. Q. Did you monitor Channel 1, or hear Lieutenant Jeannette state based on witness information to rule out that the suspects are using BB guns for officer safety?

A. I, I don't recall that.

23. Q. How did the pursuit end?

A. They crashed into a uh, a fire hydrant I believe at Salmon and uh—the corner of Salmon and King Street.

24. Q. Did you witness the accident?

A. No.

25. Q. About how long after the crash did you arrive?

A. Two minutes.

26. Q. Okay. What did you observe on—upon your arrival?

A. When I walked up, there was one suspect who was—who was cuffed on the ground.

27. Q. Do you know who that was, sir?

A. I, I don't know. There was another suspect I could see getting put into a car, and the third subject was already in a car.

28. Q. Okay. So, the suspect on the ground that you observed, would that suspect be the one that had facial injuries and ended up going on a rescue?

A. Yes.

29. Q. Okay. Did you see any force being used upon that subject?

A. No.

30. Q. Is that because it, it was over by the time you got there?

A. Yeah, whatever transpired when they, you know, whether they decided to bail or, you know, I was—it was—everything was, was over by the time I walked up.

31. Q. So, did you ever observe anyone physically pulling an officer away from that apprehension?

A. No.

32. Q. No. Did you observe an officer spit in the direction of that suspect?

A. No.

33. Q. Did anyone inform you or brief you of this incident upon your arrival or anywhere thereafter?

A. The injuries—Um, I was talking to a couple of officers, you know, the injuries I was

Ref: 21RIX1-1193-OF

told were from a, they believe from the uh, hitting the pole. As far as other than being briefed on anything, I mean I pretty much listened to everything, so I didn't really have too many questions besides uh—I was just kind of making directives, taping off the scene and myself and s--, Lieutenant Jeannette consulted several different times about phone calls to make and...

34. Q. Okay. So did anyone inform you that force was used that would trigger a Use of Force inquiry?

A. No.

35. Q. What injuries did you observe on [REDACTED]?

A. I could see blood on his facial area.

36. Q. So, did you make a determination of his injuries were the result of the accident or police use of force?

A. I assumed they were from the accident.

37. Q. Okay. (pause) Did you hear Patrolman Diaz shouting at the crowd of onlookers? Patrolman Domingo Diaz, did you hear him shouting at the crowd of onlookers?

A. No.

38. Q. No? (pause) Did any sergeant brief you on any kind of use of force from a—, for any of the subjects?

A. No.

39. Q. Did Sergeant Perez tell you that he had to pull Patrolman Diaz out of the pile?

A. No.

40. Q. Is there anything else you can add to this statement that would be useful?

A. No.

WITNESS STATEMENT OF O'BRIEN, LT. DENNIS

Ref: 21RIX1-1193-OF

41. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: It is currently 10:03, and that'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

SUPPLEMENTAL WITNESS STATEMENT

DATE: July 27, 2021

TIME: 12:02 p.m.

INTERVIEW OF: Lieutenant Dennis O'Brien
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Lieutenant O'Brien

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is July 27th. It is currently 12:02. July 27th, 2021. This is a continuation Garrity interview of Lieutenant Dennis O'Brien relative to the incident at Salmon and King Street and the apprehension of three juveniles on 7/9/21. Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Lieutenant, spell your last name, please.

A. O'B-R-I-E-N.

2. **Q.** And you're represented by ...

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

3. **Q.** And I'm with...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson, Rhode Island State Police, Badge number 25. R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

SUPPLEMENTAL WITNESS STATEMENT OF O'BRIEN, LT. DENNIS

Ref: 21RIX1-1193-OF

4. Q. All right. Lieutenant, we asked you to come back here, and your Garrity rights are still applied, correct?

A. Yes.

5. Q. And there was a piece of body worn camera video that we'd like to understand what you were saying and what you were talking about and get some context. And I'm going to play the video at this point. It is from the perspective of Sergeant Troia's body worn camera video. It's a 221 and 40 seconds in the morning. Some . . . 19 minutes or so after the apprehension of the three juveniles.

AUDIO RECORDING: [Indiscernible] *...chasing that car, -- Oh. So we can't. I mean, it's just, it could be Charles Manson [Indiscernible] ...*

6. Q. So it's kinda hard to hear, but uh, you were—were you relating a conversation you had with somebody?

A. Yes, a brief-- Before this conversation here, I had walked over to a couple of people in the crowd, obviously a lot of people came out of the building and were yelling, people that—didn't even know, you know, weren't even there for the apprehension that were yelling. They see a—You know, they see the one suspect with the blood; they—They got upset. And they're saying: you guys shouldn't be chasing people; you guys shouldn't be beating people up. So I walked over to a couple of women: one who uh, you know, seemed older and that I could maybe talk to and explain what happened and try and calm everybody down. So I tried to explain to her,-- You know, I asked her, I said, 'Do you even know why we were chasing this car?' Because she was saying you can't chase people, you can't chase people over 70-miles-an-hour, something like that. So, I asked her, you know, 'Do you know why we chased them?' She goes, 'Yeah. They were pointing guns at people.' So, I figured there's really—When she made that statement, there was really no reasoning with her, so I walked away. And the conversation I was having with the officers was in regards to the conversation I was having with her. And when I referenced, 'We beat the shit out of

SUPPLEMENTAL WITNESS STATEMENT OF O'BRIEN, LT. DENNIS

Ref: 21RIX1-1193-OF

people,' is what they were shouting at us.

7. Q. Okay. So, if I understand correctly, you were relating your conversation with the onlooker to other officers.

A. Yes.

8. Q. You weren't explaining to other officers that the police beat the shit out of people--

A. No.

9. Q. -- in this incident.

A. No.

10. Q. Okay. Is there anything else you could add to c--, the context of this story or is, is that just--?

A. No. I mean, the Charles Manson comment, I think everybody gets the, the reference to that. It was just kind of to, you know, no matter who we were chasing or what we were chasing, it wouldn't be acceptable to—to the people that were yelling at us.

11. Q. All right. Lieutenant, I appreciate you coming in and clearing that up for us.

A. No problem...

DETECTIVE SERGEANT ZIENOWICZ: It's 12:05, and that'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 27, 2021

TIME: 10:07 a.m.

INTERVIEW OF: Sergeant Eric Greene
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Sergeant Greene

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is currently 10:07 on July 27, 2021. This is a Garrity interview of Sergeant Eric Greene relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Sergeant, state your name for the record.

A. Yes. E-R-I-C, G-R-E-E-N-E.

2. **Q.** You're represented by ...

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

3. **Q.** And I'm here with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert J. Richardson,
Badge number 25, Rhode Island State Police. R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Okay Sergeant, you were—had an opportunity to speak to Attorney Pezza and talk about your Garrity rights, and you understand them, correct?

A. I do.

5. Q. Sir, were you on the uh, were you on duty the night of July 8th into July 9th?

A. Yes.

6. Q. What car post were you assigned to?

A. Oof. I believe I was three fifty uh--, 325, I believe.

7. Q. Okay. Do you--

A. I'm not--

8. Q. -- know what--?

A. I'm actually not sure. Because I'm, I'm not really bid, so I get bounded around a little bit. But I, I was 325 that night.

9. Q. Okay. Do you know what districts you were supervising that evening?

A. Probably District 2 and 3.

10. Q. Okay. At some point did you become aware of a black BMW that was of interest to the police?

A. Yes.

11. Q. What information do you recall about that vehicle?

A. That it was possibly involved in a felony assault with possible firearms in the vehicle.

12. Q. Okay. Did you hear more than one call about that vehicle?

A. Yes.

13. Q. Okay. Can you elaborate on that?

A. **During the course of the night I believe several different officers had come across that vehicle, and that I believe that there were several calls for that vehicle pointing possible BB guns, a possible firearm at individuals.**

14. Q. Okay. Did...you ever observe the vehicle throughout the evening in the city before you arrived at Salmon and King Streets?

A. **At one point, yes.**

15. Q. Okay. Tell me about that.

A. **I was—The vehicle was in pursuit, at which point I was at a distance. I just observed the vehicle as it drove by.**

16. Q. And was an—, another o—officer was in pursuit of that vehicle?

A. Yes.

17. Q. It was going through your district possibly?

A. **Uh, I believe it was in Pawtucket maybe was where I had seen it.**

18. Q. Okay. The—And, and the first couple of times it was pursued I understand that it might have been terminated by a supervisor?

A. **I believe so, yes.**

19. Q. Okay. The, the last time it was pursued, which lasted quite some time, do you know who started that pursuit?

A. **I'm not sure.**

20. Q. Do you know what area of the city it started in?

A. For the last one, I'm not sure.

21. Q. Okay. Did you ever consider terminating the pursuit?

A. I believe the Lieutenant, the OIC at the time had taken control of it.

22. Q. Okay. So, were you ever in direct pursuit of the vehicle at any point?

A. No.

23. Q. How many passengers or occupants were in the vehicle?

A. I believe there was three.

24. Q. At some point did you hear a broadcast by Lieutenant Jeannette that stated based on witness information that he received to rule out that the suspects were just have--, in possession of BB guns?

A. The possibility they were firearms.

25. Q. Okay. For officer safety.

A. Yes.

26. Q. Well you know how the pursuit ended.

A. Yes.

27. Q. How?

A. Oh. It crashed.

28. Q. Did you—you witness the accident?

A. No.

29. Q. And how long after the crash did you arrive?

A. Approximately a minute, minute, two minutes maybe.

30. Q. What-- what did you observe upon your arrival?

A. I observed the, I believe the three subjects were—had already been placed into

custody and I was just walking up onto accident scene.

31. Q. Okay. Did you observe any of the apprehensions or they were already apprehended upon your arrival?

A. They were being placed into handcuffs.

32. Q. Okay.

A. But I was at a distance.

33. Q. I see. In res--, respect to the subject later identified as [REDACTED] did you see his apprehension?

A. No.

34. Q. So you never saw anybody striking that suspect.

A. I'm not familiar with which one was even [REDACTED]

35. Q. Okay. So there were three individuals: one--

A. Mm hmm.

36. Q. -- was black; one was light skin, possibly Hispanic; and one was white. So the--

A. Mm hmm.

37. Q. -- black individual was [REDACTED]

A. Okay.

38. Q. There was a subject who had, later on, blood on his face and --

A. Okay.

39. Q. -- was taken via rescue. Did you observe his apprehension?

A. I hear--, I observed him at one point, I believe after the apprehension. He was on the sidewalk and they had requested a rescue for him.

40. Q. Okay. So you didn't see his actual apprehension.

A. No.

41. Q. When you observed him, did—would—did you take note of his injuries?

A. Not really. I, I just—They had requested a rescue. I believe I started trying to move some police vehicles so we could get a rescue in.

42. Q. Okay. Did you discuss or did you hear any discussion between supervisors and lieutenants if [REDACTED]—[REDACTED] injuries were the result of the accident or police use of force?

A. I don't recall.

43. Q. You don't recall hearing that?

A. I don't recall hearing it.

44. Q. Okay. After [REDACTED] apprehension, which I, I understand you say you did not observe, post apprehension did you observe Patrolman Diaz walk up to [REDACTED] and spit on the ground next to him?

A. No.

45. Q. Okay. Did you observe Patrolman Diaz arguing with onlookers?

A. I, I—I don't recall even—, There was multiple officers there, I, I, I at the time, or even now, I didn't even know that Diaz was on scene.

46. Q. Okay. Did you take any supervisory responsibilities on the scene?

A. Not quite. We had supervisors on scene. I kinda just assisted. Like I said, I was trying to move some cars; I was trying to assist in crowd control and things of that sort, just--

47. Q. Okay. So at some point did you stand by the onlookers and, and--

A. Mm hmm.

48. Q. -- and just uh, [Indiscernible]...

A. I believe we—we started putting tape up. I m--, I might have—I requested some of the officers to get some tape and started taping the area off.

49. Q. Did you talk to any of the onlookers?

A. I, I don't recall.

50. Q. Okay. Do you recall what they were saying?

A. It d--, it didn't seem pleasant towards police. But I, I, I couldn't give you particulars.

There was a lot of shouting.

51. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

52. Q. Did you make the rescue call?

A. I don't think so. I don't believe so.

53. Q. Do you know who did?

A. I'm not sure.

54. Q. Okay. And you—were you standing by with the prisoner when the rescue arrived or?

A. I don't believe so. I believe I started—'Cuz the street's kinda long and there was a lot of police vehicles that had lined up along it. So, I believe I had started walking up the street and started asking people to move police vehicles. I'm not sure if I actually moved a police vehicle or not.

55. Q. And did you hear anything being said in any back-and-forth at that point, and any--?

A. Between uh--?

56. Q. Between the—either the crowd, the suspects, --

A. Well they were shouting --

57. Q. --or anyone near it?

A. -- from the crowd towards police. But uh...

58. Q. Do you remember any--

A. --I not--nothing--

59. Q. Do you remember what they were saying?

A. Nothing that would be out of the ordinary as for police seeing something, you know, at a scene where a large crowd comes out and starts [Indiscernible] cops out.

60. Q. I mean, were they swearing? Were they, were they saying anything specific, or?

A. Just shouting.

61. Q. Okay. Were you involved in the um in, in the accident, the actual accident with the--with--with the cruisers or with the, the suspect hitting the hydrant, did you handle any of that paperwork?

A. No.

62. Q. Okay. Did you observe anything in the vehicle while you were on scene?

A. I, I observed a couple of the, what they thought were firearms. But then I believe I just observed they were BB guns, and I realized this because I saw small BBs on the ground when I looked in the vehicle.

63. Q. But they were long guns.

A. Yes.

64. Q. All right. And where were they located?

A. I think they might have been scattered throughout the vehicle. There might have been one in the front, one in the back. I, I -- I couldn't give you particulars, I just kind of remember glancing in.

DETECTIVE SERGEANT ZIENOWICZ:

65. Q. All right, Serge, is there anything else you can remember, or you can add that might be helpful?

A. Not that I recall. Not at this time...

66. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: It's currently 10:16. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 27, 2021

TIME: 12:10 a.m.

INTERVIEW OF: Sergeant Shawn Kennedy
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Sergeant Kennedy

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is 12:10 on July 27, 2021. This is the Garrity interview of Sergeant Shawn Kennedy.

Can you spell your name Serge.

A. S-H-A-W-N, K-E-N-N-E-D-Y.

2. **Q.** This interview is relative to the pursuit and subsequent apprehension of three juveniles at Salmon Street and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. He's—Sergeant Kennedy's represented by...

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

3. **Q.** And I'm here along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson,

Badge number 25, Rhode Island State Police, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Sergeant Kennedy, were you on duty the night of July 8th into the 9th?

A. Yes, I was.

5. Q. Okay. Were you assigned a post car or were you on a detail?

A. On a detail.

6. Q. Okay. Which detail were you on please?

A. The pedestrian bridge.

7. Q. Okay. What hours does that run?

A. It runs from 1900 to 0300.

8. Q. Okay. And you worked the whole eight?

A. Yes, I did.

9. Q. So, if you were there at 1900, did you hear some broadcasts about—on the out first portion of your detail about some vehicle that might have been an interest to police with suspects running around the city?

A. Yes, I did. Patrolman Thiago Gomes aired a broadcast in regards to a vehicle that had shot into a construction vehicle that he was on a detail. That particular vehicle had fled, and it subsequently came back into the picture later on that evening.

10. Q. Do you remember hearing any broadcasts of what that – the occupants of that vehicle were doing?

A. Yes. They were shooting into vehicles, pointing weapons at people.

11. Q. Okay.

Ref: 21RIX1-1193-OF

A. This went on from most of the night.

12. Q. So after the shift change, ... Strike that. Did you hear a vehicle description on the out first?

A. Yes, it was a uh, black two-door BMW.

13. Q. Okay. On the out last, did you—did you hear some more calls relative to that vehicle?

A. Yes.

14. Q. Can you tell me about them.

A. I believe State Police attempted to stop the vehicle. I, I don't believe that they had the information that we had pertaining to the shots fired into the construction vehicle and weapons being pointed at people. And subsequently that vehicle pursuit was terminated.

15. Q. Okay. At some certain point did other officers become engaged with that vehicle?

A. Yes. We received a call from Brown University: one of their shuttle drivers had a weapon pointed at them. It was at this time that Lieutenant Jeannette had—he had gotten more information in regards to what type of weapon that was pointed at this driver. It was confirmed by that particular victim that it was a rifle.

16. Q. So did Lieutenant Jeannette make a broadcast relative to that to the – over Channel 1?

A. Yes, he—he basically said that we're gonna treat this as a felony assault due to the fact that this—this person had pointed this rifle at the shuttle driver from Brown University. It was at that time, a short time after Lieutenant Jeannette made that determination that it was gonna be considered a felony assault that Patrolman Najarian came upon the vehicle in University Heights.

17. Q. Okay. What took place after that—the uh, pa—, the patrolman found the vehicle?

A. It was brought to our attention that the passengers of that vehicle had the top

Ref: 21RIX1-1193-OF

down, they came out of the uh, the vehicle and pointed the rifle at Patrolman Najarian.

18. Q. Okay. Did a pursuit ensue at that time?

A. Yes it did.

19. Q. Okay. At this point are you still down at the pedestrian bridge--

A. Yes I am.

20. Q. -- monitoring the --?

A. Yes.

21. Q. Okay. At any point did you get involved in the pursuit?

A. No.

22. Q. Okay. Do you monitor—The—This pursuit lasted quite some time.

A. Yes.

23. Q. Okay. All right. How did you end up in the vicinity of King and Salmon Street?

A. The uh, the conclusion of the chase ended at -- with the vehicle crashing. I

responded there due to the fact that, you know, this location is usually not a, a good location for police. Usually the crowds that have come out when an altercation like this occurs. So I went to assist the, the officers that were on scene. Usually the shift that I work, our supervisors all work, like, hand-in-hand, so I went over there to see if they needed my assistance.

24. Q. Now you didn't leave downtown once the crash happened and--? Or did you?

A. Yeah, when—once the crash happened, I started heading up in that direction. So, at that particular time when I arrived, the—the parties had already been apprehended and in—in handcuffs.

25. Q. Okay. So, what did you observe upon your arrival?

A. I observed the—the vehicle that was involved in the pursuit, it had struck a fire hydrant. I observed one of the occupants of the vehicle, cuffed on the side. At that time, I walked over to the crowd that was exiting the, the development. I was trying to de-escalate those people that were coming out: they were very hostile towards the police. One of the—one of the females was saying that we needed more training; that you guys don't know the difference between a real gun and a BB gun. And at that time I, I believe I had a uh, a conversation with Lieutenant O'Brien. I had—I, I'm not sure if I uh, shut my body camera off or I uh, kept it on at that particular time ...

26. Q. Okay. And what was that conversation about?

A. It was basically about this woman's hostile intent towards the police and her uh, comments about us needing training and stuff like that.

27. Q. Okay. Did you ever—On scene, did you observe the subject later be—, to be found out to be [REDACTED]?

A. I believe he was the—I'm not particularly sure which part of the vehicle he was in, but he was one of the parties that was on the side getting handcuffed.

28. Q. Okay. Did you take note of his injuries?

A. It looked like he had some, like, like, facial burns from an air bag being deployed. But other than that, I didn't see, you know, the extent of his injuries.

29. Q. Okay. Did you talk with any supervisor about how he may—I mean superior to you—how [REDACTED] may have received his injuries, whether it was due to the car accident or police use of force?

A. I'm—I don't believe I did. I believe that, you know, my observation of him was consistent of the air bags going—you know, being deployed. But I don't know if I had s--, had

Ref: 21RIX1-1193-OF

a conversation with Lieutenant Jeannette or --

30. Q. Okay.

A. -- Lieutenant O'Brien in regards to that.

31. Q. All right. So, did you in your mind make a determination that's how he must have received his injuries?

A. Yes. Because it--

32. Q. Okay.

A. -- it looked like he had like facial like burns from like—consistent with an air bag being deployed.

33. Q. Okay. All right. Did you relay that to anybody?

A. No I did not.

34. Q. Okay. At some point did you ever observe Patrolman Domingo Diaz arguing with onlookers?

A. Yes I did.

35. Q. Okay. Did you hear what he said?

A. No I did not. He was out of my uh—air, air shot. I believe Patrolman—or excuse me, Sergeant Troia at that time just grabbed him and basically, you know, said not—you know, don't engage, you know, with them, it's not, you know, basically, worth it.

36. Q. Okay. Did you take on any supervisory responsibilities at the scene?

A. I bas--, basically made sure that the road was clear for the rescue to get in; made sure that the vehicles were out of the uh, the street so the rescue could respond in, and uh, made sure that one of the patrol officers stayed at the top of the street so we didn't have people trying to come down and clog the area so the rescue could get in.

Ref: 21RIX1-1193-OF

37. Q. Okay. Did you help assist any patrolmen or, or, or assist them with any paperwork or preparation for this case?

A. No I did not.

38. Q. Okay. How long did you stay on the scene?

A. Probably 20 minutes.

39. Q. Okay.

A. I, I uh—Once the tow had got—came on scene, I uh, had the officers that weren't involved in the apprehension respond back to their respective posts and I just left the scene.

40. Q. Okay. And I fully realize that you weren't an on-duty sergeant . . . in charge of a district; that you were at a detail and you were helping out. I, I fully re--, recognize that. So you never went to the hospital, you never helped with any paperwork or any post arrest responsibilities.

A. No.

41. Q. Okay. Anything else you might want to tell us that you—might be helpful to this investigation?

A. No, sir.

DETECTIVE SERGEANT ZIENOWICZ: It is currently 12:20. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 26, 2021

TIME: 10:28 p.m.

INTERVIEW OF: Sergeant Andres Perez
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Perez

Detective Sergeant Robert Richardson

And

Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is currently 10:28 on July 26, 2021. This is a Garrity interview of Sergeant Andres Perez relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. And Sergeant Perez, you're represented by ...

A. Joe Pezza.

ATTY. PEZZA: Joe Pezza.

2. Q. Spell your last name, please.

ATTY. PEZZA:

A. P-E-Z-Z-A.

3. Q. Sergeant Perez, spell your last name please.

SGT. PEREZ:

A. P-E-R-E-Z.

4. Q. My name is Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. And I'm along here with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson, Badge number 25, Rhode Island State Police.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

5. Q. And Sergeant Perez, you've had an opportunity to speak to Attorney Pezza, and he's explained the Garrity process to you, and you understand the Garrity rights, correct?

A. Yes, I do.

6. Q. Okay. Were you on duty the night of July 8th into July 9th?

A. Yes, I was.

7. Q. What car post were you assigned to?

A. Post 15. I was assigned to the downtown. I also was in charge of Districts 4 and 5, which is Olneyville, down Federal Hill, West End, all that area. So, that was tw--,

8. Q. So you were--

A. Three districts.

9. Q. -- supervising three different districts.

A. Yup.

10. Q. Did you at some point become aware of a black BMW that was of interest to the police?

A. Correct, I ha--, I did.

11. Q. What information do you recall hearing about that vehicle?

A. Dispatchers came over the radio saying there was a black BMW pointing weapons at people. The last weapons that were being polled I believe was to a Brown University shuttle driver over by ... I want to say Hope Street, I'm not sure.

