

**In The Matter Of:**

*Caniglia vs  
Strom, et al*

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*Officer John Mastrati  
May 31, 2018*

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*Min-U-Script® with Word Index*

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1 academy at night?

2 A. Yes. It was after our normal day.

3 Q. Oh, okay. So you had other kinds of training  
4 during the day, and the class training was at  
5 night?

6 A. Yes. They would have normal trainings of  
7 whatever we were allotted for that specific  
8 training during the day, and then the day usually  
9 ends at 5:00, and they would extend it past that.  
10 Usually 5:00 to 7:00 would be the law classes.

11 Q. Did you have any classes at the police training  
12 academy when it is appropriate to take a person  
13 into custody without arresting them?

14 A. Yes, it would be tied in with the law  
15 classes.

16 Q. What do you understanding when it is appropriate  
17 to take a person into custody without arresting  
18 them?

19 A. It could be for interviews, witnesses.

20 Q. Any other circumstances?

21 A. Not that I can think of right now.

22 Q. Okay. Did you have classes on when it's  
23 appropriate to seize any kind of property without  
24 a warrant?

25 A. Yes.

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1 Q. Under what circumstances?

2 A. It could be found property, property held for  
3 safekeeping.

4 Q. Do you recall any other circumstances?

5 A. No, not right now.

6 Q. What do you recall -- withdraw the question. What  
7 do you mean by property held for safekeeping?

8 A. Property held for safekeeping could be  
9 property that's being held while that person is  
10 not -- maybe not on scene, or not around at the  
11 time until he returns back from wherever. They  
12 had to go either to the hospital or health care.

13 Q. Any other circumstances under which it's  
14 appropriate to hold property for safekeeping?

15 A. No.

16 Q. Did you have any classes that discussed the  
17 community caretaking function at the police  
18 training academy?

19 A. I can't recall.

20 Q. Have you heard the phrase community caretaking  
21 function before?

22 A. Yes.

23 Q. What's your understanding of what it is?

24 A. I couldn't tell you. I'm not sure.

25 Q. Did you have any classes at the police training

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1           that as a police officer you can require someone  
2           to have a psychiatric evaluation?

3           A.    I can request for it for that person to --  
4           usually what we'll do, we'll call the rescue, and  
5           once the rescue comes, we'll have them talk to  
6           them, and the rescue decides from there.

7       Q.    So, is it your understanding that as a police  
8           officer you cannot require someone to have a  
9           psychiatric evaluation, but you can call the  
10          rescue and the rescue decides that question?

11                       MR. CUNNINGHAM: Objection.

12       Q.    If that's not your understanding, let me know.  
13           I'm trying to summarize what I think you're  
14           saying.

15       A.    My understanding is if I suspect a person  
16           having a mental illness or a psychiatric problem,  
17           I will have the rescue come and then let them  
18           check them out, make sure they're fine and okay.  
19           Whatever their decision is, I'll go with that.

20       Q.    Would be fair to say you yourself do not decide  
21           that a person should have a psychiatric  
22           evaluation?

23                       MR. CUNNINGHAM: Objection.

24       A.    It's situation depending (sic).

25       Q.    Then let me put it in this way: Have you ever

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1 told someone that they had to go for a psychiatric  
2 evaluation?

3 A. Not usually. I request it. Regardless of  
4 the answer, I'll have the rescue come down and  
5 evaluate them.

6 Q. And if the person says I don't want to have a  
7 psychiatric evaluation, what do you do then?

8 A. I still go call for the rescue to check that  
9 person out depending -- I'm not a medical  
10 professional, so I'll let them evaluate them, and  
11 if they say they need to go, then they go.

12 Q. So, your understanding is that the rescue can  
13 require someone to go for a psychiatric  
14 evaluation?

15 A. Yes.

16 Q. Is the rescue that you call, is that the rescue  
17 that is part of the Cranston Fire Department?

18 A. Yes.

19 Q. Okay. And your understanding is that's also part  
20 of the City of Cranston?

21 MR. CUNNINGHAM: Objection.

22 THE WITNESS: The rescue?

23 MR. LYONS: Yes.

24 A. Yes.

25 Q. Do you have any of your written materials from the

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1 Q. Maybe I misunderstood. I think you said one of  
2 the things you learned from the in-service  
3 training about dealing with someone who may be  
4 suicidal is what to do if they're either combative  
5 or noncombative; was that right?

6 A. Yes. That could go with any mental illness,  
7 spectrum illness.

8 Q. I'm just focusing on mental health right now. How  
9 does whether they're combative or noncombative  
10 affect how you deal with somebody who may or may  
11 not be suicidal?

12 A. It would be depending how that person, the  
13 manner to calm him down, maybe you have to  
14 restrain him for his own well-being, depending on  
15 how he's acting on scene.

