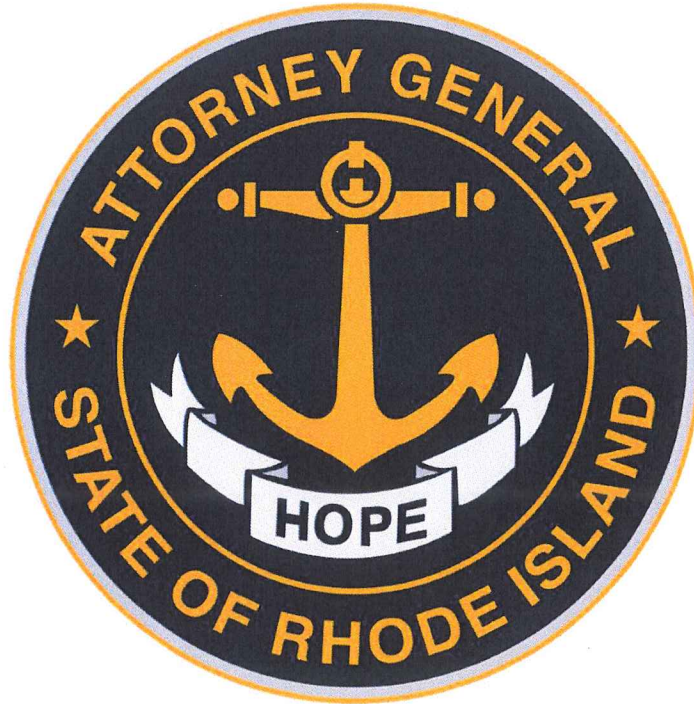


**STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL**

*Peter F. Neronha
Attorney General*



**INVESTIGATIVE REPORT
September 23, 2022**

Incident Type:	Death Investigation of Ronny Pucino
Incident Location:	School Land Woods Rd., Exeter, RI
Incident Date:	April 21, 2020
Police Department:	Rhode Island State Police
Officers Involved:	Troopers Jeffrey Munoz and Steven Gaffney

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I. SUMMARY OF FINDINGS

Pursuant to The Attorney General's Protocol for the review of Incidents Involving the Use of Deadly Force, Excessive Force, and Custodial Deaths ("the Attorney General Protocol"), this Office, together with the Rhode Island State Police (RISP) reviewed the death of Mr. Ronny Pucino after he was taken into custody by the RISP at 94A School Land Woods Road in Exeter, Rhode Island on April 21, 2020.

At approximately 4:30 a.m. on that date, a 911 call was made by Civilian #1. She was frantically calling for police assistance for a nearly naked, bloody man attempting to force entry into her family's home on School Land Woods Road. Her husband, Civilian #2, was forcefully keeping the man at bay and out of the house. The man attempting to force entry was later identified as Ronny Pucino. RISP Troopers Jeffrey Munoz and Steven Gaffney responded and after a struggle, placed Mr. Pucino in handcuffs. Within three minutes of being handcuffed, Mr. Pucino stopped breathing. Chest compressions were administered by the troopers as they awaited Exeter Rescue to arrive. Mr. Pucino was pronounced dead on arrival at South County Hospital. In the immediate aftermath of this incident, members of the RISP and the Office of the Attorney General initiated an investigation into the circumstances and cause of Mr. Pucino's death pursuant to the Attorney General Protocol.

The primary investigative team was comprised of the following: RISP Lieutenants Peter Chabot and John Grassel, RISP Detectives Kyle Draper, Adam Kennett, Jason Muccino and Robert Hopkins. Deputy Attorney General James Baum of the Office of the Attorney General responded to the scene within hours of Mr. Pucino's death and participated in the investigation. After the investigative materials were finalized, assembled and analyzed, this report was prepared.

The purpose of this Office's review was to determine the circumstances of Mr. Pucino's death and if any of the troopers involved committed a criminal act while apprehending or detaining him. After a review of all the available evidence and the applicable law, we conclude that no criminal laws were violated by any of the troopers involved in this incident.

II. SUMMARY OF EVIDENCE REVIEWED

- (1) Summary Report of Rhode Island State Police by Detective Kyle Draper – 32 pages
- (2) Rhode Island State Police Forensic Services Unit Report by Detective Lieutenant John Grassel – 8 pages
- (3) 911 call by Civilian #1, dated April 21, 2020, 4:31 a.m. – transcript – 9 pages
- (4) Interview of Civilian #2 by Rhode Island State Police, dated April 21, 2020 – transcript – 9 pages
- (5) Interview of Civilian #3 by Rhode Island State Police, dated April 21, 2020 – transcript – 11 pages
- (6) Exeter Fire/Rescue Department Report – 4 pages
- (7) Interview of Rhode Island State Police Corporal Steven Haynes by Rhode Island State Police, dated April 21, 2020 – transcript – 9 pages