12. Q. Okay. Is it safe to say there were several different calls relative to this vehicle?

A. There were numerous calls [Indiscernible] this vehicle involved in.

13. Q. Okay. Did you ever—ever observe this vehicle yourself before you arrived to Salmon and King Streets?

A. I did not.

14. Q. You did not. So, do you know who began the pursuit of the vehicle?

A. There were--, I believe the beginning part of it, they saw the vehicle in Olneyville. I believe it was car 52, Officer Debbie Rousseau was the, was the first person that began to pursue the vehicle.

15. Q. Okay. And at some point did she lose the vehicle?

A. Yes.

16. Q. And at some point did somebody pick up the pursuit?

A. I believe so, yes.

17. Q. Okay. How long did the pursuit last?

A. It was maybe approximately two hours from the beginning to start [sic].

18. Q. So, two hours. We lost it for a period of time and then found it again.

A. Yes.

19. Q. Okay. So, the final time we found it and then pursued it, do you know how—about how long that lasted?

A. I want to say—It was a long time. Maybe 40 minutes.

Rhode Island State Police Headquarters
WITNESS STATEMENT OF PEREZ, SGT. ANDRES

Ref: 21RIX1-1193-OF

20. Q. Did you ever consider terminating the pursuit?

A. It wasn't my call. The Lieutenant— Lieutenant came over the radio; he s--, he, he said there—there might be rifles involved, so we were gonna--, we kept going.

21. Q. Okay. So, you were never in direct pursuit of the vehicle.

A. No.

22. Q. Do you know how many occupants were in the vehicle?

A. No, I did not.

23. Q. Was it ever stated over the air that you remember?

A. I believe that when the last person that started—the, the last chase, which -- who was Officer Najarian, he stated there were three occupants in the vehicle.

24. Q. Okay.

A. But I didn't see that.

25. Q. Did you observe any weapons upon your arrival in the vehicle?

A. No.

26. Q. You didn't see any guns in there?

A. Not until after. And there were, there were, there were BB guns. At the—at the halt or the stop of the vehicle we went inside, and I saw a couple of BB guns, but maybe two. But at that time, I didn't search the vehicle, so I didn't see any weapons, no.

27. Q. Okay. Did you hear Lieutenant Jeannette state, based on witness information, to rule out that the suspects are using BB guns only for officer safety?

A. Yes.

28. Q. Okay. How did the pursuit end?

A. I believe somebody came over to me, I don't remember who, ... the vehicle crashed

on Salmon and King Street, all the vehicles got there. I got there at the very end. And once I got there, I took command of the scene.

29. Q. Did you witness the accident yourself?

A. No, I did not.

30. Q. Approximately how long after the crash did you arrive?

A. Maybe five minutes after? Maybe a little less? I don't know.

31. Q. What did you observe upon your arrival?

A. So, when I got to the scene, I came in from Dearborn Street, and I took a right on the next street, all the cars were there. I came on and I saw a bunch of officers on top of the subject. From my observations, the—the individual was being pulled from all different dir-angles. I believe it was a Pawtucket cop pulling the person back, which made it seem that the person was still struggling, he could have still been struggling. I immediately said, telling people to cuff him, take control of him, cuff him. I saw—I observed Officer Diaz giving body shots to the individual. I kept yelling lou-, As I'm running, I said, like, the loud verbal commands for people to stuff and cu--, to stop and cuff the individual. I believe Officer Diaz didn't hear my commands. I went up to him, I grabbed him, pulled him back. I told—At that time, everybody started hearing me, they just started controlling him and cuffing him. And then everybody went up to the scene: I saw people coming from the housing projects. I told officers to control the crime scene, so nobody contaminates it, I don't want anybody coming in. There were loud sirens, so the [Indiscernible] could hear us. I told them to shut—shut the sirens off. And I also told officers that are not privy to the scene or were not involved in the scene to go back in service because it's a Thursday night and we want to make sure that the city is protected and that we answer our calls for service.

32. Q. Okay. So you kind of stole my thunder, and like, I had three or four other questions you already answered. So, you mentioned you, upon walking up to the apprehension of [REDACTED] you were issuing orders for the officers to cuff him.

A. Yup. D--

33. Q. Do you know how many times you said cuff him?

A. I do not, no. I know it was multiple times.

34. Q. Ten times. So, I guess you were really trying to get that message out there. Why was this necessary?

A. Well, I didn't want—I didn't—Like, I allow the use of force is when we have a bunch of people on top of the—of an individual, you know. Whether the individual is fighting or not. One officer might be pulling from one angle; one officer might be pulling from another angle. I might believe that the person's still fighting and in reality, he's not. So, we—we already have control of the s--, of the subject, so I wanted to make sure somebody takes control: you cuff him, you control, you stop. And that's the reason why I did it. And I wanted to make sure that I emphasized it so people can hear me, because I got—I got a very loud voice so I can take control.

35. Q. So, did you observe a, a particular officer striking [REDACTED]?

A. I did.

36. Q. And if so, who was that?

A. I believe it was Officer – it was Officer Diaz.

37. Q. Okay. Is that Patrolman Domingo Diaz?

A. Domingo Diaz, correct.

38. Q. So, is that the officer you observed pulling away from the pile?

Ref: 21RIX1-1193-OF

A. I, I--, No, the—the officer that was pulling away from the pile I believe was a Pawtucket female officer from the bottom of the legs.

39. Q. Okay. So, this is a video from one of our officers and I want to play it for you.

A. Yup.

AUDIO RECORDING: (Sirens blaring)

40. Q. For a reference point, and for the tape, I'm showing this is Officer Domingo Diaz, that's his right arm.

A. Yup.

41. Q. Here you are.

A. Yup.

42. Q. Okay.

AUDIO RECORDING: (Sirens blaring)

MALE: (Indiscernible shouting)

FEMALE: (Indiscernible shouting)

43. Q. Does that help refresh your memory as to who you pulled out of the pile?

A. Yes.

AUDIO RECORDING: (Sirens blaring) (Indiscernible shouting)

44. Q. And I think that's uh, Patrolman Domingo Diaz you pulled out of the pile, correct?

A. Yes.

45. Q. Okay. Again, I'll ask you after seeing that, why did you do that?

A. Well, I didn't believe—I didn't believe that he, he heard me. I was telling people my commands and I didn't believe he heard me. So I didn't want him to go further, so that's why I did that.

46. Q. Further doing what? I understand where you're saying like, you, you didn't think you heard him [sic]. But you didn't pull this officer out of the pile and you didn't pull this officer out of the pile, you pulled this officer out of the pile specifically for what reason?
- A. **A-again because he didn't hear me giving commands to cuff him.**
47. Q. Okay. Okay. You observed him using force and throwing punches, correct?
- A. **Yes.**
48. Q. Do you think Patrolman Domingo Diaz's use of force was justified and within Department policy?
- A. **I believe so.**
49. Q. Okay. Do you think Patrolman Voyas' use of force was justified and within policy?
- A. **I believe so.**
50. Q. Do you think Patrolman Colucci's use of force was justified and within policy?
- A. **Yes, I do.**
51. Q. You instructed officers to call a rescue. Who was that for?
- A. **For the individual that was being arrested at that time.**
52. Q. What injuries did you see on him?
- A. **I didn't see anything specific, I just saw blood.**
53. Q. Okay. So, after seeing what we just saw, and after hearing what you just said, did you make a determination of [REDACTED] injuries were the result of the accident or police use of force?
- A. **At the time, I believe the a--, the injuries, and I still believe the injuries were from the accident.**
54. Q. Okay. How did you determine that?
- A. **I'm not a medical, but I, I saw—I s--, I walked up to the vehicle and the air bags**

Ref: 21RIX1-1193-OF

were deployed, the, the, the cr-, the car was crashed. I believe he was the front right passenger; he could have hit his dashboard. So, I'm not a expert like, but that's what I, I believed at the time.

55. Q. I'll have to double-check, but I don't believe that vehicle has air bags.

A. Well either way, my belief was when I'm looking, the vehicle struck, I believed there were air bags. If there wasn't, there wasn't. But either way, he could have hit his dash bag [sic]—he could have hit—he could have hit it the, the, the, what do you call that, the, the, the dashboard, he could have hit the steering wheel, he could have hit uh, uh, the o--, another individual, I don't know. But it was a serious accident when I got there.

56. Q. All right. During this incident, you turn off your camera and then turn it back on --

A. Mm hmm.

57. Q. -- no less than 14 times.

A. Mm hmm.

58. Q. Why is that?

A. I was—I was talking to the supervisor. So I believe that when we talk to our supervisor, per policy we can turn it off. And I, and uh, and then I was talking to a, a firefighter. And that's about it.

59. Q. Well, you understand the policy says to leave it on throughout the s--, the scene, correct?

A. I was told—From my belief was if I'm talking to a supervisor, I can, I can shut it off. C--, And, and there was no—nothing happening at the time when I shut off my camera, so I didn't think it was important for me to leave it on. The inc-, incident was already stopped.

60. Q. But you turn off your camera, and at one point you pull Patrolman Diaz aside and you

Ref: 21RIX1-1193-OF

speak with him. He turns his camera off as well.

A. Mm hmm.

61. Q. What did you say to him?

A. I wanted to ask him what happened. I wanted to make sure that he—that he told me exactly what happened; I wanted to make sure he did an AIR report; I wanted to make sure he did a witness statement because this is going to be turned over to Youth Services, and uh that's pr--, pretty much what we talked about.

62. Q. That was a, a lot of information, you only spoke to him for about --

A. That--

63. Q. -- three or four seconds. Is that--?

A. That's how—That's how the—That's how I talk: witness statement, AIR report, make sure you, you, you get with the officer on what your part of this inves--, of, of this incident is.

64. Q. (pause) Did you brief Lieutenant Jeannette and / or Lieutenant O'Brien on scene?

A. Yes.

65. Q. Did you inform Lieutenant Jeannette that you observed a use of force that required a Use of Force inquiry?

A. I, I informed him that the, the apprehension was, there w--, there was uh, uh, force used. But I didn't tell him it was a Use of Force inquiry done. We talked about it at the end, and we both made a determination that the--, that there w--, there was no need for a Use of Force inquiry because we both believed the injuries were because of the vehicle accident.

66. Q. Can you repeat that please?

A. I said, at the end, I tal--, I brief him about the use of force, we talked about it later

Ref: 21RIX1-1193-OF

on in length about if we—we—I need to do a Use of Force inquiry. We both determined that there wasn't need for one because we both believed that the injuries came from the vehicle car crash.

67. Q. Well, did you or with the lieutenant or on your own review body-worn camera video to see if--

A. No I did not. Not that—Not on that day.

68. Q. Did you inform Lieutenant Jeannette or Lieutenant Bri—, O'Brien that you had to pull Patrolman Diaz off the suspect?

A. I believe he said—Yes, I did.

69. Q. You did?

A. I told the Lieutenant Jeannette. Yes I did.

70. Q. Okay. What was his response?

A. I explained to him why I did it. And he agreed with me. He said, 'Good job.'

71. Q. Okay. So, did you discuss this incident, I mean the incident as a whole with Lieutenant Jeannette at Central Station?

A. Yes.

72. Q. Did you ever discuss viewing body-worn camera with Lieutenant Jeannette?

A. No, I did not.

73. Q. Did you ever discuss what paperwork would be completed with the Lieutenant?

A. Yes. We—, So, we came to the determination; I asked him if I should do a Use of Force inquiry. We discussed it. And we both came to the determination that the, the—that we don't need to because I be--, I believed the, the injuries came from the vehicle accident.

74. Q. Do you remember Sergeant Troia asking you who was doing the Use of Force inquiry

Ref: 21RIX1-1193-OF

while still on the scene?

A. That I don't remember.

75. Q. Okay. Well, he asked you.

A. I believe he asked me who's taking care of this. I said, 'I'll handle this.' He never asked me specifically about a use of f—I don't remember him asking me about a use of—about a Use of Force inquiry.

76. Q. Did you meet with the involved officers afterwards?

A. Yes.

77. Q. Where?

A. At Central Station.

78. Q. When?

A. After the incident.

79. Q. Who—who were those specific officers?

A. Everybody involved. It was the people that were—came over [Indiscernible] for a vehicle chase, I made sure they left with us, [Indiscernible] Lieutenant, the officer involved in the arrest to make sure he did the proper report and anybody that did use of force. I made sure that they did their AIR reports.

80. Q. Could you name those officers, or?

A. Uh, it was—it was Officer Rousseau (sp), Officer Fernandez, um, Officer Najarian, Officer Diaz, Officer Voyer, Officer Colucci, Patrolwoman Sanchez. Like is said, I had to do an accident report on that as—inquiry after that too, and Officer Ramalho.

81. Q. Okay. Did you assign Patrolman Diaz to ride the rescue with [REDACTED]?

A. It was chaotic. He needed to go to the hospital. I said, 'Domingo, can you please

go with him to the hospital,' ... and he, and he did.

82. Q. Why him? Why--

A. Uh...

83. Q. -- Diaz.

A. Because he was the first one there and I was -- He was the first one there; I w--, I had to go take care of an accident inquiry, and the crowds began to gather. I wanted to get individual seen, and, and uh, that's pretty much it. I didn't w--, I didn't want to take any other officers from--from--from the outside perimeter control.

84. Q. Did you ever hear Patrolman Diaz--? Well let me ask you this first. Strike that. Did you ever see him spit in the direction of [REDACTED]?

A. I didn't see him do any of that.

85. Q. Did you h--, ever hear him hollering at the crowd of onlookers to 'shut the fuck up?'

A. I didn't hear that.

86. Q. No. Being that you pulled him out of the pile, do you think it was prudent to send him to the hospital with the suspect?

A. I didn't believe he was a threat to the individual.

87. Q. Okay. Do you know why no accident report was prepared for the BMW crashing into the fire hydrant?

A. That I do not know.

88. Q. When did you do the Use of Force inquiry?

A. I believe that Tuesday, the following Tuesday. I, I went on days off, and then uh, --

89. Q. So, the 13th of July?

A. Yeah, I believe so. It should be with-with the Use of Force inquiry my date that I did

Ref: 21RIX1-1193-OF

it.

90. Q. Well how did it come to your attention that you had to do a Use of Force inquiry if you thought that night you didn't have to?

A. Well, I was called by everybody, Internal Affairs had it. Then I was talking to the Lieutenant, ... said we gotta review it. I, I reviewed the videotapes. And then that's when I had to do a Use of Force inquiry.

91. Q. So. I just want to make sure I got the sequence of events correct.

A. Mm hmm.

92. Q. And correct me if I'm wrong. Through talking to officers or through your on-scene investigation and briefings, you believe that the injuries to [REDACTED] came from the car accident, and so you didn't think you needed to do--

A. Well, I—I never heard that the individual had to be MRI, he, he was hospitalized for more; that he had any brain damage, I didn't—I just heard that he went to the hospital [Indiscernible] down. The injuries from what I saw was blood. There wasn't like, severe injuries where his eye socket was sticking out, he had a broken nose, teeth were missing, I didn't see any of that stuff. I saw blood. So again, my belief was that the injuries were caused from the car accident, they were severe that this happened.

93. Q. Mm.

A. I don't know if [REDACTED] was wearing his seatbelt or not, I, I wasn't there. I wasn't privy to that stuff. So, again.

94. Q. Okay. So, when you did the Use of Force inquiry, did you view any body-worn camera footage in preparation of preparing that?

A. Yes.

95. Q. Okay. Which videos did you watch, --

A. I w--

96. Q. -- do you remember?

A. A, a bunch of them. I did—I believe --

97. Q. [Indiscernible]

A. -- I watched everybody's, including myself.

98. Q. Okay. Is there anything else you'd like to add to your statement, any, anything you can tell me?

A. No thank you.

99. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: It is currently 10:46. That will conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 26, 2021

TIME: 2:07 p.m.

INTERVIEW OF: Sergeant Michael Troia
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Sgt. Troia

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is currently 2:07 in the afternoon on July 26, 2021. This is the Garrity interview of Sergeant Michael Troia relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Present in the room is—

A. Sergeant Michael Troia.

2. Q. Spell your last name please.

A. T-R-O-I-A.

3. Q. Who's represented by?

ATTY. PEZZA:

A. Joseph Pezza, P-E-Z-Z-A.

4. **Q. Along with me, --**

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert J.

Richardson, Badge number 25, Rhode Island State Police.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

5. **Q. Sergeant Troia, you've been instructed by your attorney of your Garrity Rights, and you understand them, --**

A. Yes, I do.

6. **Q. -- and you just signed for them, correct?**

A. Yes.

7. **Q. Were you on duty the night of July 8th into July 9th?**

A. Yes, I was.

8. **Q. What car post were you assigned to?**

A. I was working an overtime pedestrian bridge downtown detail as a sergeant.

9. **Q. So, you—you—you weren't on a regular tour of duty supervising districts.**

A. I was not.

10. **Q. Okay. Did you at some point become aware of a black BMW that was of interest to the police?**

A. Yes, I was.

11. **Q. Okay. What information do you recall hearing about this vehicle?**

A. Earlier in my—in my regular tour of duty, 1500 hours to 2300 hours, that vehicle

was a possible vehicle with three juveniles that were shooting or pointed a rifle at a victim that I was flagged down with at Roger Williams Hospital.

12. Q. You yourself were flagged down.

A. Yes. I was flagged down at Roger Williams Hospital. I was there for—A patrol officer, patrolman called me there for a missing—missing adult with dementia. As I was leaving there, I was flagged down by a female who stated that a vehicle, I think it was a maroon vehicle—I'm not a hundred percent sure on that, pointed um, a rifle at, at them. I asked her if she had a complaint. She said yes. At that particular time, I called the post car 264 Patrolman Harrison Northrup. I also called detectives and spoke to Detective Mitch Gara.

13. Q. Okay. And you provided that information to detectives as well.

A. Yes.

14. Q. Okay. Did—To your recollection, did that female describe the occupants of the vehicle, the, the, the, the maroon Dodge?

A. Yes, she did. I believe she said it was a mu--, maroon SUV, I believe.

15. Q. Okay.

A. With um, um—Yeah, that's all I recall at this time. I'm sorry, I d--

16. Q. It's o--

A. Because I—I—I handed the investigation over to detectives, so.

17. Q. Okay. So, did you hear anymore incidents on the out first (phonetic) while you were working your regular shift?

A. Yes, I did. I believe Sergeant Martinos (phonetic) was working a detail with, I

believe it was Patrolman Tiago Gomes, and they said that there was a—there was the same vehicle that was shooting—shooting at someone during a c--, in a carnival think in the north end of the city. I don't know if that was before my incident or after, I don't recall. It may—it may have been around the same time.

18. Q. So, suffice it to say, there were a couple of similar-type incidents.

A. Yes.

19. Q. Okay. All right. Do you remember anymore before you started working your detail?

A. No.

20. Q. Okay.

A. It was—I was very busy that—that shift, so I don't—I mean, those are the only two I can—I can recall in my head at—at—at this time.

21. Q. Okay. So, you're on the detail, and what do you hear about this black BMW while you're on your detail?

A. So, I was—I just heard they were chasing a vehicle with Wyoming plates, a black BMW. It went out for a pretty long time. When I subsequently got involved ... it wasn't for after—it was after a little bit they were chasing it.

22. Q. And so you're—you're not on a foot detail, you're assigned a, a cruiser?

A. Yes, I had a cruiser with me.

23. Q. Okay. So, at some point did you get involved in this pursuit?

A. Yes.

24. Q. Okay. At that point, do you know what time it was about?

A. I don't. It was probably after midnight when I got involved. And I eventually saw

the suspect vehicle on Fruit Hill Ave. in Manton. It was coming out of I think Herschel Street or something like that near the CVS, and then it went to Johnston.

25. Q. Okay. So, my understanding of this that this pursuit started, and either start—because it was s--, stopped by a supervisor or we lost the vehicle.

A. I don't --

26. Q. So, at this point, did...? Is, is, is this the pursuit that continued until its end at Salmon and King Street?

A. It's—it's the sa--, Yeah, same—same pursuit, same vehicle: BMW, black—black BMW, Wyoming plates.

27. Q. Okay.

A. So, I don't know—I believe it may have been called off early in the shift by Lieutenant Jennette, and then another officer saw it. So, I don't know what point, you know—It, it went on for a while.

28. Q. All right. At that time, do you know who was in the primary role of pursuing that vehicle?

A. (pause) I want to say at one point Patrolman Urizar I—was calling—calling some stuff off, Patrolman Sanchez, I believe at some point, I remember them two. Because I remember saying they did a pretty good job calling it out.

29. Q. Okay. So, after it went to Johnston and came back in the city, were you ever in direct pursuit of the vehicle?

A. I, I was direct pursuit, meaning?

30. Q. Meaning were you ever the primary or secondary car?

A. I was--

31. Q. Or were you--?

A. I was back. But I called some locations out when we went to Johnston. I believe I came over the radio with the vehicle is going Greenville Ave., and it was turning left onto Killingly. But I mean, I wasn't directly behind it--

32. Q. I understand.

A. -- when I was calling that out.

33. Q. Did you see how many passengers and occupants were in the vehicle?

A. No. I can't say that I did.

34. Q. Did you observe any weapons during the pursuit?

A. No.

35. Q. Did you hear Lieutenant Jeannette state based on witness information to rule out that the suspects are just using BB guns for officer safety?

A. Repeat that question please.

36. Q. Do you recall hearing Lieutenant Jeannette say on the air, based on his witness information that he received, to rule out that the suspects are just using BB guns?

A. Yes.

37. Q. Okay. How did the pursuit end?

A. The vehicle crashed on Salmon Street. I didn't see the crash.

38. Q. How long after the crash did you arrive?

A. So, when I—Now, I watched my—my camera. So, when I pulled up, the car had already crashed, and suspect [REDACTED] was already in handcuffs. So, as I got out of my

WITNESS STATEMENT OF TROIA, SERGEANT MICHAEL

Ref: 21RIX1-1193-OF

cruiser, my body camera was activated. I saw Patrol--, Patrolman Diaz walking towards my cruiser, and I saw Patrolman Urizar with a—with another suspect, walking towards my cruiser.

39. Q. Okay. When did you watch your vide--, body cam video?

A. It wasn't that night, it was either the next night I was on the desk out first at 1500 or it was a Saturday. I'm not sure. So, it was either Friday or Saturday I watched it. I w--, I definitely watched it before it was logged.

40. Q. Okay. For what purpose?

A. Um. So, the reason I watched it was because I was the desk sergeant Friday at 1500 hours. The mother, the grandmother, and [REDACTED] attorney called the desk. So the grandma said that we beat up her, her son [sic]. The mother—the mother said that as well. So, I informed them we take those allegations very serious; if you want to come down to the police station, I'll give you an Internal Affairs complaint form, or you can go online. I explained that to them over the phone, spoke to them, you know, both of them, and they wanted to know why they couldn't see their son in the hospital. And I said well he was—unfortunately, he was—he was in police custody, you—you know. So, then the—his attorney called me on the desk as well. I remember it was a Connecticut number, it was an 860 number, I remember it registered, and sh--, all she wanted to know what—what the charges were on her client, which I did provide to her.