16 Q. If the person is noncombative does it affect how  
17 you deal with them?

18 A. It would. Probably more talking to the  
19 person, finding out what's going on, what's wrong  
20 with them.

21 Q. You said earlier it was your understanding that  
22 you as a police officer did not have the authority  
23 to require someone to go for a psychiatric  
24 evaluation --

25 MR. CUNNINGHAM: Objection.

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1 Q. -- is that correct?

2 THE WITNESS: To force them to go?

3 MR. LYONS: Correct.

4 A. No. To my understanding, no.

5 Q. Did you learn that at the police academy or at the  
6 in-service training, or both?

7 A. To me, I have rescue come, they deal with the  
8 health side, they have more training, so I'd  
9 rather have somebody like them come and evaluate  
10 the person instead of me evaluate them. I pass it  
11 to them.

12 Q. No, no, I understand, but what I'm saying is did  
13 you learn at the police training academy or at the  
14 in-service training, or both?

15 A. It would be both, to have the rescue come to  
16 evaluate the person.

17 Q. Do you recall having a specific in-service  
18 training in Cranston when they said that you  
19 should have the rescue come to do the evaluation?

20 A. I don't recall specifically.

21 Q. Has any other Cranston police officer told you  
22 that you had the authority to require someone to  
23 go for a psychiatric evaluation?

24 A. No.

25 Q. Have you ever been told that you had the authority

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1 to seize firearms for safekeeping if you thought a  
2 person was suicidal?

3 A. Yes.

4 MR. CUNNINGHAM: Objection.

5 Q. Who told you that?

6 A. It would be during our trainings, things to  
7 consider, somebody that's suicidal and has  
8 weapons, to notify a supervisor, let them know of  
9 the situation, and they make the call from there.

10 Q. The supervisor makes the call?

11 A. Something like that, yes. I have the  
12 supervisor notified and have them come to the  
13 scene.

14 Q. Okay. That's your understanding of what the  
15 Cranston police procedure is in those  
16 circumstances?

17 A. Yes.

18 Q. Okay. Do you recall who told you that?

19 A. No.

20 Q. All right. But your recollection was it was part  
21 of an in-service training?

22 A. Part of the in-service, yes, to consider  
23 weapons that are around that individual.

24 Q. Right. Right. But was it also part of the  
25 in-service training that the procedure in those



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1           circumstances would be to call a supervisor and  
2           have the supervisor make the decision as to  
3           seizing the firearms for safekeeping?

4           A.    With regards directly to the firearms.  No  
5           one said, to what I recall, no one said to seize  
6           them.  It would be I let the supervisor know of  
7           the situation, and then he will dictate the  
8           situation from there.  Beyond my hands.

9       Q.   Right.  My question is, is it your understanding  
10       that that is the policy or the procedure of the  
11       Cranston Police Department in such a circumstance,  
12       to have a patrolman call a supervisor and have the  
13       supervisor make the decision as to his seizure of  
14       firearms?

15       A.    Yes.

16       Q.    Okay.  And do you remember who told you that that  
17       was the policy or procedure?

18       A.    No.

19       Q.    All right.  But would you have learned that during  
20       the in-service training?

21       A.    Yes.  To make us aware of the situation.

22       Q.    All right.  The other possible way you might have  
23       learned this is just while you were working,  
24       another police officer told you something?

25       A.    No.

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1 supervisor of the situation and that there's  
2 firearms present, and to seize them would be for  
3 the well-being of that person and the safety of  
4 others.

5 Q. Okay. You just referred, for example, to a Terry  
6 pat, which you can do of a person?

7 A. Yes.

8 Q. And you can seize their firearms if you detect  
9 them during the Terry pat, right?

10 A. Yes.

11 Q. Okay. Is it your understanding that the Terry  
12 case gives you the authority to seize the firearms  
13 of a person who may be suicidal, or does your  
14 legal authority come from a different source than  
15 the Terry decision?

16 A. For me, the Terry decision would be -- I use  
17 it for any illegal firearms. I never seized on a  
18 suicidal subject. I never obtained a firearm from  
19 a Terry pat on a suicidal subject.

20 Q. My question is with respect to the Terry pat, you  
21 cited a legal authority for that --

22 A. Yes.

23 Q. -- the Terry decision?

24 A. Yes.

25 Q. What is your legal authority to seize the firearms

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1 of a person who may be suicidal?

2 A. It would be pretty much for safety, his  
3 safety and other people's safety. So I figure it  
4 would be a duty to seize that firearm to prevent  
5 him from hurting himself or hurting others.

6 Q. Okay. I'll be more specific. Are you aware of,  
7 for example, a different U.S. Supreme Court case  
8 that gives you the authority to do that?