- (8) Interview of Rhode Island State Police Trooper Stephen Gaffney by Rhode Island State Police, dated April 21, 2020 – transcript – 10 pages
- (9) Interview of Rhode Island State Police Trooper Jeffrey Munoz by Rhode Island State Police, dated April 21, 2020 – transcript – 13 pages
- (10) Interview of Jeffrey Howe of Exeter Fire and Rescue by Rhode Island State Police, dated April 29, 2020 – transcript – 8 pages
- (11) Interview of Jason Fassnacht of Exeter Fire and Rescue by Rhode Island State Police, dated April 29, 2020 – transcript – 9 pages
- (12) Interview of Benjamin Hodgson of Exeter Fire and Rescue by Rhode Island State Police, dated April 29, 2020 – transcript – 7 pages
- (13) Interview of Scott Gavitt, Chief of Exeter Fire and Rescue by Rhode Island State Police, dated April 29, 2020 – transcript – 7 pages
- (14) Witness Statement of Rhode Island State Police Detective Conor O'Donnell dated April 29, 2020 – 2 pages
- (15) Witness Narrative of Rhode Island State Police Sergeant Peter Cambio undated – 1 page
- (16) Search Warrant and Supporting Affidavit with Attachments for 112 School Land Woods Road, Exeter dated April 21, 2020 – 10 pages
- (17) International Association of Chiefs of Police Law Enforcement Policy Center Publication on Excited Delirium, dated April 2017 – 6 pages
- (18) Autopsy Report by Assistant Medical Examiner Ariel Goldschmidt – 5 pages
- (19) Rhode Island Department of Health, Division of Laboratories, Forensic Drug Chemistry Report – 1 page
- (20) Rhode Island Department of Health, Division of Laboratories, Forensic Sciences Laboratory – Toxicology – Final Report dated May 22, 2020 – 2 pages
- (21) Rhode Island Department of Health, Division of Laboratories, Forensic Sciences Laboratory – Toxicology – Amended Report dated June 1, 2020 – 2 pages
- (22) Photographs – Rhode Island State Police Forensic Services Unit Photos – 867 photos
- (23) Rhode Island State Police Use of Force Policy (revised 10/02/2017) – 13 pages
- (24) Rhode Island State Police Use of Conducted Electrical Weapons, Taser Policy (revised 06/09/2017) – 7 pages
- (25) Rhode Island State Police Dispatch/Call Log for April 21, 2020, 0400-0800 – 2 pages

III. FINDINGS OF FACT

At approximately 4:15 a.m. on April 21, 2020, at 94A School Land Woods Road, Exeter, Civilian #2 was asleep. He was awakened by the sound of banging. He initially thought it was one of his children, but he quickly realized it was something different as the banging got more aggressive. Civilian #2 picked up a baseball bat to confront the source of the noise. As he entered his home office, he came upon a nearly naked, bloodied man banging on the window. The man was demanding to be let in and was using his shoulder in an attempt gain entry. Civilian #2 yelled out to his wife, Civilian #1, to call 911.

Civilian #1 called 911 and frantically relayed to an operator what was happening at her residence. She stayed on the phone as police responded and her husband was keeping the man at bay by holding the front door closed against the weight of the stranger. Civilian #2 moved to the dining room where the man was attempting to barge through the glass. Eventually he moved to the mudroom door and the garage door. A trail of blood smudged on the exterior of the house followed the path the man was taking. At each entryway, Civilian #2 pushed on the door to keep the unknown man out. Finally, the intruder moved to the French doors in the back of the house which lead directly into a bedroom. As the man put pressure on the doors from the backyard deck, they began to give way as Civilian #2 pushed back on them. It was at this time police arrived on the scene.

Rhode Island State Police (RISP) troopers Jeffrey Munoz and Steven Gaffney took separate cruisers but arrived at approximately the same time. Upon exiting their cruisers, they heard Civilian #1 yelling to them, “He’s out back.” As the troopers responded to the backyard, the man later identified as Mr. Pucino was on the patio, dressed in just his boxer underwear and covered in blood and dirt. He was on his hands and knees with his head near the back doors hitting them repeatedly with his head. The troopers pulled him away from the door and tried to handcuff him. Mr. Pucino was passively resisting verbal commands and the troopers were having a difficult time getting both of his hands behind his back. Neither Trooper Gaffney nor Trooper Munoz employed any strikes or pressure points in securing Mr. Pucino’s eventual arrest.

Due to the level of resistance from Mr. Pucino, Trooper Gaffney used the stun gun feature on his Taser on Pucino’s shoulder area. A drive-stun is used in close quarters when firing the Taser’s barbs into a subject is impractical. Troopers estimated that the stun gun was activated for approximately two to three seconds.¹ Shortly thereafter, troopers gained control of Pucino with the use of a second set of handcuffs. He was placed in a position to ensure his airway was clear. Pucino’s breathing was labored at this point, but moments later Munoz could not find a pulse and his breathing stopped. Immediately, the handcuffs were removed, and CPR

¹ A forensic download of Trooper Gaffney’s Taser (serial number X130005Yo) on April 22, 2020 revealed a “major error” in the Taser’s health and indicated that it was not functioning on April 21, 2020. In addition, the autopsy performed by Assistant Medical Examiner Dr. Ariel Goldschmidt indicated there were no marks consistent with the use of an electroshock weapon. Thus, Trooper Gaffney’s Taser most likely did not deploy a current or stun when used on Mr. Pucino.

was administered by the troopers until rescue arrived. In the meantime, Troopers Gaffney and Haynes administered Narcan to Mr. Pucino, but it had no effect.

Exeter Rescue arrived within ten to fifteen minutes as chest compressions continued. Upon arrival they still could not locate a pulse and therefore the Lucas chest compression device was engaged. Rescue noticed bruising throughout Mr. Pucino's body, especially on his right side, knees, and left shoulder. His face was covered in blood, but they did not locate any lacerations at that time. They also did not see any evidence (barbs, wires or marks) that a Taser had been discharged during the incident. In addition to CPR, rescue established an intravenous line and administered multiple doses of epinephrine. They also inserted an oropharyngeal airway to improve ventilation. Rescue took Mr. Pucino to South County Hospital. He was pronounced dead shortly thereafter.