41. Q. Okay.

A. So, I'm not—Like again, so after—after she said that to me, you know, being a supervisor, I watched my video to see if—because I never saw that occur when I was

there, but I showed up after the fact. So, I watched my video. There was four clips in my video: the first tw--, the third one was the one that I watched in its entirety. So.

42. Q. Did you watch anybody else's videos?

A. I did not, no.

43. Q. Okay. After learning the information or receiving those phone calls while you were on the desk from the mother and the attorney and whoever else you spoke to, and then watching your video, did you notify anybody supervisory up the chain of command that there was possibly an incident that needed their attention?

A. I believe I just told Sergeant Perez. I just said—just said, 'Listen, the, the parents called, so just make sure the AIR reports are done, everything's done correctly.' And he said, 'It's all set.' I said, 'Okay.' But as far as anyone higher than him? No. Because I didn't see any of that occur when I was on the scene, so. And I informed them... You know, I, I've—I've got numerous calls like that on the desk where people allege um, you know. So.

44. Q. When you approached the op--, officers that apprehended [REDACTED] do you remember what instructions you were issuing to them?

A. So, when I approached the scene, again, the suspect was already in handcuffs, [REDACTED] (sp.), I saw the black BMW convertible, it's a collision with I believe a fire hydrant. At that particular time, I looked to my right, I saw suspects—I'm sorry, one suspect on the ground, handcuffed, Patrolman Colucci next to him, there was a s--, I believe a Pawtucket officer. And I don't remember the other patrol officers. So, I grabbed—I'm just gonna show you—I grabbed Colucci like this and just—like this, and

WITNESS STATEMENT OF TROIA, SERGEANT MICHAEL

Ref: 21RIX1-1193-OF

just to look—look at the suspect. I said, 'Get him a rescue right now.' I assumed his injuries were from—were from the collision based on the fact--, I mean, I was in traffic for seven years; I went to a lot of crashes, so, I assumed that those injuries were from the collision [Indiscernible] ...

45. Q. Are you accident cr--, reconstruction certified--

A. Yes.

46. Q. -- Sergeant? Okay. So, you didn't observe any officers striking [REDACTED]?

A. No. By the time I got on the scene, he was already in handcuffs, I ordered—I said, 'Get him a rescue right now,' and I saw Sergeant Andre Perez, and I said, 'Dre,' --that--that's the um, the nickname that I call Andre Perez, Dre, get--'He needs a rescue. Get him a rescue.' He said, 'Okay.'

47. Q. Did you observe Patrolman Diaz spit on the ground in the direction of [REDACTED]?

A. So, I watched my video because I heard the rumors of that occurring. I watched my video that night. And the scene was so hectic: the sirens were going; people were yelling. I can't recall that I did, no. And that's why I watched my video to see if, if I could see it in my video, which I don't recall seeing that. But I did see him come back after the—I did—did see him walk back to [REDACTED] after he had walked past me when I first arrived there. But I, I didn't see that occur, no.

48. Q. So a little earlier you said that, I don't know if you used the word 'assumed' or you thought that [REDACTED] injuries was a result of the accident. How—how—how did you come ac--, to that conclusion?

A. Well I came to that conclusion because the vehicle was—the front end was in

the collision with the fire hydrant. So, I just—I just assumed that his injuries were from that, sustained from the collision.

49. Q. Okay. Did you ask any officers on scene whether they used force?

A. I did not.

50. Q. Did you observe any deployed air bags in the BMW?

A. Not that I recall. I did not see--, I did see a rifle on the passenger, what looked like a rifle, which later turned out to be a BB gun on the um right front passenger floor.

51. Q. So based on the answer a couple of questions ago, I'm gonna take it you didn't inform your supervisor or any supervisor on the scene senior to you in rank that a use of force inquiry was required?

A. No, because I didn't know force was used.

52. Q. Well, do you remember tell—asking Sergeant Perez who was doing the use of force inquiry?

A. Yes.

53. Q. Okay. Well why did you ask him who was doing it if you didn't think any force was used?

A. Well, I assumed that they took him to the ground, so that in itself—and if there's visible injuries, we're required by our policy that we have to do um, ... a use of force. So, the visible injuries, I didn't—Like again, I didn't know what it was for, and—and he was on the ground, so it was taking him to the ground.

54. Q. All right. (pause) But I don't think we would require a use of force inquiry if there was a car accident, somebody was bloody from a car accident.

Ref: 21RIX1-1193-OF

A. Mm hmm.

55. Q. Say they weren't under arrest, but we had to pull them out of the car and put them on the ground, we wouldn't--

A. Oh.

56. Q. -- [Indiscernible], right?

A. Well, but if there's visible injuries then—I mean, again, I didn't know what the injuries were for, so ...

57. Q. All right, per policy I guess it states that any time any force used by an officer during--

A. Mm.

58. Q. -- an apprehension that results in bodily injury, hospitalization, and so on and so forth, correct. So. Uh. (pause) Did you observe Patrolman Diaz arguing with onlookers?

A. Yes.

59. Q. Did you hear what he said?

A. Um, what I recall after Lieutenant O'Brien ordered me to um, or told me to have them put crime scene tape up to keep witnesses from coming out of the Projects, he was yelling, I believe he was swearing, I'm not a hundred percent sure, but he was yelling, at that particular time, I walked over to him, it's on my camera, I said, 'Diaz, what's wrong with you?' I grabbed him and got him out of there because he was being hostile towards the crowd and just enticing them. I told Patrolman Buten and another patrol officer to stand there, be professional, and keep their cameras on.

60. Q. Okay.

A. But yes, I did—I did hear that—I did hear him yelling and swearing at um, ...

61. Q. Do you know exactly what he said?

A. I don't. No, I don't. But I mean he was—He wasn't being professional, and he was enticing the crowd, so.

62. Q. If I told you he said, 'Shut the fuck up,' to them would that—would that sound about accurate?

A. Yeah, that sounds about right.

63. Q. Okay. Did you—did you inform any supervisor about his actions in that regard?

A. Yes, I did.

64. Q. Who?

A. I told um, Sergeant Perez that I wanted to speak to him, but he said he would handle it. Because he was his—his supervisor. He was the supervisor handling everything.

65. Q. Sure.

A. I told him about it. And I also believe I did mention it to Lieutenant Jeannette that I said I want to speak to--, I think I g--, Was it the next night I got held on the desk, or? The next night I worked, and I spoke to Lieutenant Jeannette and said I wanted to speak to him regarding his professionalism regarding yelling at the crowd only. I didn't know anything else had transpired prior to me.

66. Q. Okay. At one point Lieutenant Jeannette asked you to assist him and follow him and asked you to shut off your camera. What did you guys do? What did you go to do and why did you need to shut the camera off?

A. I think we spoke about the incident and he told me he wanted me to handle the accident city-involved investigation part of it to get with the, the troo--, the two officers. It

was um, Patrolman Sanchez, and Officer . . . Ramalho, I believe, [Indiscernible]

city-involved accident. So, based on—he wanted me to handle that part of it with Traffic.

So, I called Patrolman Andres (phonetic) from Traffic to handle the investigation. I told him

I would help him out with that.

67. Q. Did anybody mention to you or ask you about the accident itself with the BMW?

A. Hmm. . . . I don't recall. Maybe. I don't recall. I'm sure they probably did, yes, but I don't recall.

68. Q. Because no accident report was prepared for the BMW, and I was wondering if you knew why.

A. Oh, I don't know why.

69. Q. Okay.

A. Yeah. I figured that would be the initial officer who handled the investigation. I, I was just told to—to handle the city-involved portion of it with—with Patrolman Andres in Traffic. That's what the Lieutenant instructed me to do. That's all—That was my only part of it.

70. Q. Okay.

A. So, I don't—Yeah, I'm not sure why that wasn't ...

[Indiscernible]

71. Q. What—what other post-arrest responsibility did you perform, or were you asked to perform?

A. My—Only thing I was told to do by Lieutenant Jeannette was to handle the city-involved portion of the investigation.

72. Q. Well, but, you know, --

A. That's all I do.

73. Q. -- you directed some crime scene tape; you directed some officers.

A. Yes. Lieutenant O'Brien told me to have patrolmen put the crime scene tape up, so I instructed, I don't remember who, but patrolmen to put crime scene tape up and then handle the city-involved.

74. Q. Okay. Anything else?

A. No, I think that's it.

75. Q. Did you yourself perf--, prepare any paperwork in regards to this incident?

A. I did not.

76. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

77. Q. You stated that a crowd had gathered after the incident? Approximately how many people did you observe?

A. (pause) I'd say maybe more than ten. I, I don't—I can't give you an exact—I don't know an exact number, but I'd say more than ten.

78. Q. Was the crowd yelling things at the officers?

A. They were.

79. Q. Okay.

A. And it didn't help that Patrolman Diaz was yelling back at them, just enticing them, which I fe--, which I felt. That's why I pulled him away from the crowd.

80. Q. And were other things said to the crowd by anybody other?

A. I don't recall.

81. Q. You don't remember any specific statements—not by a specific person, but just things that might have been going back and forth?

A. I'm sure there were. I believe at one point Lieutenant O'Brien went over to the crowd and spoke to them. I don't know what was said; I did see him go over there and speak to them. No, the two officers that I instructed to be professional and keep their cameras on was Jose Buten and, -- I don't remember the other officer, but I, I don't remember them saying anything to the crowd.

82. Q. Okay. And were there any other weapons in the car? You said you observed one rifle?

A. That's all I can recall: one rifle. And I remember seeing that in the passenger side floor. It was standing up, upright direction.

83. Q. But that was consistent with the, the original complaint that you had taken from the original victim at Roger Williams Hospital?

A. Yes.

84. Q. And she had stated what type of weapon was it?

A. Um. I think she said it was—it was a black gun. It was a black gun I believe she said.

85. Q. Okay. But she wasn't specific to whether it was a rifle?

A. She may have been, but I, I don't—I don't recall.

86. Q. Okay. And you didn't call rescue yourself, but you precipitated that?

A. Yes. So, when I—Like again, when I got there, he was already in handcuffs

lying on the ground. I grabbed Patrolman Colucci's shoulder because I wanted to see the suspect, and I said, 'Get him a rescue right now' I believe is what I said. And I said, 'Dre, he needs a rescue. Get him a rescue.'

87. Q. Okay. And did the rescue come after that?

A. I believe three rescues came.

88. Q. Okay. And approximately how-how long did it take for get—for them to get there?

A. I don't know, a short time later maybe.

DETECTIVE SERGEANT ZIENOWICZ:

89. Q. And correct me if I'm wrong, but not just [REDACTED] but each subject that was apprehended was looked at by fire personnel and rescue personnel, correct?

A. Yes. So, I remember Lieutenant—saying to Lieutenant Jeannette, 'We should probably get these other suspects out of here.' And he said, 'Not till rescue shows up. I want them all checked out.' My main concern—I didn't see the other suspects. I—Actually, I did after the fact, I looked at them to see if, if there was any visible injuries on them. The only visible injuries that I observed was on [REDACTED] who had already been handcuffed. The situation that happened prior was already done. [Aside: Okay.]

DETECTIVE VINTON:

90. Q. What—what injuries did you see to [REDACTED] face?

A. Um, just—I just saw some blood. So, I just, I wanted h--, him to get checked out, that's what I recall.

91. Q. Yup. And you said that you remember seeing a rifle across the front passenger seat floor. I know you got there after the fact, but do you know who was sitting in that front passenger

seat?

A. No, because all three suspects were already out of the car, um, [Indiscernible / voices overlapping]...

92. Q. Looking at reports now, do you have any idea of who was sitting in that front passenger seat?

A. No.

93. Q. All right. Did you look inside that vehicle for any type of damage sustained from the crash?

A. Yeah, I believe the two front tires were down to the rim, and then I just saw the damage that was on the front bumper that was in the collision with the um, fire hydrant.

94. Q. In terms of interior damage, was there any interior damage that you saw that might have ...?

[Indiscernible utterance]

A. [Indiscernible] Yeah, I don't—I don't—I don't recall if I s—I mean, there may have been, but I don't recall.

DETECTIVE SERGEANT ZIENOWICZ:

95. Q. All right. Serge, do you have anything else you would like to add to your statement, anything else you can tell us?

WITNESS STATEMENT OF TROIA, SERGEANT MICHAEL

Ref: 21RIX1-1193-OF

A. No, I think that's it.

DETECTIVE SERGEANT ZIENOWICZ: It's currently 2:30. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 28, 2021

TIME: 2:27 p.m.

INTERVIEW OF: Detective Mitchell Guerra
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Detective Guerra

Detective Sergeant Robert Richardson

And

Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is currently 2:27 on July 28, 2021. This is a Garrity interview of Detective Mitchell Guerra relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Detective, can you spell your name for the record.

A. It's Detective Mitchell Guerra; that's M-I-T-C-H-E-L-L, and Guerra, G-U-E-R-R-A.

2. Q. Okay. And you're represented by ...

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

3. Q. And I'm here with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson, Badge

number 25, Rhode Island State Police, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Detective, you were on duty the night of July 8th into the 9th.

A. Yes, I was.

5. Q. And you're assigned to the Detective Division. Can you tell me your hours that night.

A. My hours that night would have been . . . 7 p.m. to 3 a.m. the Friday or Saturday.

6. Q. Um, --

A. ... recall. I believe it was till 3 a.m. that night. I think it was a [Indiscernible] ...

7. Q. It was a Thursday into a Friday.

A. Okay. So until 3 a.m.

8. Q. Okay. And so at some point on the 8th, did you become aware of incidents in where three suspects were wanted for shooting incidents around the city?

A. So, I began investigating incidents involving BB guns during the out first shift, three separate incidents, the first one being at Roger Williams Hospital; the second one being at Carlton and Roanoke; and the third one on Dearborn.

9. Q. Okay. Do you know about the approximate timeframes of those incidents?

A. I believe the first one I took was probably around 7:00 I want to say.

10. Q. Okay.

A. They're all kind of--, They're all back-to-back. So I went from scene starting at Roger Williams to Roanoke to Dearborn.

11. Q. Can you tell us a little bit about each incident.

A. The one on Roger Williams was a female who just got discharged from Roger

Ref: 21RIX1-1193-OF

Williams Hospital, and she said she just walked onto Chalkstone and she observed a, what she described was a maroon-colored SUV approach, and one of the occupants, I believe she said it was the driver, pointed what she described as a farm-style rifle at her. She felt that she can identify who this was.

12. Q. Okay.

A. The vehicle then fled. Then the second incident, Carlton and Roanoke was two females driving, I believe they were on Carlton approaching Roanoke, when a maroon-colored SUV made the left, turned into them, and fired a round, which struck the—the windshield and penetrated, causing glass. They weren't able to make an ID, but they did describe that same style SUV. Then the third incident was on Dearborn—I forget the name of the company—it was some, like a milk kind of distribution company. And there was three employees there that were in the front lot, said they were having a debrief after—after the workday, and an SUV pulled up, they believe it was maroon in color, and it parked in front of the business, and three occupants exited. Two of them had uh, long rifles and they started chasing them around, firing multiple rounds at them. And three of the employees were struck. One of the employees was sitting in one of the trucks and they ended up shooting through the windshield, penetrating that. The victims there felt that they can identify. I know they described them as, as three males; one of them wearing a blue shirt, and the other wearing dark clothing. From what they recalled at that time that they can only remember two subjects being there.

13. Q. Did they mention...?

A. They thought they were like s--, ages 16 to 24 I believe is what they said.

14. Q. Did they mention anything about races of these suspects?

A. I believe they said light skin Hispanics.

Ref: 21RIX1-1193-OF

15. Q. Okay.

A. From what I recall.

16. Q. Okay. So, after those three incidents, what happened: where did you go, what did you do?

A. So, I, I went back to the office then and started doing reports on those incidents. And I believe it was probably around shift change now where I heard another broadcast for report of subjects with BB guns. I believe it was over on the—on the East Side. I don't recall what street, but it involved a Brown University driver. And this time the subjects that were in possession of the BB guns were in a um, BMW. A short time later, I overheard a broadcast by a patrolman, I believe it was Patrolman Manown, that a State Trooper was at-, attempting to affect a motor vehicle stop on um, a vehicle matching the description from um, the BB gun incidents. It fled. I believe they lost sight of it. I think a short time later, Patrolman Najarian picked up this vehicle, the same BMW, and he was describing it as a convertible—I believe they put their top down, which kind of started the . . . the long pursuit of this vehicle.

17. Q. Having worked earlier of the previous shift and in—into the out last of the next day, did you draw any comparisons from the two different vehicles and the descriptions of the incidents and what type of incidents they were?

A. So, the only—They're in different vehicles, so the only s--, similar things between the first three, and since that it was a maroon-colored SUV. At the shift change, it turned into a BMW. And I believe from the report fr--, I never spoke with the Brown University employee, but from what I heard, she was reporting that it was a rifle that was involved and that there was multiple subjects. So the only connection I really had was that there was a rifle that was—that was used.

18. Q. Okay. (pause) Did you ever see the BMW once you got in your car and started driving around the city, did you ever ...?

A. I never observed it, no.

19. Q. No visual contact with it. And you did mention a, a moment ago that one of the patrol officers began a pursuit from the East Side.

A. Correct. I think by the Whole Foods, I believe, he observed the first.

20. Q. Okay. And so did you monitor that pursuit on the radio?

A. Yes.

21. Q. Okay. You were never in pursuit, you were never in direct pursuit, or, but you did monitor the locations.

A. Correct.

22. Q. Okay. And you heard the broadcast of how many occupants there were, direction of travel and such.

A. Correct.

23. Q. Okay. While you were monitoring all, did you monitor Lieutenant Jeannette state that based on witness information that he received, to rule out that the suspects just have BB guns?

A. Correct. Lieutenant Jeannette did come over and state that alls (phonetic) it was, it was reported a rifle; that you can't go on the hunch that it's -- I don't remember his exact words, but he was stating that we're going to treat it as it's a real firearm.

24. Q. Okay. How did the pursuit end?

A. The, the pursuit concluded on Salmon and King Street. When I arrived on scene, I observed the vehicle at a rest against the curb and a fire hydrant.

25. Q. Okay. I'll take it that you did not witness the accident yourself?

Ref: 21RIX1-1193-OF

A. I did not.

26. Q. Okay. How long about after the crash did you arrive on scene?

A. So, when they were turning onto Salmon and King, I think I was probably on Atwell over by Valley Street. So, I was there relatively quickly maybe within a minute or two.

27. Q. Okay. What were your initial observations upon your arrival?

A. Ini--, initial observations, um, obviously it was very chaotic; there was a lot of police cruisers, police officers. I observed a crowd start to kind of form behind. And by the time I was coming up, police officers were escorting the suspects to—to cruisers.

28. Q. Did you witness any of the apprehensions taking place?

A. So by the time I arrived on scene everyone was already secured.

29. Q. Okay. The subject later identified as [REDACTED] who was the right front passenger, he was the black male subject, did you happen to observe him and his injuries?

A. So, I observed one of the juveniles—I believe you're—you're speaking of [REDACTED] was—he was in the, the black hoodie, black sweatpants. He was on the sidewalk being tended to by a police officer. I remember hearing people call for a rescue. [Indiscernible] initially, again, stepped to the side and called for a rescue, but someone had, had beat me to it.

30. Q. Okay. Did you hear any officers talking about his injuries, how he might have attained those injuries, sustained those injuries, whether it was the accident, whether it's a use of police force, a use of force?

A. That I didn't hear, no.

31. Q. No. There was no discussion? Did you speak with any supervisors, lieutenants, or sergeants on the scene?

A. Yes, I did.

Ref: 21RIX1-1193-OF

32. Q. Okay. And what did—what was those conversations about?

A. Those conversations would have been in regards to what charges the suspects were going to face, determine who they were, where each was seated; who the driver was, what to do with the, the police officers involved just in regards to Najarian and his observations and the other arresting officers as regards to who they can put where.

33. Q. So did you coordinate with some patrol officers and assist them in, in, in, you know, sequence of events and, and, and how to proceed with their paperwork?

A. I pretty much immediately met up with Patrolman Najarian since he was the one that was kind of—kind of leading the pursuit for the majority of it, and he made the observation of the subject who pointed the rifle at him. So, I wanted to see who was driving the car at that time, who it was that pointed the rifle at him. And I remember walking over to a cruiser with him where he did identify the driver. And then I spoke with, I believe it was Patrolman Voyer, because he was one of the first officers to arrive, and he kind of also gave the same description for, for the driver of the vehicle.

34. Q. Okay. At any point, did any officer show you on their cell phone some body-worn camera footage?

A. Patrolman Voyer was going to start showing me body-worn camera of, of the arrest just so I could see who was in the driver's seat. But I don't believe that I saw it to its conclusion.

35. Q. Okay. But you saw some.

A. I think it wa--, I think he got it ready and I got distracted; then pulled away--

36. Q. Okay.

A. -- from what I recall.

37. Q. Nonetheless, you were able to ID the—who the operator was, who the—of the vehicle, right, who the driver was?

A. Through Patrolman Najarian, correct.

38. Q. Yes. Okay. What else did you do while you were on scene?

A. Once I determined the subjects' or the suspects' ages, I contacted YSB. Detective Proctor was I think already on scene. We kind of started coordinating together to determine, you know. Because I kind of gave him the information I was working with earlier, so I kind of coordinated with him and assisted him with what he would have needed going forward.

39. Q. Okay. And did you do anything else on scene? Did you do any crowd control? Did you assist with any interviews of possible witnesses?

A. That I did not do, no.

40. Q. Okay. Is there anything else you can tell me about what you might have done on scene or upon your arrival back at the station relative to this case?

A. Back at the station, I... Because on scene I seized a cell phone from the front passenger seat, believe to be one of the suspect's. I believe it may have had evidence of some of the incidents with the—with the BB guns. So, I seized that. I did a supplement and I um, put it in Property, and I let Detective Proctor know.

41. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

42. Q. Was there a fanny pack seized from the scene?

A. I don't recall if there was a fanny pack seized. I remember seeing one, an officer searching a fanny pack, but I don't know if it was seized or not.

43. Q. Okay. And did you go to the hospital?

A. I did not.

44. Q. Okay. And you stated there was how many weapons in the vehicle?

A. There were two rifles.

45. Q. Did you seize those?

A. I did not. BCI; I believe it was Doucet and Richards.

46. Q. Okay. And how many felony charges are you investigating on these individuals?

A. So Detective Proctor is the one carrying out the investigation. I don't know what he ended up charging them all with.

DETECTIVE SERGEANT ZIENOWICZ:

47. Q. Okay. Anything else you can add Detective that might be helpful or?

A. I don't have anything else to add.

48. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: That'll conclude this interview. It is currently 2:41

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 28, 2021

TIME: 12:00 p.m.

INTERVIEW OF: Patrolman Jason Bibeault
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Bibeault

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is noontime on July 28, 2021. This is a Garrity interview of Patrolman Jason Bibeault relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. Officer, can you spell your name.

A. Jason, J-A-S-O-N, Bibeault, B-I-B-E-A-U-L-T.

DETECTIVE SERGEANT RICHARDSON: [Indiscernible] ...