9 A. No.

10 Q. Are you aware of a constitutional provision that  
11 gives you the authority to do that?

12 A. No.

13 Q. Are you aware of the decision of any other court  
14 that gives you the authority to do that?

15 A. No.

16 Q. Are you aware of any Rhode Island statute that  
17 gives you the authority to do that?

18 A. No.

19 Q. Does the Cranston Police Department have a written  
20 policy or procedure or general order that gives  
21 you the authority to do that?

22 A. No.

23 Q. Your understanding of your authority to do that  
24 comes from the in-service training you have  
25 received or -- let me withdraw the question. Does

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1 just don't know who. I believe there was also a  
2 supervisor on scene. I'm just not sure.

3 Q. Was it the supervisor on the scene who made the  
4 decision to seize the firearm?

5 A. I would believe so, because he was the  
6 supervisor on the scene. Like I said before, with  
7 the situation, I refer to him, let him know, and  
8 then they make the decision.

9 Q. Do you recall who the supervisor was?

10 A. I don't.

11 Q. Do you recall what kind of firearm was seized?

12 A. I don't.

13 Q. Do you recall when this occurred?

14 A. This was -- I know it was during the day,  
15 late afternoon, I believe. I'm not sure exactly  
16 when, though.

17 Q. Do you recall what year it was?

18 A. I believe this is when I was on days, working  
19 days -- assigned to days. So probably 2016.

20 Q. When you seized the firearms of someone you  
21 believe may be suicidal, does that come under the  
22 category of seizing them for safekeeping?

23 A. Yes.

24 Q. Okay. Do you have an understanding as to whether  
25 or not the Cranston Police Department has a policy

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1 or procedure, whether written or unwritten, that  
2 deals with the seizing of firearms for  
3 safekeeping?

4 A. I don't think there is a policy specific for  
5 that.

6 Q. I take it that means you've never seen a written  
7 policy or procedure about seizing firearms for  
8 safekeeping?

9 A. Yes.

10 Q. Yes, you've never seen a policy and procedure for  
11 seizing firearms for safekeeping?

12 A. Specifically for safekeeping, yes.

13 Q. I just want to make sure when you say yes that  
14 you're not saying yes, I have seen a policy.

15 A. I understand what you're saying.

16 Q. When a supervisor makes the decision to seize a  
17 firearm for safekeeping, do you know, or does he  
18 tell you on what basis he is making that decision?

19 MR. CUNNINGHAM: Objection.

20 A. I wouldn't know.

21 Q. Okay. In other words, the supervisor does not  
22 explain to you why he's making a decision to seize  
23 a firearm?

24 A. I mean, he could, he couldn't. If he tells  
25 me to do something, it's an order.

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1 Q. Any idea how many homes in Cranston have firearms?

2 A. No.

3 Q. Before August of 2015 had you ever had any  
4 dealings or contact of any kind with Edward  
5 Caniglia?

6 A. No.

7 Q. Had you ever heard of Mr. Caniglia?

8 A. No.

9 Q. Had you ever had any dealings with his wife?

10 A. No.

11 Q. Had you ever responded to any report of a domestic  
12 situation at the Caniglia's house?

13 A. No.

14 Q. Have you done that since 2015?

15 A. No.

16 Q. Are you aware of whether any other Cranston police  
17 officer has ever responded to a report of a  
18 domestic situation of some kind at the Caniglias'  
19 house?

20 A. No.

21 Q. Do you know if Mr. Caniglia has ever had any kind  
22 of restraining order entered against him?

23 A. No.

24 Q. Do you know if he has ever had any kind of  
25 criminal charge against him?

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1 A. No.

2 Q. Do you know if he's ever been accused of domestic  
3 violence?

4 A. No.

5 Q. Do you know if he has any kind of criminal record?

6 A. No.

7 Q. Do you know if he has any history of violence of  
8 any kind?

9 A. No.

10 Q. Do you know if Mr. Caniglia has any history of  
11 misusing firearms?

12 A. No.

13 Q. Do you know if Mr. Caniglia has any history of  
14 misusing any kind of weapon?

15 A. No.

16 Q. Do you know if Mr. Caniglia has any history of  
17 threatening violence to others?

18 A. No.

19 Q. Apart from the occasion on which you responded to  
20 his house in August of 2015, do you know whether  
21 Mr. Caniglia has had any history of threatening  
22 violence to himself?

23 A. No.

24 Q. Was Mr. Caniglia charged with a crime?

25 MR. CUNNINGHAM: Objection.

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1 A. I'd have to refer to my report for that.