The investigation of this incident was initiated within a short time after Mr. Pucino's transport to the hospital. RISP as well as a member of the Attorney General's Office responded to the scene pursuant to the Attorney General Use of Force Protocol. The scene at 94A School Land Woods Road was photographed and processed by the RISP Forensic Services Unit (FSU). Blood stains appear at each window or door where Civilians #1 and #2 indicated Mr. Pucino attempted entry as well as a blood pool at the back door and a blood trail around the perimeter of the house.

The investigation quickly led to Pucino's home nearby at 112 School Land Woods Road. FSU investigators documented a series of trails in the woods that connect Pucino's home with the home of Civilians #1 and #2. Pucino's housemate, Civilian #3, was interviewed and fully cooperated with the police. Civilian #3 stated that he was asleep in his room at the time of the events leading up to Mr. Pucino's death. Civilian #3 told the investigators that he was aware that Mr. Pucino would take Adderall and would "mix it with other drugs like cocaine". He also said that approximately two months before the morning he died, Civilian #3 found Mr. Pucino laying on the floor shaking and sweating profusely much like he acted on April 21, 2020. Mr. Pucino was barely able to speak to him. Civilian #3 believed that he was under the influence of something more than alcohol and feared that he was having a heart attack or a seizure. Civilian #3 never called an ambulance because Mr. Pucino told him that he would be fine. Afterwards, Mr. Pucino told him that he had purchased cocaine from a friend that must have included something that he was not used to.

On April 21, 2020, members of the Rhode Island State Police Narcotics Unit/High Intensity Drug Trafficking Area executed a signed search warrant for 112 School Land Woods Road. During their search of Mr. Pucino's bedroom, they located a cut plastic straw with white powdery residue on it and a plastic bag with a white powdery substance. These items were seized and later tested positive for cocaine.

FSU also noted a shattered glass door that led from the master bedroom to a second-floor deck. The door was locked, and glass was scattered all over the deck indicating that the glass portion of the door was broken from the inside of the home to the outside. Additionally, blood stains were found on the door to the deck, the deck rail and on a staging platform nearly seven feet directly beneath the deck. The trail of blood continued into the backyard and along the wooded trails near the residence. All of the evidence points to Mr. Pucino breaking the glass in some way as he made his way onto the deck and over the railing eventually landing just below the deck and entering the wooded trails which eventually lead to Civilians #1 and #2's home.

Mr. Pucino's behavior at both residences was consistent with "cocaine intoxication" which the medical examiner identified as the cause of death. The autopsy report (Case #20-0807) states that Mr. Pucino's "cause of death" was "Complications of Cocaine Intoxication" with contributing factors of hypertensive cardiovascular disease and attention-deficit hyperactivity disorder. Both hypertensive cardiovascular disease and attention-deficit hyperactivity disorder increase the risk of death in circumstances of cocaine intoxication according to Assistant Medical Examiner Ariel Goldschmidt, MD. In fact, Dr. Goldschmidt, who conducted the autopsy, indicated to investigators that the levels of cocaine in Mr. Pucino's femoral blood were high and consistent with excited delirium. Importantly, Dr. Goldschmidt found no significant trauma to Mr. Pucino.

Dr. Goldschmidt found external evidence of injury to the face and head in the form of dried blood on the face; three 1-2 inch irregular, oblique abrasions on the left front scalp; multiple 0.1-1 inch purple contusions and irregular oblique abrasions on the bilateral forehead; a 1 inch oblique abrasion on the right cheek; 1 inch abrasion/purple contusion on the right superior cheek; a 2 by 1 inch abrasion/ purple contusion on the left superior cheek; several 1-2 inch oblique abrasions on the left temple; multiple 0.1-1 inch irregular abrasions on the anterior aspect of the nose; and a .5 inch oblique abrasion on the right superior, lateral neck. The autopsy noted, among many other injuries, multiple .2 to 2 inch irregular and oblique abrasions on the bilateral chest; an 8 inch curvilinear abrasion on the left lateral chest and abdomen, multiple 0.1 to 1.5 inch irregular and oblique abrasions on the bilateral back; a 5 inch curvilinear abrasion on the right flank and right superior; a 1 inch purple contusion on the right elbow; a 4 inch oblique abrasion on the right ventral forearm; multiple 0.1 to 3 inch oblique abrasions on the right proximal dorsal hand; multiple 0.5 to 3 inch irregular and oblique abrasions on the left lateral shoulder and left proximal, lateral arm; multiple abrasions on the bilateral thighs; blood present on the bilateral knees and legs, and a 3 inch abrasion on and below the left knee. These injuries to the body are extensive and corroborative of Mr. Pucino breaking through the window of his home, stepping through the broken glass, jumping off the second-floor deck, landing amidst building materials and running nearly naked through the woods.

The autopsy noted one arrest related injury: a 2.5 by 0.1 inch horizontal purple contusion on the right ventral wrist which is consistent with a handcuff-associated injury. Fractures of the right anterior 4th rib and left anterior 4th through 7th ribs with soft tissue damage were also observed, but Dr. Goldschmidt stated that those fractures, "are likely secondary to resuscitative attempts." The autopsy report makes clear that none of the multiple injuries found all over Mr. Pucino's body can be traced to the use of force by law enforcement. Instead, the injuries were consistent with Mr. Pucino's conduct prior to the arrival of law enforcement.

The autopsy's "manner of death" was listed as "accident." Dr. Goldschmidt's case summary and opinion found that "Ronny Pucino developed cardiac arrest while being apprehended by police for agitated behavior." His examination showed "multiple abrasions and contusions of the head, neck, torso and extremities; however, these injuries were superficial and did not cause or contribute to the decedent's death."