2. **Q.** I'm Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Jason is represented by ...

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

3. **Q.** And I'm along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert J. Richardson, Badge number 25, Rhode Island State Police, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. All right. And Officer, you—you were explained the Garrity warning--

A. Yes.

5. Q. -- by your attorney; you understand it?

A. Yes.

6. Q. And that's the form you're signing right now, correct?

A. Correct.

7. Q. Okay. You were on duty the evening of July 8th into July 9th.

A. I was.

8. Q. Okay. What car post were you assigned to, Officer?

A. Three eighty-one.

9. Q. Okay. Is that your bid post?

A. Yes it is.

10. Q. Okay. At some point did you become aware of the black BMW that might have been of interest to the police department?

A. I did.

11. Q. What information did you learn about that vehicle?

A. That there was a vehicle with males pointing what appeared to be a rifle at a Brown University bus driver I believe.

12. Q. Okay. Did you have occasion to respond to that certain call, or?

A. I was responding in an area, and then everything kinda happened--

13. Q. O--

A. -- before I got there.

14. Q. Okay. So, was that the one and only call or do you remember hearing other calls relative to that vehicle?
- A. There was a call downtown I believe just before that.
15. Q. I see. And do you know what that call was about?
- A. Same: subjects in a vehicle pointing a, what appeared to be a, a gun at people.
16. Q. Okay. So, you were aware that that vehicle was wanted for some felonies.
- A. Yes.
17. Q. Okay. Did you ever observe the vehicle?
- A. I di--, Uh.
18. Q. I mean, --
- A. Not--
19. Q. -- prior to --
- A. No, ...
20. Q. -- the, the uh, situation resolving itself on King Street.
- A. I did not.
21. Q. Okay. So you never was in direct pursuit of the vehicle.
- A. No.
22. Q. Okay. Did you remember hearing Lieutenant Jeannette state that based on information that he received from a witness that the suspects are using real firearms; to not rely that they're just BB guns?
- A. Yes.
23. Q. Okay. You know how the pursuit ended.
- A. I do.

24. Q. Can you tell us.
- A. It ended with a crash at King and Salmon I believe.
25. Q. That's correct. You didn't witness the crash, sir?
- A. No, I did not.
26. Q. About how long after the crash did you arrive on scene?
- A. A minute maybe. I'm not sure exactly.
27. Q. Okay. Did you observe any of the apprehensions that were made?
- A. No.
28. Q. Did you see any injuries on any of the suspects?
- A. I saw one suspect appear to be bleeding from the face.
29. Q. Okay. Did anybody discuss in front of you or with you how that subject received his injuries?
- A. No.
30. Q. Okay. Did you transport any prisoners, prepare any paperwork, remain on scene at all?
- A. Nope.
31. Q. Shortly after your arrival, I believe per your body-worn camera video, within two or three minutes you went back into service, is that correct?
- A. I did.
32. Q. Okay. So, is there anything else you can tell me about this case?
- A. No, nothing.
33. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: It is currently 12:04. This will conclude this interview.

WITNESS STATEMENT OF BIBEAULT, PTLM. JASON

Ref: 21RIX1-1193-OF

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 26, 2021

TIME: 4:19 p.m.

INTERVIEW OF: Patrolman Jose Buten
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Buten

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is currently 4:19 p.m. It is July 26th, 2021. This is a Garrity interview with Patrolman Jose Buten relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Patrolman, spell your last name, please.

A. B-U-T-E-N.

2. Q. And you're represented by...?

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

3. Q. I'm here along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert J. Richardson,

Rhode Island State Police, Badge 25, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Okay. Patrolman, you were on duty the night of July 8th into the 9th.
- A. Yes.
5. Q. What car post were you assigned to?
- A. I was assigned to 24.
6. Q. Twenty-four.
- A. Three twenty-four.
7. Q. Okay. So working 324?
- A. Yes, sir.
8. Q. Third shift? Did you at some point become aware of a black BMW that was of interest to the police?
- A. Yes.
9. Q. And what in—, what information can you tell me about that vehicle that you remember.
- A. That—that night I was working the out first shift officer before out last. So, there were—people were calling about that vehicle and that was with rifles, pointing rifles at people and just like, driving throughout the city, multiple calls for that—for that incident.
10. Q. So, you monitored calls on the 3 to 11 shift also about these subjects.
- A. Yes.
11. Q. Do you remember what kind of vehicle they were saying they were involved in --
- A. I believe --

Ref: 21RIX1-1193-OF

12. Q. -- or driving?

A. -- they say a black vehicle, possibly a BMW.

13. Q. Okay. Do you remember a different vehicle that they might have been involved in earlier in the day or on the out first?

A. I can't recall.

14. Q. Okay. But when you were talking about the black BMW, you were aware that felonies were attributed to the uh, --

A. Yes, sir.

15. Q. -- op--, operators of those—of that BMW?

A. Yes.

16. Q. Okay. Did you ever observe this vehicle at any point during your shift?

A. During my shift, no.

17. Q. No. So you weren't in direct pursuit of that vehicle?

A. I was never.

18. Q. Okay. Did you monitor Lieutenant Jeannette's stating that based on witness information that he received to rule out that the suspects were just having—in, in possession of BB guns?

A. Say that again please.

19. Q. Did you monitor on Channel 1 Lieutenant Jeannette saying based on information that he received that let's not assume that they're just BB guns that they're in possession of...

A. Yes, I remember that. Yes, I remember that.

20. Q. Okay. You—Are you aware how the pursuit ended?

A. Yes.

21. Q. Can you tell me.

A. I believe the vehicle got into a traffic accident—got into an accident after, and that's how the pursuit ended.

22. Q. And what was that location?

A. I believe that was Salmon and King Street.

23. Q. Okay. You didn't observe that accident?

A. I did not see that accident.

24. Q. So, how long after that accident did you arrive on scene?

A. Uh. Maybe probably less than five minutes.

25. Q. Okay. So, would I be correct in saying you were not involved in any of the apprehensions that were made?

A. Yes, that's correct.

26. Q. Did you observe any of the apprehensions that were made?

A. I did not.

27. Q. What did you observe upon your arrival?

A. Upon my arrival I observed the vehicle that collided with a uh, fire hydrant. I also observe a male, one of the suspects, on the ground, and then the crowd.

28. Q. Okay. What did you observe about that subject that you said you saw on the r-, on the ground?

A. I saw that he was um, I believe he was bleeding from the face, and I saw a couple of officers having an interaction with him.

29. Q. Okay. This is your body camera. Is this your arrival—

A. Yes.

30. Q. -- at the scene accurate?

A. Yes.

31. Q. Okay. Do you know what officers were standing by ... Do you know who this is? (pause)

And I, I, I'll—I'll slow it down for you. (pause) Do you know what that—who that officer is?

A. That's Officer Domingo Diaz.

32. Q. Do you know—Did you observe what he just did live that night?

A. I perceived that interaction.

33. Q. What did he do?

A. I saw him reaching down and having some type of interaction with the, the suspect—one of the suspects.

34. Q. Okay. I'm going to show it to you again. See if you can tell me what he does here.

(pause)

A. It looks like he's reaching down and then spitting.

35. Q. Okay. Did you see that that night or you're just seeing it now on video?

A. Now it's more clear that I see it on video, but I—that night I saw that he reached down and h--, and had some type of interaction with him.

36. Q. Okay. Did he s--, do you remem—recall what he said?

A. I don't—No. It was so much going on.

37. Q. Okay. And that subject that was on the ground, you observed his injuries.

A. I, I remember he was bleeding from the face. I can't remember like from what part of the face, but.

38. Q. Okay. Did anybody talk to, to your knowledge, Patrolman Diaz after he did that?

A. Not to my knowledge.

39. Q. Okay. Okay. Did you transport any prisoners that evening?

A. **No. I did not.**

40. Q. Did you have any post arrest duties that were assigned to you by a supervisor such as monitoring the crowd, putting up crime scene tape, or any of that?

A. **After that, I was helping out with the crime scene tape, and I al--, I was also kind of like crowd control.**

41. Q. Crowd control. Did you hear Patrolman Diaz say anything to the crowd?

A. **I did not.**

42. Q. Okay. Did you say anything to the crowd?

A. **I did not.**

43. Q. Did the crowd say anything to you?

A. **They were—they were screaming and yelling and...**

44. Q. Okay. What kind of things--

A. **They were saying--**

45. Q. -- do--do you remember?

A. **-- I guess uh--They were saying that um, . . . There was like a large number of officers who took them out of the car and started beating on them and uh, [Indiscernible].**

46. Q. Did you hear any officers talking amongst each other about uses of force that might have been uh--?

A. **I mean, I don't remember, it was a lot—a lot going on.**

47. Q. Yup.

A. **And there was a lot of people that we're trying to crowd control and, there's a lot of information.**

48. Q. Okay. Did you prepare any paperwork relative to this case?

A. I did not.

49. Q. Okay. Did you—Were you assigned any other duties other than the crowd control?

A. Yes. After the fact I was assigned to—to the hospital watch.

50. Q. Okay. Who—who did you sit with?

A. I believe the man that was on—on the ground when I first arrived.

51. Q. All right. That juvenile's name is [REDACTED] Does that ring a bell; is that the kid that you were sitting with?

A. (No audible response)

52. Q. Okay. At your time at the h—, how long did you spend watching him?

A. So, I, I believe I got there around three—three—maybe 3:30 a.m.--

53. Q. Mm hmm.

A. -- until like, 6:30 in the morning.

54. Q. During that time, did that [REDACTED] subject have any conversation with you?

A. Who? Him?

55. Q. The prisoner you--

A. No.

56. Q. -- were watching. He didn't talk to you at all.

A. He didn't have any conversation with me.

57. Q. Okay.

A. There were, I believe, three officers also with me.

58. Q. There were four of you watching one?

A. It wasn't just watching him, but I guess they were saying—saying, they were saying that the family was gonna respond to the hospital, so I was assigned to the hospital

just to make sure that--

59. Q. Oh, for security--

A. -- there wasn't any--

60. Q. -- sake?

A. Yes. But I wasn't assigned to him.

61. Q. I understand now. So, you weren't—you weren't on a hospital watch with this prisoner, you were there for security sake just in case the family showed up.

A. Yes.

62. Q. Okay. I want to go back to earlier when you were with the crowd control. Can you estimate how many people were outside?

A. How many people? I want to say a couple of families.

63. Q. A couple of families?

A. Yes.

64. Q. Upwards of ten?

A. Probably more than ten.

65. Q. More than 20?

A. Uh. Maybe 20. Maybe. Maybe a little less / a little more.

66. Q. Okay. Did the family ever show up at the hospital?

A. The mother, yes. The mother did.

67. Q. Okay. Just her?

A. The mom. I only saw the mother.

68. Q. Okay.

A. She (phonetic) say that the—the father was the one to the hospital, but I, I only saw

the mother.

69. Q. Okay. Was there any issues or problems with the father...?

A. There was—, There wasn't any issues at the hospital.

70. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

71. Q. At the hospital, were there—was he put in a triage unit or did he go to a private room?

A. He got a private room.

72. Q. Okay. And you guys just posted outside?

A. I was also at the room outside—outside the room because nobody show up to the hospital. So, after that, I stayed with the other officer that were—that were watching him.

73. Q. Okay. And going back previous to that, to the—at the scene. Did you see the other suspects get taken into custody?

A. I only saw one of them, but he was already inside the vehicle, so I never saw him outside. The only one that I saw outside was this one.

74. Q. Okay. So um, you saw [REDACTED] but you—you didn't know his name, but...

A. I didn't know his name on that point.

75. Q. Okay. So, you saw—observed him get taken into custody and then you saw the interaction when ... Mr. Diaz was—Was anything else said at that time?

A. I don't—I don't—I don't recall what was said at that time. There was a lot of information, a lot of people yelling and screaming and.

76. Q. Okay. And um, I believe the question was already asked, but the crowd, was there anything specific they were saying to you and any interactions either you or any of the other officers that were having with them?

A. Not to me, I was at a distance. They were screaming and yelling, you know, like all kind of stuff. But that's—that's all I can recall. I didn't have like any direct conversation with any of them, they were just kind of like screaming and yelling.

DETECTIVE SERGEANT ZIENOWICZ:

77. Q. Okay. It is currently 4:29. Do you have any—anything else you want to add or anything that you think we'd be interested to know?

A. I don't think so.

78. Q. No. Okay. Well that'll conclude this interview then. Thank you.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 26, 2021

TIME: 11:26 a.m.

INTERVIEW OF: Patrolman Andrew Calle
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Calle

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is currently 11:26 on July 26, 2021. This is a Garrity interview of Patrolman Andrew Calle relative to the pursuit of a suspect—three suspects make that, in the apprehension of those juveniles on Salmon and King Streets on 7/9/21. Present in the room is myself, Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Andrew, can you spell your last name.

A. My last name is spelled C-A-L-L-E

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson, Badge number 25, Rhode Island State Police.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

2. Q. Okay Patrolman, you had an opportunity to speak to Attorney Pezza.
A. Yes, sir.
3. Q. And he explained your Garrity rights to you and what they mean. Do you understand them?
A. Yes.
4. Q. Were you on duty the night of July 8th into July 9th?
A. Yes. [Aside: I'm sorry.]
5. Q. What car were post—car post were you assigned to?
A. Car 342.
6. Q. What area of the city is that?
A. That's the Federal Hill area, west end, s--, s--, nearer to the city.
7. Q. Did you at some point become aware of a black BMW that was of interest to the police?
A. Yes.
8. Q. Okay. What information do you recall about that vehicle?
A. Several calls came in through that night for service of a vehicle displaying what appeared to be a firearm.
9. Q. Okay. And you monitored some of these calls or all of them?
A. All of them.
10. Q. Were you aware of any felonies that were attributed to this—the occupants of that BMW?
A. Yes. There was a assault with a deadly weapon, as they pointed what appeared to be a firearm at a—at a victim.

WITNESS STATEMENT OF CALLE, PTIM. ANDREW

Ref: 21RIX1-1193-OF

11. Q. Were you aware of any victims that might have been struck by that—those rifles?
- A. No.
12. Q. No. Did you ever observe this vehicle at some point during the night?
- A. Towards the end when it came into—Not when it came to a conclusion, but after it came to a conclusion.
13. Q. Okay. So you never were in direct pursuit of the vehicle?
- A. No.
14. Q. Upon your arrival, you said it was after the crash that you arrived?
- A. Yes.
15. Q. About how long after the crash, do you know?
- A. Approximately a minute.
16. Q. Okay. I'm going to put on our body worn camera video, and I want you to look at it. It is currently on the video 203 in the morning and 30 seconds. Is this your first arrival at the scene?
- A. Yes.
17. Q. Or were you on the scene before that?
- A. That's my first arrival.
18. Q. Okay. Did you observe any weapons in the car upon your arrival?
- A. No.
19. Q. At any point did you look into the car and observe weapons?
- A. No.
20. Q. Incidentally, during the pursuit, did you hear Lieutenant Jeannette state based on witness information to rule out that the suspects were using BB guns for officer safety?
- A. Can you repeat that question please.

21. Q. Did you hear during the pursuit Lieutenant Jeannette advise the officers to rule out they're just BB guns in the car for officer safety as well as the public?

A. I don't recall.

22. Q. Okay. You know how the pursuit ended, correct?

A. Yes.

23. Q. Yeah. And how was that?

A. It came into a collision at the intersection of King and Salmon.

24. Q. Yeah. You didn't witness the accident, however.

A. No.

25. Q. So were you involved in any of the apprehensions?

A. No.

26. Q. Did you observe any of the apprehensions?

A. No.

27. Q. What did you observe upon your arrival?

A. Upon my arrival, I observed the smoke coming out from the vehicle and . . . that one suspect on the—that's on the screen right now in custody, and then the other—someone else being put in the—in the rear of a poli--, marked police cruiser.

28. Q. Okay. Did you . . . know the subject's name?

A. No.

29. Q. If I told you it was [REDACTED] does that ring a bell now?

A. No.

30. Q. No? Okay. All right. So that g--, that young fella's name is [REDACTED] You observed his injuries?

Ref: 21RIX1-1193-OF

A. I observed him bleeding from the face.

31. Q. Yup. Did you ever observe any officers striking [REDACTED]?

A. No.

32. Q. Did you ever hear any officers on scene talk about how he recer--, received his injuries?

A. No.

33. Q. And nobody told you how they—And nobody discussed that with you?

A. No.

34. Q. What duties were you assigned on scene, if any?

A. I was ordered to put up caution tape so the residents of the Salmon Street apartments couldn't come onto the scene.

35. Q. Okay. By whom?

A. By Sergeant Michael Troia.

36. Q. Okay. And you did that.

A. Yes.

37. Q. Did you have any conversation with any of the residents?

A. Yes.

38. Q. Yeah. What did that consist of?

A. They were trying to come onto the scene, and I ordered them to get back into their apartment and to—away from the scene. And then they . . . I don't recall the rest of the dialect.

39. Q. Okay. Do you recall hearing any officers s--, raising their voices at those onlookers, or swearing at those onlookers?

A. There were several officers ordering them to get—get—get away from the scene, and that's all I recall, I don't recall any specifics.

40. Q. Okay. Did you swear at those onlookers?

A. I don't recall.

41. Q. You don't recall if you spo--swore at anybody?

A. I don't recall.

42. Q. Did you prepare any paperwork for this case?

A. No.

43. Q. Did you have any post arrest duties other than taping off and keeping the crowd back?

A. No, shortly after I was ordered to respond to the hospital for prisoner watch.

44. Q. Okay. And whose—And who was that?

A. Per Sergeant Auclair.

45. Q. Okay. Which prisoner were you watching?

A. This was unrela—This was from an arrest prior to this incident.

46. Q. So wh--, That was unrelated to this incident.

A. Yes.

47. Q. Okay. Do you know approximately what time that was?

A. I'd say 2:30 in the morning--

48. Q. Okay.

A. -- my guess.

49. Q. And was that prisoner a juvenile or an adult?

A. That prisoner was a, a, an adult.

50. Q. So you weren't in Hasbro, you were at Rhode Island Hospital?

A. Yes.

51. Q. Okay. Is there anything else you can add, anything you can think of that would be helpful

to us in this investigation?

A. I don't recall, sir.

52. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: It's currently 11:33. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 27, 2021

TIME: 11:44 a.m.

INTERVIEW OF: Patrolman Sean Cooney
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Cooney

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is 11:44 on July 27, 2021. This is a Garrity interview of Patrolman Sean Cooney relative to the pursuit of s--, and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Officer, can you spell your last name, please.

A. C-O-O-N-E-Y.

2. **Q.** And you're represented by...?

ATTY. PEZZA: Attorney Joseph Pezza, P-E-Z-Z-A.

3. **Q.** And I'm here along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson,

Rhode Island State Police, Badge number 25. R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Officer, you were on duty the night of July 8th into July 9th?
- A. I was.
5. Q. What car post were you assigned, sir?
- A. Three five one.
6. Q. District 5, correct?
- A. Yes, Sergeant.
7. Q. Did at some point you become aware of a black BMW that was in ... of, of interest to the police?
- A. Yes, Sergeant.
8. Q. And can you tell me what you heard and what you knew—or learned about that vehicle.
- A. **There were multiple broadcasts put over for that vehicle with subjects inside it shooting out of the vehicle, pulling over; shooting at other cars, people and such.**
9. Q. Had you heard any information that it possibly was the same subjects that might have been doing that on the out first shift, the 3 to 11 shift the night before?
- A. **[Indiscernible]**
10. Q. I mean, the, the same day?
- A. **Um. I believe so, yeah. We knew that it had been involved in some stuff beforehand and then kind of escalated from there.**
1. Q. Okay. So you were aware that there was some felonies that were attributed to the occupants of that BMW?

Ref: 21RIX1-1193-OF

A. **Correct.**

12. Q. Okay. At some point did you observe this vehicle throughout the night?

A. **No. Not until it came to a conclusion at the corner of King and Salmon.**

13. Q. Okay. So you—At no point were you ever in pursuit of the vehicle.

A. **No, I was disport--, dispatched to it at one point, I believe it was Manton and Steuben there was a report of that same vehicle driving up and down the street shooting at, you know, other objects from the vehicle.**

14. Q. But you didn't locate it at that time.

A. **No. When we were searching the area for it, it fled high rate of speed inbound on Manton through the square and eluded us.**

15. Q. Okay. Sometime during the evening or during . . . the pursuits of this vehicle, did you recall hearing Lieutenant Jeannette state that based on witness information that he received that you and officers were not—to rule out that the suspects just had BB guns?

A. **Yes.**

16. Q. Okay. You heard that broadcast, correct?

A. **Correct.**

17. Q. Okay. Then you stated the pursuit ended at Salmon and King Street?

A. **Correct.**

18. Q. How did the pursuit end?

A. **I'm not sure of the particulars. When I came on scene, the vehicle in question had come into a collision with the fire hydrant at the corner of King and Salmon.**

19. Q. So upon your arrival, did you assist in any of the apprehensions or were the apprehensions already made?

Ref: 21RIX1-1193-OF

A. The apprehensions were already made.

20. Q. Okay. Did you assist in securing any of the suspects?

A. No. Once subject was already handcuffed on the ground. I believe that was [REDACTED] if I am correct. The driver, the shaved head kid whose had brain surgery in the past due to similar incidents was already handcuffed and in the back of a cruiser. And I'm not sure where the third subject was.

21. Q. Okay. When you observed the [REDACTED] suspect, he was already handcuffed?

A. He was already handcuffed.

22. Q. Upon your arrival he was already s-, in a seated upright position?

A. That is correct, sir.

23. Q. So you didn't have the benefit of seeing his apprehension.

A. No, sir.

24. Q. Okay. Did you see [REDACTED] injuries?

A. No, sir. I just walked by pretty quick. I believe he—he was being attended to by Patrolman Sepe: he was trying to sit him up and make sure he was all right.

25. Q. Did you observe blood on his face?

A. I—It was dark; I didn't really get a good look at him. I just proceeded to the exterior of the scene where the family and now the bystanders and watchers were coming out of the housing apartments.

26. Q. (pause) Did you hear any officers talk amongst themselves about how [REDACTED] received his injuries, whether it was the—due to the car accident or police use of force?

A. I did not, sir.

27. Q. What actions were you assigned, or—or post arrest responsibilities were—did you take

upon yourself?

A. So, I got there, like I said, I had gone to address the people coming out of the apartments. At one point we were told to put up, you know, crime scene tape to keep them back and make sure they stayed behind there. And after that, I was told to go to the corner of Manton and Salmon to make sure no civilian cars came down the way until everything was all set.

28. Q. Okay. Did you have any conversation with any of the onlookers?

A. Uh. They started yelling. I believe I told one woman to shut her face, shut her fucking face. And then that was it.

29. Q. Okay. And once you were sent to that location to block the roadway, is that where you remained for the rest of this event?

A. Yes, Sergeant.

30. Q. Okay. So, did you prepare any paperwork for this event?

A. No, Sergeant.

31. Q. No. How long were you on that scene before you ended up going back in service?

A. I'm not sure of the exact time. Like I said, arrived post apprehension; then I stayed there till the tow truck removed the vehicle and everything was cleared.