2 MR. LYONS: We'll do that in a  
3 second.

4 THE WITNESS: Okay.

5 Q. Do you know if Mr. Caniglia was ever under a  
6 guardianship?

7 THE WITNESS: What do you mean by  
8 guardianship?

9 Q. Do you know if another person was ever given the  
10 legal authority to make Mr. Caniglia's decisions  
11 for him?

12 A. I wouldn't know.

13 Q. Do you know if Mr. Caniglia was ever determined to  
14 be legally incompetent?

15 A. No.

16 Q. Do you know if he was ever determined to be a drug  
17 addict?

18 A. No.

19 Q. Was Mr. Caniglia ever a felon or a fugitive from  
20 justice?

21 A. I wouldn't know.

22 Q. Is Mr. Caniglia an unnaturalized, foreign person?

23 A. I don't think so.

24 Q. Okay. Are you aware of any legal reason why  
25 Mr. Caniglia cannot possess firearms?



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1 A. No.

2 Q. We're going to look at your incident report in a  
3 second. What I want you to do now is just  
4 describe for me what you remember about the  
5 incident without having looked at the incident  
6 report.

7 A. All right. I know it was an early morning  
8 call, the calling party was his wife. I met her,  
9 not at their residence, but off of Reservoir Ave.  
10 She stated to me that last night she was in an  
11 argument with her husband. During the argument he  
12 pulled out a firearm, which was unloaded at the  
13 time, I believe he had the firearm and the  
14 magazine separate in both hands -- in each hand.  
15 She stated that once that displayed, she was going  
16 to call 911. That's when he put the firearm and  
17 magazine down on the counter, she left -- he left,  
18 went outside, she hid the gun and the magazine.  
19 He came back in. I believe there was another  
20 argument in which she stated she left, she stayed  
21 the night elsewhere. She then called -- he called  
22 her some time that night asking her to come back,  
23 or they were trying to resolve the issue. She  
24 said no. I think that was the end of the phone  
25 call. She didn't hear from him after that. Then

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1 I believe that she called us to meet her to go  
2 back to the house because she was unsure what she  
3 was going to walk into.

4 I think at that time due to the nature of the  
5 call with a firearm being involved, I talked to  
6 him on the phone and had him come outside the  
7 residence, asked him if he would come out to speak  
8 to me. He said he would. Once I got to the scene  
9 with other officers, I spoke with Edward, and  
10 Edward pretty much told me the same story that Kim  
11 told me that happened.

12 From there I asked him if he would speak to  
13 the rescue personnel. He said he would.

14 Rescue personnel came on scene, they spoke  
15 together in private, and then rescue informed me  
16 they would be transporting him to the hospital for  
17 an evaluation, or to talk to someone.

18 After that, Kim -- I had Kim come back to the  
19 house where she was waiting down the street, and  
20 she pointed out where the firearms were, and the  
21 firearm was exactly where she hid it, and then she  
22 informed me about another firearm that was out in  
23 the garage that she didn't want in the house.

24 Q. Did you seize the firearms?

25 A. Yes.

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1 Q. All right. Who made the decision to seize the  
2 firearms?

3 A. Captain Henry.

4 Q. Captain Henry was your supervisor?

5 A. He was the day shift commander, yes.

6 Q. Did Captain Henry come to the scene, or did you  
7 talk to him on the phone?

8 A. I believe it was on the phone.

9 Q. Did you talk to -- when Mr. Caniglia had his  
10 firearm and the magazine out, it's your  
11 recollection that he had them in separate -- in  
12 two separate hands, the magazine was in one hand,  
13 and the gun was in the other?

14 A. Yeah, I believe that's what Kim told me.

15 Q. Okay. And Kim is his wife?

16 A. Yes.

17 Q. Okay. I just want to make sure we're clear about  
18 that.

19 A. Yes. Yes.

20 Q. Did Mr. Caniglia, to your knowledge, make any  
21 threat to use the firearm on himself?

22 A. I don't recall exactly. I believe he  
23 asked -- I think he asked Kim to use it on him. I  
24 would have to look at my report for what she said.

25 Q. And we will certainly do that, so I just want to

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1 know right now what you remember, separate and  
2 apart from looking at the report.

3 A. Yes, I understand.

4 Q. When you looked at your report a week ago, did  
5 that remind you of events that had occurred, or  
6 did you remember this pretty well without  
7 having --

8 A. No. It was so long ago I had to look at my  
9 report.

10 Q. So basically what you're telling me now it would  
11 be fair to say what you now remember having looked  
12 at your report a week ago?

13 A. Yes.

14 Q. Okay. Before you looked at your report a week  
15 ago, what did you remember about this event?

16 A. I remembered that Edward's wife called  
17 concerned, that there was a firearm involved, and  
18 he was transported for an evaluation after  
19 suicidal gestures, and then firearms were seized.