The toxicology tests showed evidence of cocaine intoxication. Dr. Goldschmidt concluded that "the decedent's behavior prior to developing cardiac arrest is consistent with 'excited delirium', which is known to be associated with stimulant drug use and sudden death, particularly during transition periods between agitation and restraint." Dr. Goldschmidt also noted that Mr. Pucino's heart was enlarged with left ventricle hypertrophy, which is consistent

with hypertension heart disease. The autopsy report lists this condition to be contributory to the death. In addition, Dr. Goldschmidt found that Mr. Pucino's history of ADHD, and history of being prescribed amphetamine salts, was also a contributing factor.

A. WITNESS ACCOUNTS

This section summarizes the accounts given by the witnesses during the investigation.

1. Civilian #1

On April 21, 2020, Civilian #1 resided at 94A School Land Woods Road with her husband, Civilian #2, and their children. At approximately 4:30 a.m. on that date, Civilian #1 called 9-1-1. This is a summary of that recorded phone call.

The call was answered by RISP Trooper Josh Dilibero. Civilian #1 immediately says, "Yes. There's somebody trying to get in my house...Oh my God, how did he get in my front --." Civilian #1 remains on the phone with the RISP and describes her husband's efforts to keep the man, later identified as Ronny Pucino, at bay as he tries to enter their residence at multiple locations. Civilian #1 says, "I don't understand why this guy is trying to get in our house. He keeps banging on the door", "[a]nd my husband just said he has no shirt on and he's all bloody", and "Hon, where are you? Oh my God. Oh my God, he's got blood all over our windows." Civilian #2 moves around to the back of the residence, and Civilian #1 describes the assailant as "banging his head against the back door. Please hurry.", "I think he's busting the door jamb, [h]e's trying to get - He's trying to get in the back door, the - My bedroom, it's a - it's a glass door". Civilian #1 also described Mr. Pucino's demeanor stating: "I don't know, honey. He's probably on drugs. He's - Something's wrong, he's - I don't know" and "Yeah. Oh my God. Oh - [aside] He doesn't know...Oh my ... God. If my husband wasn't home right now, we would be done. Oh my God, there's blood all ...This guy is relentless...Oh my God. He's an animal. He's an animal." Civilian #1 stayed on the phone with the emergency dispatcher until RISP Troopers Gaffney and Munoz arrived.

2. Civilian #2

On Tuesday, April 21, 2020, at approximately 8:45 a.m., RISP Detective Adam Kennett interviewed Civilian #2 at 94 School Land Woods Road, Exeter, Rhode Island. Below is a summary of that interview.

Civilian #2 stated that at approximately 4:14 a.m., he heard banging towards the front of his residence. He initially thought it might be his children in the basement. As the banging got more aggressive, Civilian #2 grabbed a baseball bat and ran around to the front of the home. He turned on the lights and saw a male outside his window clothed in nothing but boxer shorts. Civilian #2 described the male as stocky, white, in his forties and approximately five foot, five inches tall with blood on him. The male was screaming "Let me in! Let me in!" and banging his shoulder against the window. Civilian #2 asked his wife to contact 911.

Civilian #2 resides with his wife and two children (ages 14 and 11). He stated that on this date, he was very concerned for the safety of his family. Civilian #2 said that during the time his wife was calling 911, he was in the bedroom watching the subject attempt to break into his house. The unknown male subject, later identified as Ronny Pucino, was initially trying to enter

through the windows and then moved to the front door where he started banging his head and shoulder against the door. Civilian #2 stated that he was holding the door back with his shoulder to prevent him from entering. He observed cuts and blood on the man's upper body and other places. Civilian #2 stated that the subject proceeded to the mudroom door at which time the subject again attempted to force his way through the door. Civilian #2 observed the subject banging his head and hands against the door. He then moved to the right side of the house, near the garage, and was trying to get through the garage door. The subject responded to the back of the house, near the French doors, where he continued his efforts to gain entry. Civilian #2 struggled to keep the doors closed as he partially breached the door.

The State Police arrived on scene as the man continued to bang on the back door which Civilian #2 was bracing from the inside. He heard the troopers ask the subject his name with no response other than some noises like moaning and groaning. He further heard the troopers say, "Don't resist, don't resist." Troopers subsequently handcuffed the subject. Civilian #2 noticed a Taser being drawn, but he did not hear or see any discharge of the weapon.

Civilian #2 observed rescue arrive approximately five minutes after the subject was taken into custody. He did not know the subject that was attempting to gain access into his residence.

3. Civilian #3

On Tuesday, April 21, 2020, at approximately 10:38 a.m., RISP Lieutenant Peter Chabot and Detective Kennett interviewed Civilian #3 at the Rhode Island State Police Wickford Barracks.

Civilian #3 said that he currently resides at 112 School Land Woods Road, Exeter, Rhode Island and has been living at that address for the past ten months. He has known Ronny Pucino over twenty years.

He last saw Mr. Pucino on Monday, April 20, 2020, at approximately 1:30-2:00 p.m. On that date, Mr. Pucino's behavior appeared normal, and he was cleaning the garage. Civilian #3 observed that Pucino had a beer in his hand, and he noticed several empty beer cans in the garage. He stated that it was normal for Pucino to consume beers throughout the day. He generally got along very well with Mr. Pucino, and he did not have any verbal or physical altercations with him on April 20-21, 2020.