32. Q. Okay. And you weren't asked to stand by any prisoners or go to the hospital, or?

A. No, Sergeant.

33. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

34. Q. You stated that you were on the perimeter. How many people were coming out of the uh, out of the housing there that you could-- just seeing your--get your point of view?

Ref: 21RIX1-1193-OF

A. Uh. I'm not sure exactly. Like I said, I wasn't on the—Once we put up the tape, I was moved pretty shortly after. So there were at least 50 come--, that I -- coming out.

35. Q. Okay, and--

A. It the Salmon Street Project--

36. Q. Can you—can you--

A. -- so, they all come out like—like, like you kicked an ant hive, so.

37. Q. In your training and experience, did you see a safety concern?

A. Yes. With them in there? They've known—I—Like, I've trained in 51 Post; I've dealt with the Salmon Street Projects extensively. It's a mob mentality: everyone comes out verbally abusing the police, all that, trying to encroach on the scenes with their cameras; all that. So I did see it as a potential safety hazard.

DETECTIVE SERGEANT ZIENOWICZ:

38. Q. The police didn't have any issue though putting up the tape and making sure that crowd stayed back, correct?

A. While I was in that immediate area, no I did not see any problems.

39. Q. Okay. Do you have anything else that might be helpful that you'd like to add?

A. No, Sergeant.

40. Q. Okay. Thank you.

A. **DETECTIVE SERGEANT ZIENOWICZ:** This will -- This will conclude this interview.

It's 11:52.

STATEMENT TAKEN BY:

WITNESS STATEMENT OF COONEY, PTLM. SEAN

Ref: 21RIX1-1193-OF

WITNESSED BY:

Ref: 21RIX1-1193-OF

WITNESS STATEMENT

DATE: July 28, 2021

TIME: 12:30 p.m.

INTERVIEW OF: Patrolman David Sepe
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Sepe

Detective Sergeant Robert Richardson

And

Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is 12:30 on July 28th, 2021. This is a Garrity interview of Patrolman David Sepe relative to—to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on July 9th, 2021. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Officer, can you spell your name.

A. Yes, Sergeant, it's David Sepe, D-A-V-I-D, S-E-P-E.

2. Q. You're represented by...

ATTY. PEZZA: Joseph Pezza, P-E-Z-Z-A.

3. Q. And I'm here along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert J. Richardson,

Badge number 25, Rhode Island State Police, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State

Police.

4. Q. Okay. Officer, you were—had time to confer with your attorney.

A. Correct.

5. Q. And you were explained your Garrity rights and you understand them, correct?

A. Yes, sir.

6. Q. Okay. Thanks. You were on duty the night of July 8th into the 9th.

A. Correct.

7. Q. What post were you assigned to?

A. So I, being mid-shift, I work split, I do not remember what I was for the first half.

But for out last I was car 323.

8. Q. Okay. So being that you were mid-shift and you were on duty that evening starting at 1900 hours?

A. Correct.

9. Q. Okay. So, were you aware of any broadcasts on the out first portion of your shift relative to a, a vehicle, and similar incidents?

A. Yes, I was.

10. Q. Can you tell me about that.

A. Yes, sir. So, I don't remember specific times. Again, it was in a part of the city that I wasn't anywhere near, so I was partially listening. But I did hear a couple of calls come out for what was described as a um, a BMW, dark-colored with multiple, it looked like juveniles I

Ref: 21RIX1-1193-OF

believe they said in the vehicle pointing either replica or actual firearms at individuals. There was a couple of complainants. I heard, I believe it was the District 6 vehicles located the vehicle at one point, and then it took off on them. So, I heard several calls, which I can't, I—I can't tell you how many, I don't know, but um, just come over, looking for this vehicle at some point or another throughout my first half of my shift, which would be between 1900 and 2300.

11. Q. Okay. Then after 2300 when you were shifted to, what did you say, District --

A. I was 323 car.

12. Q. -- to 323, --

A. Mm.

13. Q. -- Okay. Did you hear anymore calls about this vehicle?

A. I did. So, I was actually—I was in the District 2, I believe it was probably roughly around 11:30, maybe midnight, somewhere in that ballpark. I was working on a report and I heard in succession probably within ten minutes of each other two or three calls come out; similar description. By the time—These calls came from the East Side. At least one of them definitely did. So, I heard them say that it was either a Brown police officer or a Brown shuttle driver—there was some confusion on the radio—stating that they had just had a firearm pointed at them by a vehicle that matched the description of the vehicle out first. At this point I heard by the third or—probably the third call, I heard Lieutenant Jeannette come over the radio and say, 'Okay, let's get some vehicles in the area, we need to locate this vehicle.'

14. Q. Mm hmm.

A. There was a little confusion between the dispatcher and the Lieutenant about if it was the vehicle that matched the description or not. So anyway, at that point I'm still in the substation, I'm not heading up to the East Side, and I heard Patrolman John Najarian come

Ref: 21RIX1-1193-OF

over the radio and say, 'Oh, I've located the vehicle, they're at a gas station' somewhere on the East Side I believe it was. But I don't know the exact location. Again, I, I wasn't involved at this point. So, at that point, I heard John Najarian come over the radio saying: Okay, I got the car here, it's occupied. I believe they just pointed something at me; it looked like a firearm, or something to that nature. So, at that point he begins attempting to apprehend, but pursuing the vehicle that takes off. Following that, I was loosely listening to the radio for a bit because I was all the way down in District 2 on Broad Street; not near this situation. So, at that point I hear a couple other cars are now in the pursuit; they're—they're attempting to apprehend these individuals, and it's coming towards the highway. So, I don't remember exactly which direction they went, all I remember is them saying: All right, we're coming up on 195, he might be going 195. I mean uh, 'Coming up on 95; he may be coming onto 195 East.'

15. Q. Mm hmm.

A. So, at this point I had got in my car and I said all right, let me just wait it out, see what happens in case they come this way. So when I heard them say they were going to 195 East, I started making my way towards Thurbers Ave., at which point I entered the Thurbers Ave. exit and got on the highway where it splits and it would go towards the East Side, East Providence.

16. Q. Okay...

A. At that--

17. Q. -- let, let me slow you down a little bit.

A. Mm hmm.

18. Q. So, at this point, --

A. Mm hmm.

Ref: 21RIX1-1193-OF

19. Q. -- you—you—you've heard a lot about it, this vehicle from your out first and out last--

A. Correct.

20. Q. -- tours of duty, and you're aware that there's some felonies attributed to occupants of this vehicle.

A. Eh--, You're correct. Ac--, The Lieutenant came over the radio and said that if, if these kids pointed, or these individuals pointed a firearm, then they're now wanted for ADW.

So yes, that was--

21. Q. Okay.

A. Yes. Correct.

22. Q. And while we're speaking on that, at some point did you hear the Lieutenant state based on witness information that he received that we're not to exclude that these are just BB guns; that they could be real firearms?

A. I did hear that. I heard the dispatcher try and say: Well, out first it may have been a BB gun, and I heard the Lieutenant say: We don't know that based on the witnesses, we don't know what they pointed, we're—we have to treat this as if they're firearms.

23. Q. Very good. Okay, so I believe when I interrupted you--

A. No, no, I'm s--

24. Q. -- you, you were saying that the vehicle was on the highway.

A. Correct. So, at this point they had said: all right, we're approaching the East Side exit. I was just entering Thurbers Ave., so the vehicle was a, a bit a ways ahead of me the beginning of the pursuit. So, I entered the highway and I observed a State Trooper go past me, and then a couple other Providence cars towards 195 East. So, I got behind all them; I continued on. At this point, I was almost passing East Providence and I heard someone say:

All right, we—we can't find it. I think I lost him. He might have got off in East Providence. So, I jumped off the Warren Ave. e--, exit in East Providence, I came off, looped past—there's a bicycle shop there, and in front of there was an East Providence cop. So, I stopped; I talked to him for a second. I said, did you, you know, do you know what's going on, did you see anything. At that point, Sergeant Perez pulled up next to me and said, 'I think they just saw it downtown, someone just came over the radio.' It ended up being, I believe, Patrolwoman Sarita Fernandez. So she says, 'Okay, I can see the cars downtown.' So we all start heading that way. At this point, I'm a good distance behind it, so I, I don't know which direction it went, how it ended up there. But it ended up towards the District 6 area again in the area of like, Manton Ave., Atwells Ave. So, again it was lost. We are looking through the area. There's a lot of cruisers at this point. It may have gone into Johnston—I don't know that. So, I saw a lot of Providence cars, a State Trooper. And at this point, I would estimate maybe ten minutes go by; we're looking for the car, and someone comes over and says, okay, I, 'I believe he's on Chalkstone and he's coming back towards the highway.' So, I—again, I'm pretty far, and I don't know that area that well, so I get behind a cruiser, I don't know who it was, and just start following them. And I hear someone say, 'Okay, he's on the highway, we're going towards Pawtucket.' At this point, I was still in Providence, so I'm a—I'm a ways away. So they continue into Pawtucket, according to the radio. I continue on the highway, following whoever is in front of me. At this point I hear someone come over the radio and say, 'He's going the wrong way down School Street. He's coming right at us. He's driving the wrong way with the traffic.' So, I came up to the highway exit. So I heard them say, 'All right, he's getting back on the highway.' I was far enough behind that they were already turning back around to come towards Providence before I could get into Pawtucket. So just when I crossed into Pawtucket,

I took a left and waited on the on-ramp for them all to go past me.

25. Q. Hmm.

A. So, at this point I saw the—in my rearview mirror I saw the suspect vehicle coming down the highway, I hear—, I saw a, a bunch of police cruisers from different departments. I don't know if it's State, I believe Pawtucket, East um, Providence. So, I didn't want to cut anyone off, so I waited till enough cars went by. I got behind—At this point I was probably the fourth or fifth car, and I could actually observe the vehicle now. So, we continued on. My only radio transmission during this was at one point I came over and said, 'Okay, I see him. He's approaching the...' I believe it was Branch Ave., but I can't say for certain.

26. Q. Mm hmm.

A. He's about a mile before that. So, I came over the radio. At this point, I'm in the farther left lanes, and he's um, in front of all of us. He took a quick right turn and got off the exit. I wasn't able to do that, because if I stopped short, I would have caused an accident. So, I lost him at that point.

27. Q. Mm hmm.

A. So, I slowed down, I backed up, and when there was no traffic, I went onto the ramp. At this point I'm again, pretty significantly out of the pursuit. I heard someone come over and say, 'Okay, he's back downtown,' I believe it was, and coming across back towards what sounded like District 6. So, again, I'm not too familiar with that area, but I heard someone say, 'Okay, it looks like he's coming back towards Salmon Street. He's gonna be stuck there, it's a dead end.'

28. Q. Mm hmm.

A. So, I start making my way towards Salmon Street. I take a left down on whatever

street connects to King Street, I don't remember, near the FOP.

29. Q. Curtis?

A. As—One—Yeah, I believe it's Curtis. There's one street before that. At this point I just hear a ton of noise on the radio. It sounds like they're—they're apprehending them. I believe it was Sergeant Perez came over and it was just loud, and dispatch couldn't hear him. So, he asked a couple of times for him to repeat. So, I came over and said, 'Twenty-three, I believe he's saying, "Code 3, they're in custody."' So, I then turned down um, King Street, and then continued, and I saw a line of police cars ahead of me, probably—there was probably already 15 cars on scene. So, I exit my vehicle, I ran--

30. Q. So,--

A. Nope.

31. Q. You—So, you're arriving on the—on the scene. About how long after that crash would you estimate it was?

A. If I had to estimate, I would say I pulled up at least a minute-and-a-half to two minutes, probably even longer, after-after this occurred. But I can't say for certain.

32. Q. Okay. You were not involved in any apprehension.

A. No.

33. Q. What did you observe upon your arrival to the scene?

A. So, when I arrived, I observed, like I said, a, a bunch of car--, cruisers on King Street. I exited my vehicle; I made my way up King Street. I w-, I was a decent distance behind, so it took me a little bit to get up there. I got up to King Street where they were at K-, I believe it's King and Salmon, and I observed one of the individuals..., So, I found out afterwards there was multiple individuals, but I only observed one individual in custody throughout this whole

incident. I observed a um, subject who I, at the time I didn't know the name, but I later learned his name was, I believe, [REDACTED] was up against the cruiser.

34. Q. Okay. I'm going to stop you there for a moment.

A. Mm hmm.

35. Q. Because this is your body camera right here cued up.

A. Yup.

36. Q. And we're gonna watch a little bit of it together.

A. Sure.

37. Q. And tell me if this is what you're describing to me now.

A. Yeah, absolutely.

AUDIO RECORDING: (Sirens blaring) [Indiscernible]

38. Q. That is the [REDACTED] subject that you were referring to?

A. That is the subject I'm referring to. I don't know for certain—I believe his name is [REDACTED] but I don't know for certain.

39. Q. It is.

A. I never—Okay. I never identified him, so.

AUDIO RECORDING CONTINUES: (Sirens blaring) [Indiscernible]

A. But that is the subject I'm referring to.

40. Q. Okay.

AUDIO RECORDING CONTINUES: (Sirens blaring) [Indiscernible]

41. Q. All right. We'll stop it there.

A. Mm hmm.

42. Q. You obviously, by the video, you're observing the injuries to [REDACTED]

Ref: 21RIX1-1193-OF

A. Correct.

43. Q. And I'll ask you: Do you have any specialized medical training?

A. Yes, I'm a Rhode Island certified and nationally certified EMT.

44. Q. Okay. Where did you get that training from?

A. I attended it through the U-, down at the University of Rhode Island through their EMS department.

45. Q. Okay. Very good. So, did you assist [REDACTED] while you were awaiting the arrival of Providence Rescue?

A. So, I did as an EMT—I mean, as a police officer operating in that capacity right now, I had very minimal equipment, nothing that I could do, and I did assist him. I checked first and foremost, I follow our protocols in EMT to make sure he's—he's breathing, circulation, all that protocol. He was breathing. He was—It looked like he had superficial wounds to his face, and that was his only injury in my quick maybe 15-second, if that, assessment upon walking up to him.

46. Q. Okay.

A. So, -- Oh.

47. Q. Continue.

A. Nope. Nope. Go ahead, Sergeant.

48. Q. All right. So you made a quick assessment of his facial injuries.

A. Mm hmm.

49. Q. At, at, at this point when you're making your assessment, and again, and correct me if I'm wrong, you're—this is what you're I—you, you were looking at, --

A. Correct.

50. Q. -- when you made this assessment, there's—there's another officer who was—has him leaning against the cruiser.

A. Correct.

51. Q. Shortly thereafter, you and that officer moved the subject to the sidewalk.

A. Correct.

52. Q. In which maybe you, you, you further your assessment. Do you want to tell me about that.

A. Yeah. Correct. So, one of the first things in—when I'm operating in more of an EMT capacity is to move the patient to a scene where it's—it's safe that I can actually do a further assessment to make sure he's okay. So, because of the—the chaotic nature of that scene, there was no way a rescue or fire personnel were going to be able to access him where he was, so I made the decision that we were going to move him off-side so I could further assess him and then have a rescue respond. I asked, I believe at least once, but multiple times to make sure we got a rescue coming to—to come check on the subject.

53. Q. Okay. At some point did you uh, check the uh, level of consciousness of the [REDACTED] subject?

A. I did. So I did what we do as a um, a, a check—There—There's multiple levels of consciousness. So, what we were trying—what I was trying to check, again, with the minimal equipment I had, was to see if he was completely unconscious or what level he was. I did a sternal rub. He did have a little bit of movement. So it appeared like he was alert to painful, which is a level of consciousness. It is very difficult. Again, it's not like I was assessing someone in the back of a rescue where I have all my tools, it was dark; it's hard to see, there—there were still sirens going. But he was breathing, and he appeared to me to be some

level of alert. I can't say for certain what level. I—Again, I didn't do a full enough assessment to say he was completely conscious and awake, or he was completely unconscious, that was not something I could determine right then and there.

54. Q. Okay. At some point did you attempt to check his pupils for uh, dilatation and such?

A. I believe I did, but I can't remember what my determination was at the time. But that is part of my primary assessment, so I can't say for certain what I determined then.

55. Q. All right. I understand that your independent recollection is not—not of--

A. Mm hmm.

56. Q. -- doing that.

AUDIO RECORDING: 911, [Indiscernible] ...

57. Q. I'm going to play a little bit more of this--

A. Sure.

58. Q. -- video, and I'm going to try to fast-forward it to where—I believe there's the sternum rub that you said you applied--

A. Correct.

59. Q. -- to check that level of consciousness. At some point, you grab a pen, --

A. Correct.

60. Q. -- and you borrow it. What, what was the purpose of that?

A. So, again, another assessment of the, the level of um, consciousness is all part of the alert to painful stimuli. So, one test we can do is if you take a pen and you press it down on someone's nailbed, if they have any type of movement or they respond to that in some manner, then they would be considered alert to painful stimuli. So that is a, just another test, similar to the sternal rub that we would do as an EMT to determine the level of consciousness.

Ref: 21RIX1-1193-OF

61. Q. Okay. So you did that. What was his response?

A. Again, I don't remember exactly what his response was. I do believe as I was doing it, he had a little bit of movement. It's hard to tell because other officers were moving him at the time, so I can't say if it was consistent with him responding to my, my um, assessment or him being moved around.

62. Q. Okay. And I believe shortly after that you were asked by a supervisor about his injuries and his level of consciousness.

A. Mm hmm.

63. Q. And I believe you explained that you tried to check his pupils, and the fact that when you tried to lift his eyelids, he was closing his eyelids against your fingers. Do you remember that?

A. So, I don't remember exactly what I said at the time. But one of the other assessments we would do is if I can take someone—take my finger and lift someone's eyelids without any resistance, they would be considered unconscious. The reason being there's no automated response to close your eyes. Someone who is—has a level of awareness in the situation, be it that they're forcing their eyes closed because they know what's going on or whatever it may be, would fight me as I try and pull my [sic] eyes—uh, pull their um, eyelids open. And what I mean—mean by that is they would know: oh, he's trying to check my eyes, let me force my eyelids closed. Right now sitting here, I don't remember what I said. But if that's what my body camera caught at the time, then that is what I said to a supervisor.

64. Q. Okay.

A. Again, I don't remember the exact details of my assessment. I mean, as evident by the video, there was a very chaotic scene, so.

Ref: 21RIX1-1193-OF

65. Q. Yes.

AUDIO RECORDING PLAYING / [Indiscernible] Oh wait, no. Yes, I do. [Indiscernible] Yeah, he's [Indiscernible] his face. [Indiscernible]

66. Q. We're at . . . 211 and 20 seconds in the morning on your video, --

A. Mm hmm.

67. Q. -- and Providence Rescue personnel has arrived.

A. Mm hmm.

68. Q. I think you're kinda giving them what--what your assessment was upon their arrival to, to let them know what they--you had.

A. I--I do remember having very minimal interaction with them. What I told them, I don't remember. But...

AUDIO RECORDING:

69. Q. We'll--we'll play it.

AUDIO RECORDING: [Indiscernible] He was responsive to painful [Indiscernible] ... he's [Indiscernible]...

A. Yeah.

AUDIO RECORDING: -- [Indiscernible]

70. Q. So, I don't know if the tape heard that. I believe you said, 'He's responding to painful stimuli.'

A. So, that would indicate again that at the time I did my assessment and um, he had some type of automated response, be it mumbling, be it movement, that indicated to me at the time that he was not unconscious.

71. Q. Okay. And I believe--

Ref: 21RIX1-1193-OF

AUDIO RECORDING:911 ...

72. Q. -- shortly after this point in the video, you relinquish--

A. Correct.

73. Q. -- uh, --

A. I turned over care to --

74. Q. Care to the pr--

A. -- fire personnel, rescue personnel.

75. Q. Okay. All right. (pause) Did you hear rescue's personnel, their assessment of [REDACTED]?

A. No. I don't remember hearing that.

76. Q. Okay. (pause) Did you yourself make an assumption on how [REDACTED] received his injuries?

A. I did. So, consistent with my prior training, it appeared to me in my very minimal quick assessment that his injuries would be consistent with hitting the dashboard during a car accident. Again, taking the—the totality of everything I observed, again, as an EMT, part of my assessment isn't just looking at injuries, but also understanding the scene as a whole. Having seen what occurred, having when I walked up and seen the vehicle, his injuries did appear to be consistent what—what would be a motor vehicle accident, which I've seen in the past as a result of not wearing a seatbelt, as a result of hitting a dashboard without an airbag deploying.

77. Q. Understand. And you reported that to a supervisor.

A. I believe so, but I don't remember.

78. Q. Okay. Would you take my word for it if you d--, I, I told you on video--

A. I would--

79. Q. -- you say it...

A. If it's on camera, I did then.

80. Q. -- say it to--

A. I just don't--

81. Q. -- two lieutenants?

A. Mm hmm.

82. Q. Okay. And I know you're not a supervisor, --

A. Mm hmm.

83. Q. -- so I'm going to ask this question, framing it that you are a patrol officer.

A. Sure.

84. Q. Did you ever consider that those injuries might have been possible use of force—result of use of force and not the accident, or a combination of both?

A. I -- (pause) ...

ATTY. PEZZA: [Indiscernible] Can you give us one minute?

85. Q. Uh. Okay. We're gonna go off the record for a moment.

(Audio Pause)

DETECTIVE SERGEANT ZIENOWICZ: Okay. It is currently 12:53. We're back on the record with Patrolman David Sepe.

86. Q. You had a chance to consult with your attorney and...

A. Again, if you just repeat the question, Sergeant.

87. Q. So, I, I believe I framed the question as I, knowing that you're not a supervisor, --

A. Mm hmm.

88. Q. -- and then that's no knock on you, it's, it, it's just a fact of life, --

Ref: 21RIX1-1193-OF

A. Mm hmm.

89. Q. -- you, you reported to two lieutenants that your assessment though is that the injuries were possibly as a result of an airbag.

A. Mm hmm.

90. Q. Did you ever consider that they might be--

A. [Indiscernible]

91. Q. -- as the result of something else?

A. Sorry, just to go back, Serge. I believe I reported that they were a result of hitting the dashboard. But I, I—No. So in my opinion at the time, they looked consistent with a motor vehicle accident. Could it have been a result of a combination of both, of a use of force, of just the car accident? Maybe. I don't know. But in my opinion at that instant, I looked at it in, in my medical opinion, I looked and thought this was the result of a motor vehicle accident.

92. Q. Okay.

A. It could have been, but I don't know.

93. Q. All right. Thank you. After you turned over care of the suspect to Providence Fire, what did you do next?

A. So, at that point, I stepped back from the scene actually; I believe I was talking with Sergeant Greene; I observed the crowd to be hostile, but they were controlled by the officers that were already there. So, at this point I stood around for another few minutes, just observed, and then I left the scene.

94. Q. Okay. Did you have a—You didn't transport any prisoners, correct?

A. No, I did not.

95. Q. Did you prepare any paperwork in regards to this incident?

A. No, I did not.

96. **Q.** Did you perform any other post arrest duties, speak to any supervisors, confer with any, any bosses after at, at the station?