20 Q. Did you hear the conversation between Mr. Caniglia  
21 and the Cranston rescue?

22 A. No.

23 Q. Do you know whether Mr. Caniglia agreed to go for  
24 an evaluation?

25 A. I don't.

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1 Q. Then it says report date and time. It has the  
2 same date, but it says 11:20?

3 A. Yes.

4 Q. Does that mean that's when you prepared the report  
5 after the incident?

6 A. Yes.

7 Q. It says status, no crime involved?

8 A. Yes.

9 Q. And you would agree there was no crime involved?

10 A. Yes.

11 Q. It says Officer John Mastrati, that's you?

12 A. Yes.

13 Q. Approving officer, it says Acting Sergeant Ryan  
14 Shore?

15 A. Yes.

16 Q. Okay. What does the approving officer do?

17 A. He would read the report, make sure  
18 everything is correct as in filled out right,  
19 everything is done properly, and he will approve  
20 it.

21 Q. Does the acting sergeant check the facts to see if  
22 the facts that are included in, for example, the  
23 narrative are accurate?

24 A. For this, I mean, he wouldn't know because  
25 these are statements from both Edward and Kim.

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1 Q. Underneath that there's another block which is  
2 labeled other properties, right?

3 A. Yes.

4 Q. Okay. And there's five different items listed,  
5 would you agree?

6 A. Yes.

7 Q. Are these the items that you seized?

8 A. Yes.

9 Q. Okay. And they're all described as held for  
10 safekeeping?

11 A. Yes.

12 Q. Again, is held for safekeeping like a drop-down  
13 status that you pick?

14 A. Yes.

15 Q. Or is that something you typed in yourself?

16 A. No, that's a drop-down status, I believe  
17 there is held for safekeeping, seized, evidence,  
18 which none of these would pertain to, so it would  
19 be held for safekeeping because of the nature, why  
20 we took the weapons.

21 Q. Did you personally seize all five items?

22 A. I did.

23 Q. What did you do with them?

24 A. Transported -- I made sure they were safe, as  
25 far as not loaded, I transported them back to our

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1 A. No.

2 Q. Okay. Would it be fair to say nobody said do you  
3 have any other records, and if so, we'd like you  
4 to keep them?

5 A. Yes.

6 Q. When you looked at your incident report a week  
7 ago, did you reread the narrative?

8 A. I did.

9 Q. Is there anything in the narrative when you reread  
10 it that seemed inaccurate or that you corrected in  
11 your own mind -- let me withdraw the question,  
12 that's a bad question. To the best of your  
13 recollection, as you sit here today, does the  
14 narrative accurately set forth the facts that  
15 occurred, to the best of your knowledge, back on  
16 August 21st, 2015?

17 A. Yes.

18 Q. If you go down to the bottom of the third  
19 paragraph in your narrative, can you read to  
20 yourself the last sentence.

21 (PAUSE)

22 A. Yes.

23 Q. That sentence says, for the record, quote, "She  
24 stated that she was not scared for her own life,  
25 but more scared walking in and not knowing if

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1 Edward had committed suicide." Is that a correct  
2 reading of the sentence?

3 A. Yes.

4 Q. Does that refresh your recollection as to whether  
5 Mrs. Caniglia had any concerns about her own  
6 safety?

7 MR. CUNNINGHAM: Objection.

8 A. At that point when I first met her, what she  
9 told me, no.

10 Q. Then you called -- you took the phone number for  
11 Mr. Caniglia?

12 A. Yes.

13 Q. And you called him?

14 A. Yes.

15 Q. And did you use your own phone to call him?

16 A. I believe I did.

17 Q. Okay. And you asked if he was at home?

18 A. Yes.

19 Q. He said he was?

20 A. Yes.

21 Q. And you asked if you went by the house would he  
22 come outside?

23 A. Yes.

24 Q. And he said that he would be home, and he was  
25 willing to talk to you?



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1 A. Yes.

2 Q. Okay. When you talked to him on the phone, do you  
3 recall if anything else was said besides what is  
4 set forth in that paragraph?

5 A. I don't believe about the incident. I think  
6 I just wanted to get him to come outside to talk  
7 to me when I came there, so that was my main  
8 concern at that point.

9 Q. Okay. It says Officer Russell, Officer Smith,  
10 Sergeant Barth and I responded to 2300 Cranston  
11 Street.

12 A. Yes.

13 Q. What is Officer Russell's first name?

14 A. Wayne.

15 Q. Officer Smith?

16 A. Austin.

17 Q. And Officer Barth?

18 A. Brendan.

19 Q. And Mr. Edward came out -- Mr. Caniglia came  
20 outside?

21 A. Yes. When I arrived, yes.

22 Q. Do you recall where you spoke to him?

23 A. I believe it was on his front porch. He had  
24 a wraparound deck, I believe.

25 Q. Was he outside when you got there, or did he come

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1           A.    I don't know. I know -- because I know  
2           Mrs. -- Kim, Mrs. Caniglia, was down the street  
3           in her car, because I didn't want her on the scene  
4           at that time. So I don't know, I think an officer  
5           might have stayed with her. I was focused on  
6           Edward at that time.