Civilian #3 stated that on the night of April 20, 2020 he was watching a documentary on television and went to bed around midnight. He did not hear anything break or loud bangs coming from the area of Pucino's room. On the morning of April 21, he was woken up by State Police at his door. He yelled for Pucino before proceeding to walk outside the residence to meet the police. He noticed the door was unlocked and it is typically locked when he and Mr. Pucino go to bed.

Civilian #3 stated that he has been around Pucino at times when he was not himself. He believed there were times Pucino was under the influence of drugs. He knew that Pucino often took Adderall and would mix it with other drugs like cocaine. He recalled an incident that occurred approximately two months earlier when he observed Pucino shaking and sweating profusely. Pucino was laying on the floor and Civilian #3 was barely able to communicate with him. Civilian #3 believed Pucino was under the influence of some type of substance and feared that Pucino suffered a heart attack or seizure. Civilian #3 stated that Pucino refused to call an ambulance or seek medical assistance.

When Civilian #3 and Mr. Pucino talked about the incident some time afterwards, Pucino told him that he purchased cocaine from a friend and there must have been something in it that he was not used to.

4. RISP Corporal Steven Haynes

On Tuesday, April 21, 2020, at approximately 8:35 a.m., RISP Lieutenant Chabot and Detective Hopkins interviewed Corporal Steven Haynes at the RISP Wickford Barracks. Present for the interview was Trooper John Brown, President of the Rhode Island Troopers Association. Below is a summary of the interview with Corporal Haynes.

Corporal Haynes has been employed by the Rhode Island State Police for the past fifteen years. He stated that at approximately 4:31 a.m., troopers from the Wickford Barracks responded to 94 School Land Woods Road, Exeter for a subject attempting to gain entry into a residence. He arrived approximately three or four minutes later. Upon arrival, he heard troopers in the back yard and observed blood on the side of the garage and the windows in the back of the residence.

As he entered the back yard, he saw a subject, later identified as Ronny Pucino, on the patio. He was handcuffed, and Gaffney and Munoz were standing above him. Pucino appeared extremely bloodied and had trauma to the head. Haynes was advised by fellow troopers that prior to handcuffing, Pucino was on all fours banging his head against the threshold of the door. Troopers Gaffney and Munoz said they attempted to give Mr. Pucino verbal commands to stop resisting. Haynes advised that one of the troopers may have had a Taser, but it was not deployed.

Mr. Pucino had extensive cuts on his legs, arms, and a deep wound on his head. Haynes attempted to speak with him, but he was incoherent and mumbling and appeared to be under the influence of alcohol and/or drugs. At that point, Haynes contacted his supervisor and updated him on the situation.

Upon examination of the residence, Corporal Haynes observed a trail of blood on the first floor of the home including the front door, the front windows, and the front of the house. Haynes briefly spoke with the homeowner, Civilian #2, who stated that the subject was attempting to get in through all of the doors of the residence and he mirrored his movements to prevent him from making entry.

Corporal Haynes then responded again to the rear of the residence. By this time, Mr. Pucino could not keep his head up as he was placed in a sitting position. Trooper Munoz alerted Haynes that he did not believe he was breathing. The handcuffs were removed from Mr. Pucino and troopers checked for a pulse but did not find one. Trooper Gaffney immediately initiated CPR and Trooper Munoz responded to his vehicle to retrieve his Narcan. Corporal Haynes relieved Trooper Gaffney with chest compressions. At one point, Gaffney also retrieved his Narcan from his cruiser. Both troopers administered Narcan with negative results. CPR was continued until Exeter Rescue arrived on scene.

When asked to describe more details of the blood trail, Corporal Haynes stated that it appeared that blood must have been on the subject's hands because it was smeared all over the windows and doors of the home. On the front deck there was some dripping where blood looked like it may have pooled when Mr. Pucino attempted to gain access to the residence. Corporal

Haynes indicated that Mr. Pucino was positively identified by rescue personnel. A cross agency check revealed that Pucino resided at 112 School Land Woods Road, Exeter, RI.

Corporal Haynes believed Exeter Rescue was contacted prior to his arrival on the scene, but he personally called rescue again and requested a stepped-up response upon seeing the condition of Mr. Pucino. Haynes estimated that it took Exeter Rescue approximately ten minutes to arrive on scene after he requested they expedite their response. He also estimated that once on scene, Exeter Rescue spent about ten to fifteen minutes with Mr. Pucino before placing him into the rescue vehicle while they continued applying life saving measures.

Corporal Haynes then responded to 112 School Land Woods Road. Once there, he observed a damaged second floor door that led out to a balcony. Upon closer inspection, it appeared that someone went through the door from the inside of the home to the outside and then jumped off the second story balcony to the ground. There was a trail of blood on the balcony from the damaged door to the balcony railing to a two-by-four that was directly under the balcony. Inside the residence Civilian #3 was located and detained for questioning.

5. Trooper Stephen Gaffney

On Tuesday, April 21, 2020, at approximately 9:46 a.m., RISP Lieutenant Chabot and Detective Hopkins interviewed RISP Trooper Stephen Gaffney at the RISP Wickford Barracks. Also present for the interview was Trooper John Brown, President of the Rhode Island Troopers Association. Below is a summary of Trooper Gaffney's interview.

Trooper Gaffney has been employed by the RISP for approximately seven years. On April 21, 2020 at approximately 4:30 AM, he was dispatched to 94 School Land Woods Road in Exeter for a report of an individual attempting to break into a residence. He and Trooper Munoz responded to the scene and arrived at the same time in separate cruisers.