A. No.

97. **Q.** Okay.

DETECTIVE SERGEANT RICHARDSON:

98. **Q.** I just have a question or two for you. After you move him to the sidewalk, did you call rescue?

A. So, I asked for a rescue to be called, but I do not r--, I do not remember if I myself went on the radio, but I did hear some radio transmission asking about a rescue within a few seconds of that. So, I don't remember who exactly called rescue, but I do not believe it was my personal self that did.

99. **Q.** But rescue was en-route --

A. Correct. Yeah.

100. **Q.** -- at that time.

A. I, I checked a few times to see whether—if the rescue was coming. Not over the radio, in, in conversations, did someone call.

101. **Q.** And you stated that you brought him to the sidewalk.

A. Correct.

102. **Q.** And about how long before the rescue personnel arrived?

A. If I had to guess—if I had to estimate, I would say maybe five minutes or less, but I don't remember exactly.

103. **Q.** And did they render aid when they arrived?

A. I—So, I gave them my short assessment and then I stepped back. I don't know what they did at that time, I didn't really see if they were—what level of aid—They had their equipment with them, I'm—if I had to guess, they started treating him. I do remember seeing him still laying on the sidewalk. The Engine showed up before the rescue, just to clarify. So, the--, those guys are trained, but they're not—they can't transport. So, I believe they just monitored him and waited until the rescue showed up—from what I observed.

104. Q. Okay. And how long have you been an EMT?

A. Just a little over seven years.

DETECTIVE SERGEANT ZIENOWICZ: Are you good?

DETECTIVE SERGEANT RICHARDSON: Yes, sir.

DETECTIVE SERGEANT ZIENOWICZ:

105. Q. All right. Officer, is there anything else that you can think of that might be helpful or anything you'd like to add?

A. No, nothing I can think of. Nope.

106. Q. Okay. Thank you.

DETECTIVE SERGEANT ZIENOWICZ: It's 12:57. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 27, 2021

TIME: 9:30 p.m.

INTERVIEW OF: Patrolman Shaolin Herr
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Herr

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is 9:30 on July 27, 2021. This is a Garrity interview of Patrolman Shaolin Herr relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets that occurred on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Shaolin, can you spell your last name. Can you spell—Spell your whole name please.

A. S-H-A-O-L-I-N. Last name's H-E-R-R.

2. **Q.** Okay. And you're represented by?

ATTY. PEZZA:

A. Joseph Pezza, P-E-Z-Z-A.

3. **Q.** And I'm along with—

Ref: 21RIX1-1193-OF

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson with the Rhode Island State Police, Badge number 25. R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: I'm Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Okay. Good morning, Patrolman. You were briefed by your attorney, correct, --
- A. Yes, sir.
5. Q. -- about your Garrity rights, which you signed for and you do understand them.
- A. Yes, sir.
6. Q. Okay. So, were you on duty the night of July 8th into the July 9th?
- A. Yes.
7. Q. And what car post were you assigned to?
- A. Ninety-one.
8. Q. Okay. Is it--? Do you normally work that side of town?
- A. Yes.
9. Q. Okay. And at some point did you become aware of a black BMW that was of interest to police?
- A. Yes.
10. Q. What can you tell us about what you heard over the radio and what you learned.
- A. I—I know this chase was going on in the beginning of out first towards out last, and they started pointing what came over as rifles towards um, a Brown shuttle driver. That's when the—That's, that's on the East Side. Then that's when we went over there to respond, but the car left the scene already. Then another officer observed the vehicle on Randall Street,

and that's when the chase pursued.

11. Q. Okay. So, if I have this correct that you—he—you understood that there was some incidents on the out first, --

A. Yes. That carried on to the out last ...

12. Q. -- that carried on. You—you were on the out last. There was a call in the vicinity of -- what area did you say?

A. So, it—it came over Manton and Valley. I think they were—they broke it off—They broke off the chase I think once or twice that night, and during out last [Indiscernible]. Then they came back or towards the East Side.

13. Q. Okay. And at some certain point another officer located the vehicle and, and a pursuit began?

A. Yes.

14. Q. Okay. Were you aw--? So, you were that there were felonies attributed to the occupants of the BMW?

A. Um, by that you mean with the...?

15. Q. Well, if a--

A. Y--

16. Q. -- felony crime is committed--

A. Yes.

17. Q. -- that they pointed weapons--

A. Yes.

18. Q. -- at citizens. Okay. Did you ever—ever observe the vehicle at some point during the pursuit?

Ref: 21RIX1-1193-OF

A. Yes.

19. Q. Okay. Can you tell me about that.

A. It was when they were coming back from um, . . . Pawtucket. That's when I um, I was on—still in Providence and they were coming back in Providence. And then I s--, I just see they were chasing them down Branch Ave. That's when they went towards Atwells. Then they went towards, not Salmon Street, but the next street over. It's a—it's a dead-end, so they went towards that way.

20. Q. Okay. At—at any point during that time were you in direct pursuit of the vehicle?

A. No.

21. Q. Okay. Were you in the vicinity of other officers--

A. Yes.

22. Q. -- trying to --

A. So, --

23. Q. -- catch up to the--

A. Yup.

24. Q. -- pursuit?

A. So, when they came—went to the dead-end, that's when me and another car came to Salmon. Then that's when he seen us. They made a right but hit the fire hydrant instead.

25. Q. All right. So, correct me if I'm wrong.

A. Yup.

26. Q. I happen to know that the vehicle did go down Sa-, Salmon Street --

A. Yes.

27. Q. -- from Manton, went into the Projects; actually --

Ref: 21RIX1-1193-OF

A. [Indiscernible]

28. Q. -- spun around and came back out. Is it that—at that time you were coming towards the vehicle and they took a right onto King...?

A. Uh—Yeah. Is that one way for Salmon? I don't know if that's—Is it another street that comes over or no? I don't know. Because they said they went through another street.

29. Q. Well, they went Salmon, --

A. Yeah.

30. Q. -- past King, --

A. Yup.

31. Q. -- into the back of the Projects. They spun around and came back out.

A. Yeah. So what—Yeah. What I know is that they say they're coming out Salmon. So, me and another patrolman went through Salmon; that's when—But they're still far back over there. So then they seen us. They couldn't make that right turn, they hit the fire hydrant.

32. Q. Okay. So you witnessed the accident?

A. Yes.

33. Q. Okay. Before I ask that question I'm going to ask you that during the pursuit, did you hear Lieutenant Jeannette state that based on witness information that he received to rule out that they were just BB guns in the car?

A. Yeah uh—Yes. Uh. From what I remember, um, he said uh, s--, since we're not sure that's a BB gun we're gonna treat it as a real firearm.

34. Q. Okay. Fair enough. And at any time did you see any firearms in the vehicle before the cr--, accident?

A. No.

Ref: 21RIX1-1193-OF

35. Q. Okay. You—you observed the crash itself.

A. Yes.

36. Q. So tell me what you did next.

A. So, once they crashed, I pulled up, I got out of my car, and uh, I r--, I ran towards the crash. Then t-, uh, alr-, they already had all their hands up. Then I believe it was Najarian pulled out the drivers—the guy out, uh, person out. Then I helped cuff him. Then that's when aft--, um, after—I don't know who secured him, I got up, I turned around, then I was, I was gonna assist whoever's closest to me. Then—then that's when I saw Sergeant Perez pull Diaz off of that group. And there was like four or five of them arresting that guy.

37. Q. Mm hmm.

A. Then after that, I just uh, heard s--, I believe Sergeant Kennedy, or one of the supervisors said, 'Whoever's not doing anything, 10-8.' And that's when I'm like, all right. Then I turn around. There was neighbors yelling something back and forth. So me, Moore, and I forgot, s--, another officer, we just went and talked to them saying, w--, like, [Indiscernible] we got into a crash.

38. Q. All right, I'm going to stop you right there for a minute because you're—you're getting a little ahead of some of the—

A. Oh.

39. Q. -- things I wanted to speak about.

A. Sorry about that.

40. Q. But that's okay. So you were involved in the apprehension of the operator. And--

A. Yes.

41. Q. -- this is your video. So, th--, this would be your arms. I'm just going to play a little bit of it

to have a point of reference. So you're assisting in handcuffing--

A. Mm hmm.

42. Q. -- this individual. And from observing that video that you just saw—All right, y--, that subject wasn't resisting arrest was he, that--

A. Ye--

43. Q. -- you guys arrested.

A. So, before that, um, when I got out of the car, I thought it recorded my body cam.

S--, so that kind of missed a little part of it. He was kinda like uh, what do you call it, like stiffen his arm a little bit, so it took--

44. Q. Tensing?

A. -- us a little longer. Yes.

45. Q. Okay. Once he was proned on the ground, were there any necessity to—there was no—I don't view any strikes, but did anybody punch that --

A. No.

46. Q. -- individual, strike that individual?

A. No.

47. Q. He was, we would say, cuffed without incident. Would you say that?

A. I don't believe so.

48. Q. You don't--, You don't believe he was cuffed without incident or you do?

A. No, no, no, no, it, it was not—Without incident.

49. Q. Okay. All right. S—This is the point you --

A. Yes.

50. Q. -- eluded to --

A. [Indiscernible]

51. Q. -- where you stood up and you saw the other individual who turns out to be [REDACTED] being apprehended.

A. Yup.

52. Q. When I asked you prior to the Sergeant pulling Patrolman Diaz out of there, did you s—, observe Patrolman Dias striking—

A. No.

53. Q. -- that subject? You didn't see that?

A. No.

54. Q. Okay. What do you—did you observe next when you [Indiscernible]?

A. So that's when I seen Sergeant Perez walked up and um, grabbed him, pulled him off. Then—I n—, I know Sergeant Perez [Indiscernible] hand something to Diaz. It might have been his body cam. I wa-, I, I wasn't too sure. But that's when Diaz walked off to the other side. So.

55. Q. I'm not sure I heard you properly. Did you say you thought you saw Sergeant Perez hand something—

A. Yes.

56. Q. -- to him? Okay. All right. Did you see any other officer striking—

A. No.

57. Q. -- [REDACTED]?

A. No. But I caught the back end of that, so I didn't know what's going on over there.

58. Q. Okay. Did you at some point observe [REDACTED] injuries?

A. No.

59. Q. No? You didn't—You didn't see his face?

A. No. I believe he had a hoodie on or something, I can't really see.

60. Q. So at this point we're just—(Audio plays / sirens in background)—watching your video.

A. Mm hmm.

(Audio continues / sirens blaring)

61. Q. What are you doing now?

A. So I was looking in the car to see what they have in there.

62. Q. Okay. And what did you observe?

A. Two um, it looks like a, a BB gun to me.

63. Q. Okay.

A. There's one in the backseat too that I didn't—I didn't catch.

64. Q. Okay. Before you got to the car did you observe Patrolman Diaz spit in the direction of that person who got [REDACTED]?

A. No.

65. Q. Okay. So, did uh, . . . So tell me, did you have any post arrest duties after everybody was arrested? What duties and responsibilities did you have or were—were they assigned to you?

A. Uh, nothing. Just told us to go back in service, like.

66. Q. Well, (sighs)--

A. I think the m--, they told us whoever's like the primary officer that make an arrest had to do a AIR report and come in.

67. Q. Well you have three minutes and 45 seconds left to your video, I, I just—instead of watching the whole thing.

A. Yup. Oh just me. Yeah, that--

68. Q. Wh—wh—wh—You know, I fast-forward to two minutes and 18 seconds into your video; what are you doing here?

A. So that's when I had said uh, went over p--, we're just explaining to them, like, hey, just like, relax, calm—Like, we're just telling them what—like s--, a car accident. And then we just went back. I went back.

69. Q. So you were speaking to the onlookers; you were explaining to them--

A. Yeah, just ...

70. Q. -- what the uh--

A. Like, just telling us like: oh yeah, we're just—we chased somebody, and they crashed, so we just need, like, space. Because they were coming into like, the scene, --

71. Q. I see.

A. -- so just like, kinda like, calm down, like...

72. Q. Okay. So, after you spoke to the onlookers, what did you do?

A. Went back. Then s—I think—I think Sergeant Kennedy came back and said, 'If you're not doing anything, 10-8.' Then that's when I got into my vehicle and I left.

73. Q. So, you went back into service--

A. Service.

74. Q. -- shortly after this video ends?

A. Yes.

75. Q. Okay. So ... I'm gonna guess that you didn't prepare any paperwork, you didn't--

A. No.

76. Q. -- transport any prisoners,--

A. No.

77. Q. -- you had no more interactions with anybody on--

A. No.

78. Q. -- scene? And you just went back to work on the East Side.

A. Yes, sir.

79. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

80. Q. You stated that the suspect that you had a hand in apprehending, you, you said he tensed his arm. At what point did he do that?

A. It was before the recording when the—when Najarian first took—took him out of the car. That's when he, he kind of gave us a little um, problem at first. Then we kinda got him at—when more people came, that's when we kinda like--

81. Q. And this was the driver, correct?

A. I believe so. It was too hectic. I know he was the first person that was pulled out on the left side. So, I believe he's the driver.

82. Q. I know there was a lot going on. Did he--?

A. Yeah.

83. Q. Do you recall him saying anything, or--

A. Yes, uh --

84. Q. -- [Indiscernible] going back and forth?

A. -- he just said that—When we first take him down to the ground, he's like: Oh I just got head surgery, or some--, something along that line, or brain surgery, h--, or brain surgery.

Then that's when ch—we cuffed him.

85. Q. Okay. And uh --

A. Yeah.

86. Q. -- as the video showed us, you walked up to the car and you saw a weapon in the front seat? Were you sure it was a BB gun?

A. It—it I-, It looks like one. But nowadays, I, I don't know because I seen like, Nerf gun has a real gun. But to me off—right off the bat it looks--

87. Q. But it appeared to be a long gun.

A. Yes. Like a rifle, a long rifle. But. So.

88. Q. Okay. Was there another weapon in the vehicle?

A. Yes, in the backseat.

DETECTIVE SERGEANT RICHARDSON: That's all.

DETECTIVE VINTON:

89. Q. So you said when you pulled up on scene, you saw the suspects were still in the vehicle at that time?

A. Yes.

90. Q. All right. And you said that their hands were up.

A. Yes.

91. Q. Do you recall if all passengers hands were up? Did you see—Do you recall whose hands that you saw up?

A. I know the driver and the backs--, the driver and the backseat driver [sic] hands were up.

92. Q. The backseat passenger?

A. Uh. Yeah, backseat passenger.

93. Q. And the driver.

WITNESS STATEMENT OF HERR, PTLM SHAOLIN

Ref: 21RIX1-1193-OF

A. And the driver. I couldn't see the, the dr--, the passenger over to the right.

94. Q. All right. So—So just for the record, so you only saw the--the operator and the backseat passenger--

A. Yes.

95. Q. -- had their hands up. All right.

DETECTIVE SERGEANT ZIENOWICZ:

96. Q. Is there anything else you would like to add, or you can tell us?

A. No, sir.

97. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: It's currently 9:45. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 26, 2021

TIME: 3:39 p.m.

INTERVIEW OF: Patrolman James Lewis
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Lewis

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is currently 3:39 on July 26, 2021. This is a Garrity interview of Patrolman James Lewis relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on 7/9/21. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. James, can you spell your last name.

A. Lewis, L-E-W-I-S.

2. Q. You're represented by ...

ATTY. PEZZA: Joe Pezza, P-E-Z-Z-A.

3. Q. I'm here along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert J. Richardson, Badge

number 25, Rhode Island State Police.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. And James, you're- you're—you had a chance to confer with your attorney, and, and, and he explained the Garrity rights to you and you understand--

A. Yes, sir.

5. Q. -- them, correct? Okay. So, you were on duty the night of July 8th into July 9th?

A. Yes, sir.

6. Q. What post were you assigned to Jim?

A. **Eighty-three.**

7. Q. Okay.

A. **And that's on the East Side.**

8. Q. Did you at some point become aware of a black BMW that was of interest to police?

A. Yes.

9. Q. What information do you recall hearing about that vehicle?

A. **That they was pointing BB guns at people and possibly shooting at them.**

10. Q. Okay. Were any calls in the district that you were working?

A. Yes.

11. Q. Okay. And what do you remember about that?

A. **Pointed—Pointing a rifle; suspected of a BB gun at a Brown employee.**

12. Q. Okay. All right. Did -- Was there any broadcast about how many occupants might been in the car or?

A. **The broadcast was three occupants, young juvenile, possibly black males. I'd been**

Ref: 21RIX1-1193-OF

hearing the calls since 8 p.m.

13. Q. You're assigned to the out last.

A. Yes, sir.

14. Q. But w--

A. And I, I, I was doing overtime prior, and I heard the broadcast around like, 8 p.m.

for the same subjects possibly in a SUV--

15. Q. Okay. Did uh--?

A. -- doing the same thing, like, pointing a BB gun or a gun at a person and um,
taking off.

16. Q. Do you remember from when you were on callback that previous shift what des--, a, a
description of a vehicle they might have been in?

A. It was a dark-colored Nissan Murano.

17. Q. Oh. Okay. Very good. And but the description kind of and the—and the incident seemed
similar to the same--

A. Yes.

18. Q. -- suspects as the BMW?

A. We don't get those calls a lot.

19. Q. So you were aware that there were some felonies attributed to these occupants of the
BMW.

A. Yes, sir.

20. Q. Okay. Did you observe this vehicle at some point during the evening?

A. I did. Yes, sir.

21. Q. Okay. When was that?

A. **That was towards the end of the car chase going towards Manton Avenue.**

22. Q. Okay. So you were on Manton when you saw it?

A. **Yes, sir.**

23. Q. Okay.

A. **Manton and Atwell.**

24. Q. Were you in d--, direct pursuit of the vehicle?

A. **No.**

25. Q. Okay. When the vehicles (sic) went by, did you observe anybody displaying any weapons?

A. **No.**

26. Q. Okay. At some point during the evening, did you hear Lieutenant Jeannette state based on witness information to rule out the suspects are just using BB guns?

A. **Yes.**

27. Q. Okay. How did the pursuit end?

A. **With the car crashing into a fire hydrant--**

28. Q. Okay.

A. **-- in the Manton Avenue Projects areas.**

29. Q. You didn't observe that?

A. **No.**

30. Q. No. How long after that crash did you arrive?

A. **Approximately two minutes maybe. I had to spin around. I was going the opposite direction and then I arrived on scene.**

31. Q. Okay. So y--, were y-, were you involved in any apprehensions?

Ref: 21RIX1-1193-OF

A. No.

32. Q. Okay. Did you observe any apprehensions?

A. No.

33. Q. What did you observe upon your arrival to the scene?

A. There was—it was flooded—the car was flooded with police cars. I seen smoke coming from the black BMW. And then uh, I just saw like, other officers gathered around. And I asked the supervisor on scene if he needed any help, any assistance. He said no, everybody go back to service. And that's when they kind of cancelled the investigation from other districts.

34. Q. Okay. So, . . . did—you really never even made it on scene, and, and like, . . .

A. I, I made it towards the scene, but I didn't see like, the scene itself. But I talked to the supervisor that was part of the chase and part of the control of the scene...

35. Q. Who was that?

A. Sergeant Perez.

36. Q. Okay.

A. And then he uh, told us that: No, I'm all set, get back to your district and ...

37. Q. So you turned around and went back in service?

A. Yes, sir.

38. Q. You didn't prepare any paperwork, you didn't transport any prisoners, you--

A. No.

39. Q. -- didn't do anything else associated with this case.

A. No.

40. Q. Correct? Nothing else you can add?

WITNESS STATEMENT OF LEWIS, PTLM. JAMES

Ref: 21RIX1-1193-OF

A. No, sir.

DETECTIVE SERGEANT ZIENOWICZ: 3:43. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 27, 2021

TIME: 10:57 p.m.

**INTERVIEW OF: Patrolman John Manown
Providence Police Department**

**INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department**

PRESENT: Attorney Joseph Pezza for Patrolman Manown

**Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police**

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. Okay, it's currently 10:57 on July 27th, 2021. This is a Garrity interview of Patrolman John Manown.

A. Spell your name.

2. Q. J-O-H-N, M-A-N-O-W-N.

A. And he is represented by Attorney –

ATTY. PEZZA: Joseph Pezza, P-E-Z-Z-A.

3. Q. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z, and I'm with—

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson,

Ref: 21RIX1-1193-OF

Rhode Island State Police, Badge number 25, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. John, were you on duty the night of July 8th into July 9th?

A. I was.

5. Q. And what car were you assigned to?

A. I was car 321.

6. Q. Okay. Are you bidden to that car or are you a, [Indiscernible]?

A. I'm—I am un-bidden.

7. Q. Un-bidden. Okay. But do you usually work that side of town to--?

A. I am usually—I am now usually in District 2.

8. Q. Okay. Very good. Do you at some point did you become aware of-of a black BMW that was interested—of interest to the police?

A. I did.

9. Q. Okay. What can you tell me about that vehicle?

A. So, w-, on patrol on – at that time, which should be July 9th, I was in the area of Potters Ave. and Elmwood. I saw a State Trooper attempt to pull over a dark-colored BMW. It pulled into the Mobile gas station. So, I continued straight on Potters. I was going to swing in and see if the officer needed help. In doing so, before I was able to reach the entrance, the black BMW fled from the State Trooper who was outside of his vehicle. It cut immediately in front of my cruiser, continued down Potters, high rate of speed, ignoring all the traffic signals and stop signs. I followed the cruiser, and took a left on a side street on Potters, and then took

an immediate right onto Huntington Ave. Before--

10. Q. I'm just going to stop you there for a minute. Was the, the—Was the Trooper, was he in pursuit of that vehicle after it took off?

A. I don't--

11. Q. Or—or did you--

A. I don't recall.

12. Q. -- did you go after the vehicle?

A. I—The vehicle immediately cut in front of my cruiser. I knew that he was eluding the State Trooper, so--

13. Q. Sure.

A. -- I gave chase to it, seeing that it was ignoring all the traffic signals and it might be reckless driving and a cause to other drivers.

14. Q. Okay. Did you see how many occupants were in that vehicle when you—when it went by you?

A. I could not. The convertible top was up, and the windows were too dark to see within the vehicle.

15. Q. I see. So, you were following it, and what happened?

A. The vehicle turned right on Huntington Ave. and headed toward the on-ramp towards Route 10. This time I believe Patrolman Voyer took lead, and I followed behind him. The vehicle got off the Dean Street exit taking a left at around the iHop passing all traffic lights. We had lost sight of the vehicle.

16. Q. Okay. Do you know approximately what time it was that this started?

A. I—From what I recall, maybe close to midnight.

17. Q. Okay. So you lost sight of the vehicle. Had you heard any calls relative to that vehicle prior to seeing the State Trooper try to pull it over?

A. I did not.

18. Q. How about subsequent to that?

A. Subsequent to that, over the channel I heard that the vehicle might be involved with a shooting that was involved on Julian Street in our city as well as subsequent calls of a dark-colored sedan shooting at pedestrians with BB guns.