7       Q.    Officer Russell, Officer Smith and Sergeant Barth,  
8           do you specifically recall any of them being  
9           present when you spoke with Mr. Caniglia?

10          A.    I don't.

11       Q.    Was Sergeant Barth the officer in charge of the  
12           scene?

13          A.    Yes.

14       Q.    Why did you talk to Mr. Caniglia as opposed to  
15           Sergeant Barth?

16          A.    At that point I have the most contact with  
17           Edward, I talked to him on the phone, so I pretty  
18           much had a rapport, had him come out of the house,  
19           speaking to him on the phone.

20       Q.    Do you remember any of the other officers saying  
21           anything at all to Mr. Caniglia?

22          A.    No.

23       Q.    Was Mr. Caniglia standing up or sitting down?

24          A.    I believe he was standing up. We were  
25           outside.

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1 Q. What was his demeanor?

2 A. I don't recall what his demeanor was. I know  
3 he was cooperative with me. He wasn't abrasive or  
4 aggressive.

5 Q. Was he calm?

6 A. I would say for the most part I was talking  
7 to him. I imagine he was upset over the incident  
8 that had taken place last night, because that's  
9 generally what it stemmed from. Apparently, he  
10 was going through a divorce, he told me.

11 Q. Your report says Edward stated he is not suicidal,  
12 and he uses prayers to help him; do you see that?

13 A. I do.

14 Q. Do you recall him saying that?

15 A. I do. If I put it in my report, that's what  
16 he told me. It's been three years but, yes, if  
17 that's his statement then, yes, that's what he  
18 told me.

19 Q. What I'm trying to do here is see by going through  
20 the report and pointing out things if it actually  
21 refreshes your recollection so you actually  
22 remember now what happened, or if it's in your  
23 report and you're saying I must have known it at  
24 some point because I put it in the report, but I  
25 don't remember it right now. Do you see the

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1 distinction I'm making?

2 A. I do.

3 Q. So, what I'm going to try and find out is whether  
4 or not in fact this does remind you, and you say,  
5 oh, it comes back to me, so to speak, or you  
6 simply say I don't remember it now, but that's  
7 what I put in the report?

8 A. Okay.

9 Q. So, do you actually remember Edward saying he was  
10 not suicidal?

11 A. I do.

12 Q. Okay. What was he like when he said that?

13 MR. CUNNINGHAM: Objection.

14 A. Again, he was calm, stating why -- I believe  
15 I said why do you want to commit suicide, and  
16 pretty much he was telling me that, convinced me  
17 he's not suicidal.

18 Q. Did he convince you he was not suicidal?

19 A. No.

20 Q. Why not?

21 A. Just from his actions of taking out a weapon.  
22 For me, I can't determine if someone is not  
23 suicidal. To me, I felt that he was a risk to  
24 himself.

25 Q. And you said based on the fact that he took out

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1 the handgun and the magazine and put them on the  
2 counter?

3 A. Not a normal person would take out a gun and  
4 ask his wife to end his life, to me. To me,  
5 that's unusual behavior.

6 Q. Have you had any classes or courses which said  
7 that that was suicidal behavior?

8 A. Yes. I mean, over my mental training,  
9 they're indicators. Indicators would be not  
10 wanting to live, taking out a weapon, asking  
11 someone to end their life.

12 Q. Has someone ever said, or do you know if someone  
13 has ever said I'm going to kill myself, but they  
14 don't really mean they're going to kill  
15 themselves?

16 MR. CUNNINGHAM: Objection.

17 A. They could. I mean, I don't know what that  
18 person is thinking, so I act on what I see to  
19 maybe prevent a situation from happening.

20 Q. Okay. And have you ever heard of somebody saying  
21 Shoot me now --

22 MR. CUNNINGHAM: Objection.

23 Q. -- but they don't really mean shoot me now?

24 MR. CUNNINGHAM: Objection.

25 A. I heard it, but I don't know if they don't

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1 mean it.

2 Q. Okay. If Mr. Caniglia had really meant for his  
3 wife to shoot him, do you think he would have had  
4 the magazine and handgun separate?