Gaffney drove up the driveway and upon exiting his cruiser heard a woman yell, "he's out back." Trooper Gaffney went around the back of the house and observed a subject, later identified as Ronny Pucino, lying face down with his head towards the threshold of the back entryway. The individual was a white male, naked, in his forties and covered in dirt and blood. Gaffney observed the deck to be stained with blood and Pucino was hitting his head against the threshold in a headbutting motion. At that time, Trooper Munoz joined Gaffney at his location, and they were able to pull him away from the threshold to prevent him from further injuring himself. Trooper Munoz took out his handcuffs while Trooper Gaffney readied his Taser.

The troopers were only able to get one handcuff on him due to Pucino's passive resistance. They used verbal commands by repeatedly stating to Pucino, "Stop resisting. Stop resisting." Trooper Gaffney verbally warned Pucino that if he continued to resist, he was going to be Tased. He still could not get Pucino to cooperate with the arrest, so he yelled "Taser, Taser, Taser" and deployed a drive-stun to his top left shoulder blade. Troopers were then able to handcuff him. Gaffney estimated that he had the Taser activated for no more than three seconds.

Trooper Gaffney stated he and Trooper Munoz raised Mr. Pucino and seated him in a "recovery position" i.e. sitting upright with no weight on his chest to allow his mouth and nasal passage to remain unobstructed. Gaffney observed severe lacerations on his face, hands, and knees, and called for a rescue. As Gaffney was checking on the residents, Corporal Haynes arrived on scene. Gaffney was then alerted by Munoz that Mr. Pucino did not appear to be

breathing. Gaffney searched for a pulse with negative results at which time the handcuffs were removed, and CPR was administered. Trooper Gaffney stated he performed CPR for approximately 3-4 minutes before Corporal Haynes took over and continued CPR. Both Gaffney and Munoz responded to their cruisers and retrieved Narcan. They administered two doses of Narcan nasal spray with no response from Mr. Pucino. Exeter Rescue arrived within approximately 10-15 minutes and took over resuscitation efforts before leaving for the hospital.

When Trooper Gaffney was asked if he spoke with Mr. Pucino, he stated that he was mumbling and non-verbal. He heard him making gargling sounds, and he was slightly moving his arms and head. Trooper Gaffney did not believe he would have been able to gain compliance of Mr. Pucino without the help of Munoz and the use of his Taser. Trooper Gaffney described Mr. Pucino as a heavy-set male approximately 5'9" and probably under the influence of some type of drug or alcohol.

6. Trooper Jeffrey Munoz

On Tuesday, April 21, 2020, at approximately 9:24 a.m., RISP Lieutenant Chabot and Detective Hopkins interviewed RISP Trooper Jeffrey Munoz at the RISP Wickford Barracks. Also present for the interview was Trooper John Brown, President of the Rhode Island Troopers Association. Below is a summary of Trooper Munoz's interview.

On the date of the interview, Trooper Munoz had been employed by the RISP for ten months and was assigned to the RISP Wickford Barracks. At approximately 4:20 a.m. on April 21, he was dispatched by Trooper DiLiberio to a breaking and entering in progress in Exeter, Rhode Island. Trooper Munoz stated that he and Trooper Stephen Gaffney arrived on scene at the same time and made contact with Civilian #1 who was yelling, "He's in the back. He's in the back." Trooper Munoz and Trooper Gaffney responded to the rear of the residence and pointed their flashlights towards an area where they heard light, thumping sounds. Munoz observed a male subject clothed only with boxer underwear, on his hands and knees, banging his head against the threshold of the patio door. He observed the subject, later identified as Ronny Pucino, covered in blood. Civilian #2 had the door barricaded, and was yelling "he's right there, he's right there." The troopers ordered Pucino to "stop what you are doing, stop what you are doing." He seemingly ignored their commands and continued to moan and groan incoherently while banging his already bloodied head.

Trooper Munoz was able to secure Pucino's right hand in handcuffs and bring it to his back, but he was resisting. Munoz had Pucino in a secure position and continued to tell him to stop resisting. At that point, Gaffney pulled out his Taser and said, "stop resisting or you will be Tased." Despite several warnings, Pucino kept resisting. Trooper Gaffney announced he was deploying a drive-stun to him to gain compliance. The 2-3 second drive-stun did not work, as he continued to resist.

Trooper Gaffney connected his handcuffs to Munoz's handcuffs and then they were able to secure Mr. Pucino. Munoz placed Pucino in the "recovery position" and he was breathing and showing signs of life. Trooper Munoz described the recovery position as laying the person on their side with his feet crossed to allow a safe pathway for breathing and to prevent the individual from choking on his vomit. Pucino was positioned in a manner where he was sitting on his buttocks and moaning and groaning. At that point, Corporal Haynes arrived on scene.

Trooper Munoz stated that he noticed that Pucino became quiet and did not appear to be breathing and he could not locate a pulse. He immediately requested a rescue over his radio.

Pucino was uncuffed and laid down on his back and CPR was initiated. Haynes administered Narcan, 8 milligrams in total, and troopers continued CPR. Munoz shined his flashlight in Pucino's eyes, and he could see the pupils were extremely dilated and were not responding to light. Exeter Rescue arrived on scene within approximately ten minutes and took over CPR.

Trooper Munoz observed multiple lacerations all over Pucino's knees, thighs, stomach, and on his face. He described his face as extremely bloody. Trooper Munoz stated that he did not believe he would have been able to gain control of the subject if Trooper Gaffney was not present.

Munoz responded directly to South County Hospital where he was advised that Mr. Pucino was pronounced dead.

7. Jeffrey Howe – Exeter EMS

On Wednesday, April 29, 2020, at approximately 9:05 a.m., RISP Detectives Adam Kennett and Kyle Draper interviewed Jeffrey Howe of Exeter EMS at Exeter Fire and Rescue, 669 Ten Rod Road, Exeter. Below is a summary of Jeffrey Howe's interview.