19. Q. Okay. So, at that point now, having learned all that, you were aware that they were—that vehicle was wanted for some felonies. Is that correct?

A. Yes, Sergeant.

20. Q. And at some point did you hear Lieutenant Jeannette state that based on information that he received to rule out that there were just BB guns in the car?

A. From what I recall, he—the dispatcher kept coming over stating that 'there are BB guns, there are BB guns.' And from—based on subsequent calls previously, we could not determine what the car could be involved with. So instead of saying it was just BB guns, leading officers to believe that less harmful, out of abundance of caution saying that there could be firearms in the vehicle.

21. Q. Okay. Thank you for that. At some point, another officer found the B--, BMW I take it?

A. Yes.

22. Q. Okay. What part of town was that?

A. So, after the original pursuit of the vehicle, I actually found the vehicle on Curtis Street. I tr--, attempted to get behind it. As I immediately did so, it took off heading toward Atwells Ave., almost striking a few vehicles going up Hannah Street to the Kentucky chicken

Ref: 21RIX1-1193-OF

and the laundromat parking lot. After that, I lost sight of the vehicle. Later on in the night, Patrolman Najarian, after hearing that multiple officers heard it go from possibly the downtown area to the East Side area, he entered a parking lot where he believed that the rear passenger, possibly bald with a blue hat or bandana, popped out of the backseat of the car pointing a what appeared to be a rifle at him.

23. Q. Okay. So, at that point, Patrolman Najarian, did he start broadcasting a uh, a pursuit?
- A. I believe so.
24. Q. Okay. Well you—you heard at some point a pursuit...
- A. A pursuit was started...
25. Q. -- of that BMW. Okay. And how long approximately did that pursuit last?
- A. The pursuit, I believe lasted between a half-hour to 45 minutes.
26. Q. That's a pretty long one.
- A. Yes, Sergeant.
27. Q. And during that pursuit, did you ever come in contact or have visual sight of that BMW?
- A. I did. As the vehicle was eluding police, it was seen in the North Providence area going Fruit Hill. Someone stated that it possibly could be going toward Killingly, towards Hartford Ave. I was behind on Buttonhole Drive, and there was a cut-through to Killingly. I came out; I noticed that police were attempting to follow the vehicle. I came out because the—there was a large space between the two, and I was in a good position to get behind the vehicle at least to get eyes on it. The vehicle then took a left going inbound on Route 6 to Route 10 to 95. I was broadcasting my position. Around the State Office exit, the vehicle veered off, attempting to get off. As I attempted to follow, it swerved in front of another vehicle. At that time I did slam on the brakes, slowed down, maneuvered my vehicle behind.

And then another officer took lead, which I believe was Officer Sanchez. I became the second vehicle as we were broadcasting pos--, our positions until we got to Pawtucket. And on School Street, as we were heading down the court, took a left into a parking lot which only had one entrance and one exit. As the car went in, I believe that the car was probably attempting to stop and then to flee on foot. I could not make the turn into the parking lot. I stopped my cruiser. I got out of the car with my department-issued firearm drawn. As I did so, I approached the parking lot. Before I could really get near the—close to the car, the vehicle had turned around and came back out the entrance. I gave a loud verbal command to stop. They did not do so; they blew past me. At that point, I could not verify who was in which seat, but I could see that there was three people in the vehicle since the convertible top was down.

28. Q. Okay. Thank you. They fled that area.

A. They went the wrong way down School Street. After that, they—I was behind several vehicles because I had to re-enter my vehicle. They went southbound on 95 I believe getting off the exit near the Savers. At that point, I got off, I saw—I wasn't—I lost sight of the car. I was behind several other cruisers of Pawtucket, Providence, c--, and started playing the area, listening to the updates. I helped—When the vehicle got to I believe Chalkstone Ave., heading toward the Manton Ave. area, I witnessed the vehicle pass us; several police cars were in pursuit. Once it was safe to go, I followed. They started to enter the—and after several turns, they entered the Salmon Street area. They went all the way down to the far—far end, took a right, took the immediate first road. I know that there's a secondary road that loops around, so attempted to go this way, attempting to see if having police presence there, they would stop their vehicle. They—I stopped my car, the vehicle almost hit me head-on, mounted the sidewalk, and went around me. Other officers went in pursuit. I maneuvered my car back

Ref: 21RIX1-1193-OF

around. That's when I overheard that the vehicle had crashed on Salmon Street and King Street.

29. Q. Okay. So, after the vehicle crashed, did you maneuver your cruiser closer to Salmon and King Street?

A. I did. I maneuvered my vehicle on Salmon Street. I was approximately I think, two to three cruisers behind the lead cruisers. Once I got out of my vehicle, I saw that three occupants being taken out of the car and placed on the ground. I saw out of the corner of my eye, I believe the s--, front right passenger was being handled by multiple officers. I cannot recall who, but I saw that a Pawtucket officer was with the backseat passenger. It looks as if the backseat passenger was passively resisting, so I came to the aid of the officer. We immediately handcuffed him. I picked him up with the Pawtucket officer. We brought him to the nearest Providence cruiser. We conducted a terry pat for officer safety: found a knife and a cell phone. Then we placed the juvenile in the rear seat of the car - of the marked cruiser.

30. Q. Okay, patrolman. Yourself and a Pawtucket officer made the apprehension of what you say is the rear seat passenger. Would you know that person's name to be [REDACTED]?

A. [REDACTED]

31. Q. Okay.

A. He—he was the long-haired juvenile.

32. Q. Okay. Did you have to strike that individual at all?

A. I did not--

33. Q. Okay.

A. -- use any strikes on that individual.

34. Q. Okay. Did you observe the Pawtucket officer to do that, use any strikes?

A. I do not r--, recall at this time. I, I believe he was passive res--, resistant. I was just aiding in trying to get his hands for the Pawtucket officer who had handcuffs in his hands I believe. And then once he was handcuffed, he was immediately picked up, terry-frisked, and put into a cruiser.

35. Q. It almost sounds like, other than him being taken to the ground, that was an apprehension without incident. Did the subject suffer any injuries to your knowledge?

A. I do not believe so.

36. Q. Okay. While you were engaged in apprehending [REDACTED] did you observe the apprehension of [REDACTED] who was behind the Pawtucket officer?

A. I did not. I know that there were officers with the subject to my—behind us to our right, but I could not say what officers they were, or kinda—I—My focus was help aiding this officer in the apprehension of the—of [REDACTED]

37. Q. So, once you secured [REDACTED] in a cruiser, did you stay with him?

A. I maneuver around the cruiser attempting to see if anyone else needed aid. By the time I got over, I noticed that the other subjects were taken into custody, and I believe I saw [REDACTED] on the ground, in handcuffs, and officers were attempting to – what I saw – What I th--, saw was I think he was unresponsive, so they were attempting to wake him up.

38. Q. Okay. Did you see [REDACTED] injuries, did you observe any injuries?

A. From what I recall, I believe that there was—I saw some blood coming from his head, but I was—there was a lot going on. I was trying to make—see if anyone else needed help. I knew that there was already officers standing by with him, I was just trying to see what else I could do.

39. Q. Okay. Did you hear any officers talk about how [REDACTED] got his injuries, whether it

was from the car accident or from an officer use of force?

A. I do not recall.

40. Q. Okay. You don't recall or you did not hear officers talking about that?

A. I don't believe I heard. I was kind of-- Like I said, after the immediate apprehension, there was a plethora of people coming out from the housing development over there and someone was already getting yellow tape out to secure the scene, and I was told to stand by with other officers to, you know, be respectful and just make sure that people don't cross the line.

41. Q. Who told you that?

A. I believe it was one of the lieutenants on scene or one of the sergeants.

42. Q. Okay. But you don't remember who.

A. I do not remember who.

43. Q. Okay. ... I'm just going to back up a little bit. And when you came back to the scene and you observed that [REDACTED] was already apprehended and seated upright, you saw some blood on his face and so on, did you see Patrolman Domingo Diaz spit in the direction of [REDACTED]?

A. I did not.

44. Q. Okay. Did—You spoke about being told to look—do some crowd control or to keep the onlookers back. Did you have any conversation with any of the onlookers?

A. I do not recall. I remember I, I tried to stay pretty silent and just be a presence out there.

45. Q. Okay. Did they s--? Did--

A. Because they--

46. Q. -- they talk to you?

Ref: 21RIX1-1193-OF

A. -- were—They were—They were—They were saying some . . . words of disagreement with us.

47. Q. Uh, okay. Did you respond to any of their --?

A. I do not recall. But I, I tried to stay as silent as I could--

48. Q. Okay.

A. -- and just kind of be as respectful as I could. I knew it was a tense scene, and th--, tempers were high, and I didn't want to escalate the scene further.

49. Q. Okay. Did—did you have any other post-arrest responsibilities or were you given any orders to do anything by your superiors?

A. The driver of the vehicle was placed in my cruiser. I then transported him to Central Station for a YSB. While doing that, we noticed that he had a pre-existing scar that was on—around his head. I noticed that the front area of the scar seemed to be opening up. I asked if rescue s--, looked at him on scene. He kind of nonchalantly said, 'yeah,' and I asked him if he wanted to see a rescue or if anything; he said he was fine. Detective [Indiscernible] Detective said that just out of an abundance of caution, we should get an ambulance. Once rescue arrived, he then admitted that after this surgery, he was on medication for anti-seizure medication that he had to take daily. And out of an abundance of caution, he was then transported to Hasbro Children's Hospital by another officer who followed suit—followed them there. I remained there because [REDACTED] was still in the YSB holding cells, and I was standing by there until I was relieved.

50. Q. Okay. Do you know about how long you were there?

A. I was there fill around 7:15 or 7:20 in the morning.

51. Q. So quite some time. Did the operator say anything to you relative to the case, or did he

Ref: 21RIX1-1193-OF

make any spontaneous utterances, did he ask you any questions?

A. He—he was mainly talking to—When they were together and they were getting fingerprinted, [REDACTED] and he were kinda just talking to each other; saying like, 'Oh, what happened to [REDACTED]? Is [REDACTED] all right?' And then they were kinda—Even while they were taking their f—photo was taken, [REDACTED] was, I'd see a little visibly upset, and the driver was making comments like, 'Suspect,' like kinda joking about this.

52. Q. Well did you have your body cam video at the time?

A. I believe so.

53. Q. Okay. Did you uh, prepare any paperwork for this case?

A. I uh, produced an AIR report for the use of displaying my firearm. Other than that, I did not produce any formal statements for Patrolman Najarian. I was dealing with the juveniles; I was kind of out of the mix. But I wasn't asked to give any statements or further information.

54. Q. Okay.

DETECTIVE SERGEANT RICHARDSON:

55. Q. You stated that you were in Pawtucket, that vehicle fled by you. And what's the proximity of the vehicle passing your location?

A. I would approximate from me to maybe the desk over there, the—the small wooden table.

56. Q. And what rate of speed was it going at when it came by you?

A. If I had to guess, maybe 15 to 20 miles-an-hour.

57. Q. Okay. And you said that—

DETECTIVE SERGEANT ZIENOWICZ: For the tape, he—when he illustrated from me to the

desk, he's talking about a distance of about eight feet.

58. Q. Is that safe to say, approximately eight feet?

A. I believe so.

59. Q. And the vehicle was traveling you stated 15 to 20 miles-an-hour. Did you see any weapons in the vehicle at that time?

A. I did not.

60. Q. But you were able to determine it was three occupants?

A. Yes.

61. Q. Okay. And just fast-forwarding to when you took the subject into custody: was he laying on this stomach?

A. He was laying on his stomach. The uh— [REDACTED] was laying on his stomach when the police—the Pawtucket officer was on top.

62. Q. And did he immediately produce his hands?

A. It seemed like he w—, the Pawtucket officer was having trouble tr--, getting his hands behind his back. I went down to aid. Once he secured and placed the handcuffs on him, we picked him up and placed him in the cruiser.

63. Q. And the incident ended at that point.

A. Incident ended at that point.

64. Q. Okay. Do you remember any—anything he might have said at that point or if any other statements were made by either the Pawtucket officer or the suspect?

A. I do not recall at this time.

65. Q. Okay. [Aside: Go ahead.]

DETECTIVE VINTON:

Ref: 21RIX1-1193-OF

66. Q. So you said you observed the uh, the motor vehicle flee from a Trooper at a motor vehicle stop. And when it fl--, fled that scene, you weren't able to identify if there were any op--, or how many operators [sic] were in the vehicle due to the dark tint on the windows?

A. Dark tint on the windows, and the convertible top was on [sic] at this time.

67. Q. And you said in Pawtucket they had now put that convertible top down. Were the windows still up on the vehicle do you know?

A. The windows were still up, but the convertible top was down. And while in pursuit of the vehicle, I could see that there was three occupants in the vehicle and one was looking back as police were in pursuit, going 95 north.

68. Q. All right. And you said at some point they drove the wrong way on School Street. And at some point they actually drove directly at you and almost caused a head-on collision. Where did that take place?

A. That was in the um—So, Salmon Street when you pull into the Projects down there—down below, there's a media (phonetic) street, and it bends around and comes back like a, like a big circle: I was down in the secondary street. I believe it's cl--, closer to like, 67 Salmon, I was there, and the vehicle came directly at me and then mounted the sidewalk.

69. Q. All right. And you said when you took the backseat passenger into custody, he was—he was passively resisting at that time?

A. I believe so. The Pawtucket officer seemed to—having trouble to get his hands behind his back. But once I came to his aid, we quickly put handcuffs on and escorted him to a cruiser where he performed a terry for us.

70. Q. All right. And you said you located—Where was that knife located on his person?

A. It was on his right hip.

71. Q. All right.

DETECTIVE SERGEANT ZIENOWICZ:

72. Q. Patrolman, is there anything else you'd like to add or anything you—you think you missed that you'd like to put on the statement?

A. No, Sergeant.

73. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: That'll conclude this interview. It is 11:19.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 28, 2021

TIME: 1:09 p.m.

INTERVIEW OF: Patrolman Anthony Moore
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Moore

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. It is currently 1:09 on July 28, 2021. This is a Garrity interview of Patrolman Anthony Moore. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. This is an interview relative to the pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on July 9th of 2021. Patrolman, can you spell your name for us please.

A. Anthony, A-N-T-H-O-N-Y, Moore, M-O-O-R-E.

2. Q. Okay. And you are represented by ...

ATTY. PEZZA: Joseph Pezza, P-E-Z-Z-A.

3. Q. And I'm here along with ...

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson, Badge

number 25, Rhode Island State Police, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

4. Q. Okay. Good afternoon Officer. You had a chance to confer with Attorney Pezza, and he explained your Garrity rights to you, correct?

A. I did.

5. Q. And you understand them.

A. Yes.

6. Q. Okay. Were you on duty the night of July 8th into July 9th?

A. I was.

7. Q. What car post were you assigned to, please?

A. I believe I was 71, three to 71.

8. Q. Okay.

A. Because out last.

9. Q. Yes, sir. Did you at some point become aware of a black BMW that was of interest to the police?

A. Correct. Yes.

10. Q. What can you tell me what you learned or heard about that vehicle.

A. So, I worked the mid shift and um, there's a point of me coming on shift at 1900 because a few—because officers around the M--, the uh, Manton Ave... area her--, um, got a few calls of a vehicle shooting car windows out.

11. Q. Okay. And on the fir--, out first part of the shift, do you remember – you don't – do you remember what veh--, post you were at?

A. Because I was in the uh, south side, I'm not sure exactly.

Ref: 21RIX1-1193-OF

12. Q. Okay. And so you heard calls from the out first about this vehicle.
- A. Correct.
13. Q. Do you hear—ever hear any calls about another vehicle description--
- A. Y--
14. Q. -- with similar incidents?
- A. Yes.
15. Q. Do you remember --
- A. Uh; --
16. Q. -- what kind of vehicle that was described as?
- A. I believe it was a, a um, . . . a truck or a um, Avalanche, because I believe.
17. Q. Okay.
- A. Um.
18. Q. That's fine. And so fast-forward to the out last. A black BMW. Did you hear any of more incidents of uh...?
- A. Uh, y--, Uh yes. We had got a few—few more calls about the same description about three males shooting out windows or pointing a, the weapon at people.
19. Q. Okay. So, at that point you're aware that the vehicle is wanted for some felonies now.
- A. Correct.
20. Q. Okay. Do you ever observe this vehicle at any point during the evening?
- A. Prior—Prior to those calls? No.
21. Q. Okay. How about after those calls and before you arrived at Salmon and King, did you ever see the vehicle?
- A. Yes.

22. Q. Okay. Tell me about that.

A. During the—the chase, the pursuit, it was Atwood and—No, excuse me. It was Killingly and um, Hart--, Hartford.

23. Q. Mm hmm.

A. Yup.

24. Q. Okay.

A. That's the uh, the first time. And then the last time was at the crash.

25. Q. Okay.

A. The crash site.

26. Q. So the first time you saw it, it would—or the vehicle drove by you?

A. Correct.

27. Q. Was the rag top up or down, do you know?

A. It was down.

28. Q. Were you able to see the occupants?

A. No.

29. Q. Okay. You weren't even able to see any weapons at that point.

A. No.

30. Q. Okay. Were you ever in direct pursuit of the vehicle?

A. Was I? No.

31. Q. Okay. Did you hear Lieutenant Jeannette broadcast over Channel 1 that based on information he received from a witness that you can rule out that they're just BB guns in the car?

A. For him--? For us to rule out...? Yes. I believe it was from—from a Brown, an employee.

Ref: 21RIX1-1193-OF

32. Q. Okay. So you remember hearing him broadcast that to the—to the—all the officers monitoring Channel 1.

A. Correct.

33. Q. Okay. So, you know the pursuit ended at Salmon and King Streets as you noted earlier.

A. Mm hmm.

34. Q. Did—? You didn't witness the crash, officer?

A. No.

35. Q. Okay. How long after the crash did you arrive?

A. I—Because I would say, say a few minutes afterwards.

36. Q. Okay. Upon your arrival, and—and I can tell you for the tape the crash happened at around 2:02 and some seconds in the morning, --

A. Mm hmm.

37. Q. -- what did you observe upon your arrival?

A. Just the smoke and the crowd coming from the uh, housing complex getting pretty hostile, like.

38. Q. I see. Were all the apprehensions made upon your arrival?

A. Yes.

39. Q. So everybody was already handcuffed?

A. Mm hmm.

40. Q. Okay. Did you put your camera on as soon as you arrived?

A. I am not—not—not sure—sure about that.

41. Q. Okay. So, I'm going to refer to your body-worn camera. Stand by. (pause) I'm going to refer to your body-worn camera. At the very beginning it says 2:05 and 7 seconds, which is a few

Ref: 21RIX1-1193-OF

seconds after all the apprehensions and so.

A. Mm hmm.

42. Q. And it doesn't quite show you getting out of a vehicle, you were already engaged in conversation with some of the residents of the Projects there.

A. Mm.

43. Q. So, is that the first time you turned your camera on? This is shortly after you arrived?

A. Yes.

44. Q. Okay. What I'm trying to determine is if you arrived earlier, maybe saw something, --

A. Cor--

45. Q. -- but didn't have your video on.

A. Yup.

46. Q. Is that the case?

A. No.

47. Q. Okay. All right. And did you have some conversation with some of the citizens?

A. Uh, yes.

48. Q. Well can you tell me about that.

A. **Just that um a gentleman was pretty um, uh, was upset. So, it was just us trying to calm him down.**

49. Q. Okay. And uh, because of the camera buffering, you just put it on the first 30 seconds, we don't have the benefit of audio.

A. Mm hmm.

50. Q. So, I just want to know ... (Audio recording) Well, it did come on after six seconds, so your camera must have been on s--, su--, some other time, right, during the night?

Rhode Island State Police Headquarters
WITNESS STATEMENT OF MOORE, PTIM. ANTHONY

Ref: 21RIX1-1193-OF

A. Mm hmm.

51. Q. Because it did buffer for the 30 seconds. But we'll play a little bit of this audio.

AUDIO RECORDING: [Indiscernible] the phone [Indiscernible] ...

52. Q. Who is that officer that was [Indiscernible] can you tell?

A. Uh. I believe that was John Najarian.

AUDIO RECORDING: [Indiscernible]

53. Q. Officer Najarian.

A. Yup.

54. Q. Okay.

AUDIO RECORDING: [Indiscernible]

55. Q. So, shortly after that you had a short conversation with that citizen. What duties did you perform or were you assigned any--

A. No.

56. Q. -- duties by a supervisor?

A. No.

57. Q. Did you do anything? Did you--?

A. No, so--so--so we uh, stood--stood out there. They mentioned of us try--, trying to keep the crowd back. But they uh, went off back into, to their, that--that property, --

58. Q. Ya-huh.

A. -- and then um, um, because I believe a supervisor asked for cars to go back into service. So I did.

59. Q. Shortly thereafter you went in--back into service?

A. Yes.

60. Q. So you didn't transport any prisoners.

A. No.

61. Q. You didn't prepare any paperwork for this case.

A. No.

62. Q. You weren't assigned any other further duties at the station to watch any prisoners.

A. No.

63. Q. Okay. Anything else you'd like to add to your statement?

A. No, sir.

64. Q. Okay.

DETECTIVE SERGEANT ZIENOWICZ: It is currently 1:17. That'll conclude this interview.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 26, 2021

TIME: 10:57 p.m.

INTERVIEW OF: Patrolman John Najarian
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Najarian

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. Q. Okay. It is 10:57 on July 26, 2021. This is a Garrity interview of Patrolman John Najarian relative to a pursuit and subsequent apprehension of three juveniles at Salmon and King Streets on July 9th, 2021. My name is Detective Sergeant Paul Zienowicz. Present in the room are ...

A. Officer John Najarian.

2. Q. Spell your last name please.

A. N-A-J-A-R-I-A-N.

3. Q. He's represented by...

ATTY. PEZZA: Joseph Pezza, P-E-Z-Z-A.

4. Q. Also in the room is...

Ref: 21RIX1-1193-OF

**DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert Richardson,
Badge number 25, Rhode Island State Police.**

**DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State
Police.**

DETECTIVE VINTON:

5. Q. All right. And Mr. Najarian, were you on duty the night of July 8th into July 9th, 2021?
- A. Yes sir, I was.
6. Q. All right. And what car post were you assigned to that—that evening?
- A. I was car post 343.
7. Q. All right. And did you at some point become aware of a black BMW that was of interest to the police?
- A. Yes I did, sir.
8. Q. All right. And what information do you recall about that vehicle?
- A. What I recall is Rhode Island State Police attempted to pull the vehicle over. It fled on them. One officer came over from our department and notified us through Channel 1 dispatch. At that time, another officer from Providence Police said that vehicle was of interest for shots fired over in the Manton area, it might have been Julian Street. That officer said he saw the vehicle. He attempted to pursue it. At that time, the lieutenant on duty broke the chase off.
9. Q. All right. And at some point did you become aware of any other felonies that were attributed to the occupants of that BMW?
- A. Yes. About – I don't know what timeframe exactly, it could have been a half-hour

Ref: 21RIX1-1193-OF

or so, a female, a shuttle bus driver for Brown University stated that a male pointed a firearm at her and then drove away. The last known direction was Olney Street in Providence.