5 MR. CUNNINGHAM: Objection.

6 A. I don't know.

7 Q. Okay. Do you know if Mrs. Caniglia has ever used  
8 the handgun?

9 A. I don't know.

10 Q. Do you know if she would know how to put the  
11 magazine into the handgun?

12 A. I wouldn't know.

13 Q. Can you read to yourself the last sentence -- no,  
14 let me withdraw the question. The next sentence  
15 says, quote, "He stated that he had a friend who  
16 committed suicide, and he would never do that to  
17 family." Do you see that?

18 A. I do.

19 Q. Do you remember him saying that?

20 A. I do.

21 Q. Okay. How did he say that?

22 MR. CUNNINGHAM: Objection.

23 A. He told me pretty much in a calm way, the way  
24 he was talking to me the whole time.

25 Q. Okay. Did he say it in a persuasive way?

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1 MR. CUNNINGHAM: Objection.

2 A. I don't know if it was persuasive. He just  
3 stated it to me.

4 Q. Okay. Did you believe him when he said it?

5 A. I wouldn't know. That's history that he has  
6 that I'm unaware of. So he could have just been  
7 telling me, he could have been telling the truth,  
8 I wouldn't know.

9 Q. Okay. Did you have any reason to disbelieve him?

10 MR. CUNNINGHAM: Objection.

11 A. Just by his actions.

12 Q. You're referring to the action the prior evening  
13 with the handgun and the magazine?

14 A. Yes.

15 Q. Besides that, did you have any other reason to  
16 disbelieve Mr. Caniglia's statement that he was  
17 not suicidal?

18 MR. CUNNINGHAM: Objection.

19 A. No.

20 Q. If you go to the next page, the second part of the  
21 sentence that starts on the previous page says, "I  
22 asked Edward to get checked out by rescue and to  
23 talk to someone at the hospital, which he  
24 willingly agreed to do." Do you see that?

25 A. Yes.

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1 A. Yes.

2 Q. Okay. It was your understanding the firearms  
3 belonged to Mr. Caniglia?

4 A. According to Kim, yes.

5 Q. Okay. Did you ever ask Mr. Caniglia if you could  
6 seize the firearms?

7 A. No.

8 Q. Do you know if any Cranston police officer asked  
9 Mr. Caniglia if the Cranston police could seize  
10 the firearms?

11 A. I don't know.

12 Q. You located one firearm under the bed?

13 A. Yes, that's where Kim pointed out that  
14 firearm, that's where she told me it was where she  
15 hid it initially when I spoke to her.

16 Q. She put it under the bed?

17 A. She stated, yes. After he took it out and  
18 then she stated she didn't call 911, she left, and  
19 then she hid it.

20 Q. Do you know where Mr. Caniglia usually kept that  
21 firearm?

22 A. I do not.

23 Q. Do you know if he kept it under the bed?

24 A. I don't.

25 Q. Okay. In other words, you don't know if that was



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1 the usual place where the firearm was kept?

2 MR. CUNNINGHAM: Objection.

3 A. No.

4 Q. The second firearm was in the garage behind the  
5 workbench, you said?

6 A. Yes.

7 Q. Where was it behind a workbench, what do you mean  
8 by that?

9 A. I believe it was where his workbench was on  
10 the wall, it was -- I believe there was a spot in  
11 the wall, missing brick, they had a box in the  
12 wall.

13 Q. And it would be fair to say you would not have  
14 known it was there, except Mrs. Caniglia told you?

15 A. Yes.

16 Q. Okay. With respect to the gun under the bed, was  
17 that visible if you were standing in the bedroom,  
18 or did you have to get down on your knees and look  
19 under the bed to see it?

20 A. I don't believe it was under the bed. I  
21 think it was in between the mattress. Let me look  
22 at that.

23 (WITNESS READING REPORT)

24 A. When I say under the bed, it was under the  
25 mattress. I wouldn't have known. It was pointed

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1 out to me by Kim.

2 Q. And you refer to the second firearm and you said,  
3 which was also confiscated; do you see that?

4 A. Yes.

5 Q. What do you mean by confiscated?

6 A. Confiscated as in taken.

7 Q. If you go down to the last sentence in the  
8 narrative, it actually says, "Nothing further to  
9 report."

10 A. Yes.

11 Q. Why do you put that there?

12 A. Showing that I'm ending my narrative. So  
13 nothing else to follow.

14 Q. Is that your standard practice that you put that  
15 at the end?

16 A. Yes.

17 Q. The sentence above that, can you read that,  
18 please?

19 A. "It should be noted that in further speaking  
20 with Kim she stated that she was not in fear for  
21 her life from Edward but was more worried about  
22 Edward taking his own life."

23 Q. And was that accurate when you wrote that?

24 A. Yes.

25 Q. Okay. Does that refresh your recollection as to

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1           whether or not Kim indicated that she had any  
2           concerns for her own safety?