On April 21, 2020, Jeffrey Howe had worked for Exeter EMS for nearly three years. On that date at approximately 4:40 a.m., Howe was working and dispatched to 94A School Land Woods Road for an evaluation requested by RISP. En route, Howe was notified that the patient was bleeding from their head and a request to "step it up" was made by troopers on the scene. Upon arrival at 4:53 a.m., Howe and his partner were notified by a trooper that the patient was unresponsive. They stated that they had already administered two doses of Narcan with no effect and they were now doing CPR.

Upon entering the backyard, Howe requested assistance from the Fire Department. He came upon the patient, a male of about forty-five years of age lying on the deck. He was unclothed except for boxer shorts, and he had two sets of handcuffs on, one on each wrist. Howe noticed blood on the patient's face but did not take note of any lacerations at this point. As chest compressions were stopped, Howe could not locate a pulse. He and his partner, Jason Fassnacht, set up the LUCAS machine² and turned it on. They then activated a heart monitor which read: "No shock advised" and showed "asystole"³ as a heart rhythm.

The patient was taken from the scene by ambulance and several doses of epinephrine were administered to no effect. Once at South County Hospital, doctors gave the patient one final dose of epinephrine, but it too had no effect. Mr. Pucino was pronounced dead by the hospital doctor.

Mr. Howe did not notice any signs of Taser on Mr. Pucino, but he did notice bruising all over his body including his shoulders, arms, knees and lower legs.

² The LUCAS machine is an automatic chest compression device.

³ Asystole is defined as the state of total cessation of electrical activity from the heart which means there is no contraction of the heart muscle and therefore no blood flow to the rest of the body.

8. Jason Fassnacht – Exeter EMS

On Wednesday, April 29, 2020, at approximately 8:52 a.m., RISP Detectives Adam Kennett and Kyle Draper interviewed Jason Fassnacht of Exeter EMS at Exeter Fire and Rescue, 669 Ten Rod Road, Exeter. Below is a summary of Jason Fassnacht's interview.

On April 21, 2020, Jason Fassnacht had been a volunteer with Exeter EMS for five years but worked full-time for Lincoln Rescue. On that date, Mr. Fassnacht and his partner, Jeffrey Howe, responded to a call on 94A School Land Woods Road at approximately 4:45 a.m. State Police requested that they "step it up" as they turned onto School Land Woods Road looking for the address.

Upon arrival a trooper told them that the patient was unresponsive, they had tried Narcan without effect and a fellow trooper was administering CPR. Fassnacht and Howe unloaded their equipment including the LUCAS machine and a heart monitor and entered the back yard. Fassnacht encountered the patient, later identified as Ronny Pucino, on the back patio. He was lying on his back and was not breathing, nor did he have a pulse. He was not wearing any clothing other than boxer shorts. Fassnacht took over CPR from the trooper while Howe set up the LUCAS machine. Once the machine was in place and turned on, Mr. Pucino was ventilated, and doses of epinephrine were administered.

Fassnacht noticed blood on Mr. Pucino and the deck, but they did not locate any substantial source of bleeding. Nor did he see any signs indicating the use of a Taser.

9. Dr. Benjamin Hodgson – Emergency Physician – Exeter Fire and Rescue

On Wednesday, April 29, 2020, at approximately 8:40 a.m., RISP Detectives Adam Kennett and Kyle Draper interviewed Benjamin Hodgson at Exeter Fire and Rescue, 669 Ten Rod Road, Exeter. Below is a summary of Benjamin Hodgson's interview.

On April 21, 2020, Dr. Hodgson had been a firefighter for Exeter Fire for twenty-four years. At approximately 4:30 – 4:45 a.m., Dr. Hodgson responded from his home to 94A School Land Woods Road in Exeter. Upon his arrival he saw Fire Chief Gavitt unloading a stretcher and backboard from an ambulance. Hodgson assisted the Chief and went into the backyard.

The patient, who Dr. Hodgson eventually recognized from previous interactions as Ronny Pucino, was clothed only in his boxer shorts lying on the patio. He was bloodied, but Dr. Hodgson could not locate the source of the bleeding other than to say his legs and knees were injured. A separate pair of handcuffs were attached to each of Mr. Pucino's wrists, but they were not attached to anything. They were removed before he was transported to the hospital. CPR was already being administered when Hodgson arrived and eventually, he assisted in transferring Mr. Pucino to the rescue.

Dr. Hodgson recalls the troopers telling him that Tasers were not used on Mr. Puccino, and he did not notice any Taser marks or barbs on him. Dr. Hodgson traveled in the rescue to South County Hospital and indicated that Mr. Pucino was pronounced dead shortly after their arrival.

10. Scott Gavitt – Chief – Exeter Fire

On Wednesday, April 29, 2020, at approximately 8:30 a.m., RISP Detectives Adam Kennett and Kyle Draper interviewed Fire Chief Scott Gavitt at Exeter Fire and Rescue, 669 Ten Rod Road, Exeter. Below is a summary of Chief Gavitt's interview.

On April 21, 2020 Chief Gavitt had been a volunteer for Exeter Fire for approximately thirty years. He was home sleeping at roughly 5:00 a.m. when he was alerted by pager to a CPR in progress and assistance was requested. Gavitt lived on School Land Woods Road so he arrived within a few minutes of receiving the page.