10. Q. And that male was operating in that black BMW?

A. Yes, sir.

11. Q. All right. And did you ever observe the vehicle at any point that night?

A. I did, sir. I was headed toward North Main Street. I saw that black BMW with the Wyoming plates pull out of Olney Street and take a right onto North Main Street and into the parking lot of Santander Bank and Whole Foods.

12. Q. All right. And so you pursued into the Whole Foods. Does anything occur in the Whole Foods parking lot?

A. Yes. The vehicle was about like 400 feet ahead of me. I kept my distance because there as a firearm mentioned.

13. Q. Mm hmm.

A. I drove towards the vehicle. They pulled up, did a half semi-circle U-turn. The operator of the vehicle, who I described as a all male with a blue bandana around his head, came out of the driver's seat, turned and pointed a firearm at me. From there, they sped out of the Whole Foods parking lot back onto North Main Street.

14. Q. Do you—Do you recall what type of firearm?

A. I, I couldn't see. It was a--

15. Q. [Indiscernible]

A. It looked line an elongated uh--

16. Q. So they had--

A. -- firearm.

17. Q. -- stopped the vehicle at that point.

A. He was still--It was still driving, but at a slow speed.

18. Q. But he just turned and--

A. He turned--

19. Q. -- pointed at you? All right. And did you put that over the air?

A. I attempted to, but simultaneously Channel 1, the main channel was being held for shots fired on the south side of Providence, so I had to come over Channel 3, so it was delayed--

20. Q. All right.

A. -- by a few moments.

21. Q. Did you pursue the vehicle at that time?

A. I did. Once I no--, notified dispatch, I then activated my lights and audible sirens in an attempt to pursue it. And um, and then he took me on a chase.

22. Q. All right. And at any point during that pursuit, did you ever consider terminating the pursuit?

A. I did not. I didn't see any um, engagement towards any civilians or anything like that, the road was clear.

23. Q. All right. And who was the officer in charge that evening?

A. Lieutenant Matthew Jeannette.

24. Q. All right. And did he at any point say over the air about--mention anything about the pursuit?

A. He said if it's a felony assault we're going to keep that going, because there's two firearms mentioned.

Rhode Island State Police Headquarters
WITNESS STATEMENT OF NAJARIAN, PTLM. JOHN

Ref: 21RIX1-1193-OF

25. Q. All right. All right. So, you—you—you also saw the veh--, the firearm and couldn't determine whether or not, you know, it was a live firearm or not--

A. I had no--

26. Q. -- when you were right there.

A. I have no— [Indiscernible] I was so far back.

27. Q. So you treated it as if—Were there also other calls besides the Brown University bus driver, any calls pertaining to the, the occupants of this vehicle that you were aware of...?

A. I, I didn't—I didn't hear any other calls.

28. Q. All right. Do you know how many passengers were inside the vehicle?

A. So there was one driver and two passengers.

29. Q. All right. Did you observe the passengers with any weapons or just the operator at that time?

A. Just the operator at that time.

30. Q. All right. All right. And other than Lieutenant Jeannette saying to treat it as a felony assault, was there any other mention about the pursuit that he came over the air on that you recall?

A. Not that I recall, sir.

31. Q. All right. Did you ever lose sight of the BMW during that pursuit?

A. I did. Once we entered onto 195 east, his speed was just too fast that I lost sight of it.

32. Q. All right.

A. And I had terminated from there.

33. Q. And do you recall how the pursuit ended?

A. I do. It ended on—on m-, Salmon Street. I came down on Salmon Street. There was

an officer behind it. If you look at Manton—um, the Manton housing, most of those streets are—there's one way in / one way out.

34. Q. Mm hmm.

A. I drove towards the area where that vehicle was attempting to come out. Officers behind it. The vehicle drove at me; almost struck me. Put my-my vehicle in reverse, pulled out into a um, parking space. From there I followed the marked cruiser that was behind that vehicle, where I was now the second vehicle behind it. From there, that vehicle lost control and mounted the curb, and hit a fire hydrant.

35. Q. All right. And you said that vehicle drove directly at your--

A. Yes.

36. Q. -- marked cruiser?

A. Yes, sir.

37. Q. Did you hear anything over the radio of that vehicle driving erratically or, or driving toward other police officer cruisers that—during that pursuit?

A. I believe earlier in the uh,-- When the vehicle was in Pawtucket, I believe I heard something, an officer was almost struck when he attempted to get out of his vehicle.

38. Q. All right. Did you witness the accident?

A. I did. I was the second vehicle behind it, yes.

39. Q. All right. So do you recall what the—what the vehicle hit?

A. A fire hydrant.

40. Q. All right. And where was that fire hydrant located?

A. On King Street.

41. Q. All right. And so you arrived as that occurred?

A. Yes.

42. Q. All right. And when you get out of your cruiser and approach the vehicle, what do you observe?

A. So I came out of the vehicle at gunpoint, I ordered the driver to keep his hands up, which he did.

43. Q. Did you see any other suspects with their hands up?

A. I might have saw one. ... it happened very fast. So my first inclination was take the driver out as fast as possible.

44. Q. Do you recall who the other passenger might have been that had his hands up?

A. It might have been the uh, the rear, the rear passenger.

45. Q. All right. So do you recall—So, out of the three suspects, you saw two of them with their hands up?

A. Yes.

46. Q. The front seat passenger, did you see his hands at all?

A. I didn't see his hands.

47. Q. Did you see any vehicles – Not vehicles – Did you see any weapons as you approached the vehicle?

A. It looked like two rifles were resting on the middle console.

48. Q. All right.

A. But again, it happened so fast that I took—I wanted to drag him out as fast as possible so he couldn't reach for anything.

49. Q. All right. All right. And so the—you were only kind of dealing with the operator of the vehicle. Did he comply with your orders?

A. He did. From there, I re-holstered my weapon, I opened his driver's-side door and took him out of the vehicle. Then I took him to the ground. And, and as I was trying to apprehend him, two other officers came over and um, assisted me.

50. Q. All right. And once you had him in custody, did you assist with any other occupants in the vehicle --

A. No.

51. Q. -- with the officers that were trying ...?

A. No, I, I walked away. Based on the uh, operator's size and stature, I walked away. I felt that three officers on top of him was too much force.

52. Q. All right. Was any—any other occupants of that vehicle still not in custody at that time when you walked away?

A. It looked like a, a male with a um--, When—when I walked away on the scene, I went to the crowd. When I came back, I turned briefly, and it looked like police were struggling with um, a juvenile in a, in a black sweatshirt because he was trying to resist arrest.

53. Q. Do you recall what officer?

A. I don't—I don't know who was invol--, I didn't see it.

54. Q. You didn't see it.

A. I wasn't that close with them.

55. Q. All right. Did you observe Patrolman Domingo Diaz that evening?

A. I did not see him at all on scene.

56. Q. You didn't see him on scene. Did you observe any injuries to the front seat passenger,

A. So, when I --

Ref: 21RIX1-1193-OF

57. Q. -- [Indiscernible]?

A. When I came back, I saw an officer assisting [REDACTED]. This officer is a trained EMT. And he was um; holding him up until rescue come on scene. And I remember he stated that [REDACTED] sustained injuries from when the vehicle struck the fire hydrant.

58. Q. And did you observe his injuries be consistent with a motor vehicle crash?

A. Yes, it looked like—like a f--, head lacer--, a head trauma from ... like a lacera--, I saw some blood on his uh, his forehead area.

59. Q. All right. Did you look inside that black BMW at any point?

A. I did, sir. And I observed those two rifles resting on the middle console. And then when I went to the driver's side door, that blue bandana, which I determined to be a, a skullcap do rag was on the ground along with a black ski mask.

60. Q. Did you observe any deployed air bags within that vehicle?

A. I don't—I don't remember seeing that.

61. Q. Do you recall informing your supervisor that you observed any type of use of force or, or that required any type of use of force inquiry?

A. No.

62. Q. All right. Did one of the suspects tell you who pointed the firearm at you?

A. No.

63. Q. All right. Did you have a conversation with any of the suspects at any point after they were taken into custody?

A. I did, I spoke to the driver.

64. Q. All right. Do you recall that conversation at all what he...?

A. Yes, I spoke to him and I asked him what was he thinking in regards to taking off

on the police and pointing firearms at people and even at a officer. And he—I remember, I remember he stated that his friends told him to keep doing it, something along those lines.

65. Q. All right. And at no point did he say that it wasn't—it wasn't them or anything like that, he--? Did he make any statements about telling his friends to stop pointing rifles or anything that you recall?

A. I think somebody did say something along those lines that he did tell his friends to, to stop but they, they made him keep doing it.

66. Q. All right. So, you—you said that you observed the vehicle crash into the fire hydrant on King Street. Do you know why there was no accident report prepared for that accident?

A. I don't—I don't know. I, I thought there was. I thought Traffic Unit came over and ...

67. Q. All right. And once—once the subjects were taken into custody, what were your duties on scene?

A. [Indiscernible] gather as much information as possible. Because I was told that the report was going to fall on me.

68. Q. Mm hmm.

A. I don't know what anybody did on scene. I—People left pursuit letters. And from there I had to uh, copy those verbatim for the report.

69. Q. All right. And did you prepare any paperwork for the case?

A. I did, I wrote two traffic tickets, I wrote the report and left new witness statements and pursuit letters. That's about it.

70. Q. All right.

A. And, and, it was the AIR report, Accident Incident Report for drawing the firearm.

71. Q. And after—after you pulled the operator from the vehicle and he was taken into custody,

you went to the crowd, so you didn't see any other of the--

A. I saw nothing.

72. Q. -- apprehension of the other two suspects.

A. Nothing.

73. Q. All right. Is there anything else that you want to add to the statement?

A. No, sir.

DETECTIVE SERGEANT RICHARDSON:

74. Q. Of-, Officer Najarian, if I could just ask a couple of follow-up questions. How long have you been on the job for?

A. August will be four years, sir.

75. Q. Okay. And you've been involved in vehicle pursuits before?

A. Yes.

76. Q. Okay. And specific to the firearms that were recovered from the vehicle, they were long guns?

A. They were long guns, yes.

77. Q. However, they were determined later to be BB guns--

A. Yes, sir.

78. Q. -- correct? Okay. And your body-worn camera was being worn that night and activated?

A. Yes, it was active and worn.

79. Q. Okay. And was anybody else transported to the hospital?

A. I believe [REDACTED]--

80. Q. But he was the--

A. -- was transported by rescue.

81. Q. -- the only one from the occupants of the vehicle.

A. And I--, I believe so at the time, yes.

82. Q. Okay. And was there—Did you notice a crowd starting to gather around the, the scene?

A. I did sir, yes.

83. Q. Okay. And approximately how many people?

A. There was two sides of it. Um, if you turn right, there might have been people coming out of the windows, four or five people in the windows. Look about, I don't know, 78 when I saw it. When I came back there was—there was more, 20 / 30 or so people it looked like just about.

84. Q. Okay. [Aside: I have no further questions.]

DETECTIVE VINTON: That'll conclude the interview. The time is now 11:11 a.m.

STATEMENT TAKEN BY:

WITNESSED BY:

WITNESS STATEMENT

DATE: July 27, 2021

TIME: 10:30 p.m.

INTERVIEW OF: Patrolman Louis Prete
Providence Police Department

INTERVIEW BY: Detective Sergeant Paul Zienowicz
Providence Police Department

PRESENT: Attorney Joseph Pezza for Patrolman Prete

Detective Sergeant Robert Richardson
And
Detective Stephen Vinton
Rhode Island State Police

LOCATION:

SUBJECT: 21RIX1-1193-OF

1. **Q.** It is currently 10:30 on July 27th, 2021. This is a Garrity interview of Patrolman Louis Prete relative to the pursuit of and subsequent apprehension of three juveniles at Salmon and King Streets on July 9th, 2021. My name is Detective Sergeant Paul Zienowicz, Z-I-E-N-O-W-I-C-Z. Spell your name please.

A. First name Louis, L-O-U-I-S. Last name Prete, P-R-E-T-E.

2. **Q.** Okay. And you're represented by?

ATTY. PEZZA:

A. Attorney Joseph Pezza, P-E-Z-Z-A.

DETECTIVE SERGEANT RICHARDSON: Detective Sergeant Robert

Ref: 21RIX1-1193-OF

Richardson, Rhode Island State Police, Badge number 25, R-I-C-H-A-R-D-S-O-N.

DETECTIVE VINTON: Detective Stephen Vinton, Badge 169, Rhode Island State Police.

3. Q. Okay Patrolman, you had an opportunity to speak to Attorney Pezza, and he explained your Garrity rights, --

A. Yup.

4. Q. -- which you signed for and you understand them, correct?

A. Yes, sir.

5. Q. Okay. All right. You were on duty the night of July 8th into July 9th?

A. Yes, sir.

6. Q. What car post were you assigned to?

A. I believe I was either car 53 or 54.

7. Q. Okay. So, District 5.

A. Yes, sir.

8. Q. And at some point did you become aware of a black BMW that was of interest to police?

A. Yes, sir.

9. Q. What information do you recall about that vehicle?

A. S--, So, originally the District 5 cars received a dispatch call for Manton Ave. regarding a black BMW convertible with subjects inside shooting possible BB guns at pedestrians driving at a high rate of speed. So, at that time, all the District 5 cars went down Manton Ave. As we were driving outbound towards to Johnston, a black BMW matching that description came by us at a high rate of speed. Patrolman Rousseau (sp.) was able to turn

Rhode Island State Police Headquarters
WITNESS STATEMENT OF PRETE, PTLM. LOUIS
Ref: 21RIX1-1193-OF

around and keep a visual of the vehicle until the highway. I completely lost sight of it. So, that's the only time I was able to see the vehicle. And then--

10. Q. Okay.

A. Then after that, that's when everything transpired.

11. Q. Okay. When you did see the vehicle for that short period of time, did you observe any weapons at that time?

A. I couldn't tell, they were going too fast. It was just pretty much like a blur.

12. Q. Okay. What road did they pass you on when they were going that fast?

A. Manton Ave. Manton--, Manton Ave. going inbound toward Olneyville Square.

13. Q. Okay. Can you guesstimate their speed at that time?

A. At least 50 / 60 miles-per-hour.

14. Q. Okay. And that's a 25 mile-an-hour--

A. Yes, sir.

15. Q. -- zone, correct? So, at that time you were aware that the uh, the vehicle was wanted for some felonies?

A. Yes, sir. And then I was working a detail during the out first shift earlier, so I was monitoring the broadcast from earlier--

16. Q. Okay. In your--

A. -- with the --

17. Q. In your mind's eye, was there a connection between the out first--

A. Yes.

18. Q. -- incidents and what you were being called to help--

A. Yeah.

Ref: 21RIX1-1193-OF

19. Q. -- with now?

A. Yes, sir. Because when the vehicle—when the out first officers got visual of the vehicle, I kept circling around the Manton Ave., the Valley Street area, Salmon Street, and would go to Hartford Ave. onto the highway. So, at that point, I put two and two together and I went on Channel 3 and advised dispatch to go on Intercity to Johnston that they were probably going to go back onto the highway towards Johnston.

20. Q. When you were monitoring and you hear some of the incidents on the out first, what kind of vehicle were they dispatched, uh...?

A. Ori--, Originally, it was a, I believe it was a maroon-color Nissan Rogue with stolen plates.

21. Q. Okay.

A. The same—exact same calls.

22. Q. Description --

A. Uh, --

23. Q. -- of, of the occupants similar?

A. I believe. From what I recall, I believe so. The same thing, shooting possible BBs at people. And then I was at Charles and Orms on my detail, a detail officer came out at Charles and Admiral about a Barton Brothers vehicle getting shot at by that vehicle. And then right after that, at least four or five other calls came in for possible shots fired involving that vehicle.

24. Q. Okay. So going back to where you lost it on Manton Avenue.

A. (chuckles) Yes.

25. Q. And did you ever reacquire the vehicle, or how did—how did you—how did that

Ref: 21RIX1-1193-OF

[Indiscernible] out?

A. The only time—I pretty much kept trying to keep up with the—with the pursuit. I was never—I never had the vehicle in my dis--, in my visual again. It only passed me one more time on Manton Ave. going the opposite direction, and again, that was the last—the last time. That was when it was coming in from Fruit Hill Ave., --

26. Q. Okay.

A. -- into Killingly. I was going the opposite direction, and that's the only time it passed me.

27. Q. Was that in close proximity to the time of um, the a--, where the situation resolved itself at uh--?

A. Hmm, I don't believe so.

28. Q. Um, --

A. It was when it came from Fruit Hill Ave., and then went into Johnston, and then down Killingly. I believe it went on the highway...

29. Q. Okay. All right. At some certain point did you hear Lieutenant Jeannette state that based on witness information that he received that we're going to rule out that they're just in possession of BB guns, the suspects in this vehicle?

A. Yes, sir.

30. Q. Do you remember that...?

A. Because we were uncer—Because they were uncertain if it was actual BB guns or not.

31. Q. Okay. How did the pursuit end, sir?

A. It ended on um—if I recall, they went into Salmon—the Salmon projects. They were

Ref: 21RIX1-1193-OF

circling around the parking lot. I believe the vehicle was disabled. And at one point they said they were coming out. At that point, I was sitting on Manton Ave. right at the entrance of Salmon just in case. Because we were—me and a few other cars, we were getting ready just in case they were gonna bail to King Street or Glenbridge. So, that's when they came over that—somebody came over that they crashed into the fire hydrant. At that point, I pulled up, I observed—That's when I got out of my vehicle. I saw—Pretty much I went to the first person that was resisting, which was [REDACTED] and there was only two officers.

32. Q. Okay. I'm going to stop you there. And I have one of your videos cued up.

A. Okay.

33. Q. And it was kind of interesting to me when I viewed it because – (Audio static from video being played) – if you observe ... your body-worn camera, it's not on your body.

A. Yup.

34. Q. So, is this something you routinely would do, or?

A. No, this is—What happened w--, When we were in Pawtucket I almost had a, another cruiser crash into me. So, I was like, just in case something happens, at least it's on camera.

35. Q. So you took it off your chest and put it on the cage?

A. Yes, sir.

36. Q. Okay. And ... you were concerned that there might be a--?

A. Someone else might crash into me, yes sir.

37. Q. Okay. Well, ... I understand what you're telling me. The issue is, upon your arrival to the incident, and when you're involved in assisting in an apprehension, you jumped out of the vehicle--

A. Too fast. [Indiscernible]...

Ref: 21RIX1-1193-OF

38. Q. -- and you left your--

A. Yes, sir.

39. Q. -- camera there. So (chuckles), we are uh, we're a little handicapped in the fact that um,--and, and here it is, I'm going to show you a video. Well actually, this is . . . when you jumped out. You jumped out at 202 and 30 seconds, and you came running back at 203 and 10 seconds. So some 40 seconds you were doing something and we, and we don't have the benefit of video. So, I'm just going to say that in the future, I would just leave it--

A. [Indiscernible]

40. Q. -- on your chest.

A. Yes, sir.

41. Q. That's why it's called a body-worn camera. So what I need you to tell me is fill in that 40 seconds for me, what you did...

A. So, as you said. Well, you see me run out of the vehicle. I see--There's just a, a lot of officers, and it was kind of like a blur of who was Pawtucket, who was Providence. And then right in front of me I see [REDACTED], he's on the ground, there's two officers kind of--they're kind of struggling with him. He keeps his...

42. Q. I'm--I'm gonna stop you for a minute.

A. Yup.

43. Q. When you say, [REDACTED] --

A. The driver, [REDACTED]

44. Q. All right. Yes, [REDACTED] He was the light skin male who was the driver.

A. Yes, sir.

45. Q. Okay. Continue please.

A. Yes. So, he was—he kept resisting; he wasn't listening to the commands, and he had—and he was not handcuffed, his hands were free. So, at that point, I grabbed his left arm, I proned him out to the ground. He kept tensing his arm up at that point, he wouldn't a--, he was not listening to commands. I applied uh, four to five hand strikes to his back. Right after the last hand strike, he immediately gave me his arm. I put him in handcuffs and immediately advised the officers that he was handcuffed.

46. Q. So, . . . you utilized compliance strikes.

A. Yes, sir.

47. Q. He was tensing his body?

A. Yes, sir.

48. Q. He was uh, -- Was he tensing his arms so you could not bring them together to --

A. Y--

49. Q. -- be cuffed?

A. Yes, sir.

50. Q. Okay.

A. He kept pulling them back this way.

51. Q. Okay. Did um—Were those compliance strikes effective?

A. Yes, sir.

52. Q. Okay. And you were able to get the subject cuffed with assistance of s--, other officers?

A. Yes, sir.

53. Q. Can you tell me who those officers were?

A. I believe one was Patrolman Najarian, --

54. Q. O--

A. -- and I think Patrolman Urizar was the other officer.

55. Q. Okay. At that point, is that when you came back to get your camera?

A. Yes, sir.

56. Q. Please tell me once you got your camera and you went back to the scene, what did you do?

A. So then I went, I believe, if I recall, I went back over to the vehicle. I observed the two rifles sticking out of the, the uh, middle of the vehicle, the console, as you can see. And that's when Detective Guerra came over and said, 'Everybody get away from the vehicle.' And that's when I told a couple of other guys to back off. And then . . . You know, so that's when . . . that's when I can observe the rifles in plain view.

57. Q. Okay.

A. And then after, I believe I either stayed—I think that's when Sergeant Kennedy re--, requested me to move the police cars for the rescue to get in.

58. Q. Okay. I want to stop and go back to when you assisting in the apprehension of the operator of the vehicle. Were you able to see the apprehension of [REDACTED] at any time?

A. No, sir.

59. Q. Okay. And is that because you were just concentrating--

A. Uh--

60. Q. -- on what you were doing, or--

A. [Indiscernible]

61. Q. -- was there a visual obstruction?

A. There's—Because I was just focused on what I was doing.

62. Q. Okay.

Ref: 21RIX1-1193-OF

A. I saw there was enough officers on the other side that—to render aid to the ...

63. Q. So you didn't observe any officers strike [REDACTED]

A. No, sir.

64. Q. Did you observe [REDACTED] injuries?

A. No, sir.

65. Q. And at some point did you see that he had injuries?

A. No, sir.

66. Q. Okay. Tell me what you did after this point: what post arrest responsibilities or duties were you assigned, or did you --

A. So--, s--

67. Q. -- take upon yourself.

A. So, pretty much just crime scene preservation. People um—I know I had to remove some—Sergeant Kennedy, like I said, requested me to move police cars again out of the way so the rescue can come in. I did walk over with the EMTs to the driver, [REDACTED] to evaluate his injuries. Crowd control.

68. Q. Okay. Back to when the rescue and you went to [REDACTED] Tell me what that was a-, like. What—Did [REDACTED] say anything to the rescue? Was he injured?

A. He want--, He was refusing medical aid. He said he was fine. He was—he was—he thought he was fine. I --

69. Q. Okay. And it's well documented that--

A. Yes, sir.

70. Q. -- that, that subject had brain surgery pr--, or prior--

A. Yes.