Once on scene, he noticed multiple RISP cruisers on the property and Exeter Rescue was also present and had already activated the Lucas chest compression device. Gavitt noticed that the patient who was on the backyard deck was a male in his forties wearing just his underwear. He was bloodied on his head and knees and one handcuff was attached to his wrist. Gavitt did not take note of any Taser prongs or wires on the patient, but he did see some blood on the house and the deck. After speaking with his fellow firefighters, Chief Gavitt soon realized that the patient was his neighbor, Ronny Pucino.

The Chief assisted by getting the backboard and stretcher from the rescue vehicle. Mr. Pucino was placed on the backboard, then the stretcher and taken to the rescue. From there, Gavitt drove the rescue to South County Hospital. At no point during the Chief's interaction with Pucino was he responsive.

IV. LEGAL ANALYSIS

The Attorney General Protocol requires review of custodial deaths, use of deadly force by law enforcement, use of less than deadly force where there is serious bodily injury, or where there is an allegation of excessive force, and the evidence warrants additional investigation. In this case, Mr. Pucino's death occurred while in the custody of the Rhode Island State Police. Although some force was used to take Mr. Pucino into custody, there was no allegation that excessive force was used, no evidence of deadly force, and the medical evidence reviewed did not attribute Mr. Pucino's cause of death to any of the force used by Troopers. Nevertheless, as this was a custodial death, review of the troopers' actions to ensure they complied with the law was warranted.

When considering a police officer's actions which involve the use of force in his/her capacity as a peace officer, a two-part analysis is required. First, it must be determined if the officer's use of force in arresting or detaining the suspect was necessary and reasonable. If an officer's conduct is deemed to be necessary and reasonable, then the inquiry ends, and no criminal charges will stem from the incident. If, however, it is determined that the use of force was not necessary and not reasonable then an inquiry must be made as to whether the use of force meets the elements the applicable criminal statute, in this case Simple Assault or Battery under RIGL §11-5-3.

The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." A "seizure" of a "person," can take the form of "physical force" or a "show of authority" that "in some way restrain[s] the liberty" of the person. Terry v. Ohio, 392 U.S. 1, 19 n. 16 (1968). An arrest or

seizure of a person carries with it the right of police officers to use some degree of force. Graham v. Connor, 490 U.S. 386, 396 (1989). “All claims that law enforcement officers have used excessive force – deadly or not – in the course of an arrest ... or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard....” Graham, 490 U.S. at 395; Tennessee v. Garner, 471 U.S. 1 (1985).

The Fourth Amendment instructs that the *degree* of force police are permitted to use must be “objectively reasonable” under the totality of circumstances. Garner, 471 U.S. at 8-9. Relevant facts include “the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting or attempting to evade arrest by flight.” Graham, 490 U.S. at 396. The reasonableness of an officer’s use of force “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” Id. The Supreme Court has held that the determination of reasonableness must allow “for the fact that police officers are often forced to make split-second judgements – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” Graham, 490 U.S. at 396-97. Critically, the reasonableness inquiry is an objective, not a subjective, one. The “question is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” Id. (emphasis added). The Supreme Court could not have made this clearer: “An officer’s evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer’s good intentions make an objectively unreasonable use of force constitutional.” Id. at 397. In other words, in an excessive force case, for purposes of the first part of the test, it does not matter what is in the particular officer’s mind at the time of the use of force. What matters is what a reasonable officer would have done if faced with the situation at hand.

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

An extensive investigation indicates that the actions of Troopers Munoz and Gaffney were objectively reasonable and clearly necessary considering the threat to the safety of the homeowners, Mr. Pucino, and the officers themselves. The troopers were confronted with a nearly naked, bloodied man who was terrorizing a family by making multiple attempts to break into their home in the middle of the night. This family lived in a wooded, rural area and neither the troopers nor the homeowners had any idea who this person was or where he came from. By the time police arrived, Mr. Pucino was also a threat to himself as he continued banging his already bloodied head into the door. Troopers properly placed him in handcuffs in order to assess the situation and ensure that everyone was safe.

Additionally, the amount of force used was objectively reasonable and necessary under the circumstances. As Mr. Pucino struggled with the troopers, they made use of two pairs of handcuffs as an accommodation to him rather than trying to force his arms around his back into one pair. In doing so, they only utilized the amount of force necessary to accomplish their task. There is no indication from witnesses or the medical examiner that Mr. Pucino was struck with fists or any weapon. While use of the Taser during his apprehension would have been warranted


and consistent with RISP policy, there is substantial evidence to suggest that the Taser was not operational, and no electric charge was actually emitted. Once Mr. Pucino was in handcuffs, troopers moved him to the "recovery position" to effectuate better air flow. Shortly thereafter it was determined that he was not breathing, and they could not find a pulse. Immediately, the handcuffs were removed, and chest compressions were begun. Since the troopers' actions were both reasonable and necessary to protect the safety of all of those present at 94A School Land Woods on April 21, 2020, our inquiry ends there.

There is nothing in the reports, statements, photographs, medical records, crime scene documentation, or the autopsy that suggests that troopers' actions were improper. To the contrary, immediately upon recognizing the distress Mr. Pucino was experiencing, the troopers took appropriate emergency life-saving measures to tend to him. It is also clear that the momentary restraint that was professionally applied by Troopers Munoz and Gaffney was in no way a contributing factor to Mr. Pucino's death. It is, of course, tragic that their efforts and the efforts of Exeter Fire and Rescue to save Mr. Pucino's life were ultimately unsuccessful.

V. CONCLUSION

Based on the facts of the investigation, and the relevant body of law, we accordingly conclude that there is no further need to review this incident. This matter is therefore closed.

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