3                       MR. CUNNINGHAM: Objection.

4           A.    Yes.  Again, I didn't know -- all I knew,  
5           there was one weapon there, one firearm.  She  
6           brought up the second firearm and she wanted it  
7           removed from the household for his well-being, and  
8           she also said she didn't want them because she  
9           didn't know what he was going to do with him.  For  
10          me that's also for her well-being, that's why the  
11          firearm was removed.

12       Q.   All right.  But did she say she wanted it removed  
13          because of her own well-being?

14       A.   No.  Mostly for Edward's well-being.

15       Q.   Are you aware of any occasion which Edward has  
16          threatened to take his own life with a firearm?

17                       MR. CUNNINGHAM: Objection.

18       A.   No.

19       Q.   Did Kim indicate that Edward had ever threatened  
20          to take his own life with a firearm?

21       A.   No.

22                       MR. LYONS: Exhibit 3.

23                               EXHIBIT 3 (PLAINTIFF'S EXHIBIT 3  
24                               MARKED FOR IDENTIFICATION)

25       Q.   Officer Mastrati, let me show you what's been

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1 MR. CUNNINGHAM: Objection.

2 A. All depends on what the situation is. If  
3 there's no arrest made, depending on what the  
4 situation, take the information down that could  
5 potentially happen in -- something could happen in  
6 the long run, maybe it's a reoccurring event which  
7 should be documented, something as far as with  
8 mental health issues that could be something that  
9 keeps -- depending what it is, keeps being  
10 documented so there's something on file about it.

11 Q. Well, if there's not a criminal process, and  
12 you're acting in your official capacity as a  
13 Cranston police officer, is there anything you  
14 can't do?

15 MR. CUNNINGHAM: Objection.

16 A. We can't make an unlawful arrest if there's  
17 no criminal charges.

18 Q. Can you take someone into custody if there's not a  
19 criminal process?

20 A. No.

21 Q. Can you seize property if there's not a criminal  
22 process?

23 A. All depends.

24 Q. On what?

25 A. Seize property if it's property that's

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1 missing, that doesn't belong to somebody, that's  
2 about it.

3 Q. Just so we're clear, you're not aware of any  
4 general order that sets forth your authority to  
5 seize property when there's not a criminal  
6 process?

7 A. Yes.

8 Q. If you go to Page 5 of 6, there's a category which  
9 is Roman Numeral IV entitled Search Incident to  
10 Arrest; do you see that?

11 A. Yes.

12 Q. And what is your understanding of what is set  
13 forth in this section?

14 A. So if you have somebody that's in custody,  
15 you can search that person for any belongings,  
16 contraband or weapons.

17 Q. Okay. So this section only applies to searches  
18 you can do when there's a criminal process?

19 A. Yes.

20 Q. Has anyone ever told you that any of the  
21 circumstances set forth here apply to a search  
22 that can be done when there's not a criminal  
23 process?

24 A. No.

25 (OFF THE RECORD)

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1 voluntary or involuntary?

2 A. I would imagine it would be voluntary because  
3 rescue personnel can't hold someone against their  
4 own will. They would request us to assist them if  
5 that was the case, which they did not.

6 Q. That's your assumption?

7 A. No, that's what they would do. They won't  
8 physically force somebody to go. If there was  
9 ever an incident where someone needed to go and  
10 they were uncooperative, then they would call us.

11 Q. Have you ever talked anybody into going to the  
12 hospital?

13 MR. CUNNINGHAM: Objection.

14 A. No.

15 Q. Were any other police officers near the rescue  
16 when the rescue personnel talked to Mr. Caniglia?

17 A. I wouldn't know. I believe I was talking to  
18 Kim at that time away from the scene.

19 Q. Besides the fact that Mr. Caniglia had put the  
20 firearm and the magazine on the counter in front  
21 of his wife the previous evening, are you aware of  
22 any other information which indicated to you that  
23 he might be suicidal?

24 A. No.

25 Q. Was Mr. Caniglia in clear and imminent danger of

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1 causing personal harm to himself?

2 A. Yes.

3 Q. What do you base that on?

4 A. I base that off his statements and presenting  
5 a firearm.

6 Q. Are you aware of whether any Rhode Island statute  
7 in effect at the time addressed the situations  
8 under which a person can be compelled to go to a  
9 hospital or mental health facility?

10 A. No.

11 Q. Are you aware of whether or not, for example, a  
12 court order may be required?

13 A. No.

14 Q. Has that been any part of your training at either  
15 the Cranston Police Department or at the training  
16 academy?

17 A. I don't think so.

18 Q. Okay. If you go down to the last section on that  
19 page which has the letter V, and it says training?

20 A. Yes.

21 Q. It says, "Cranston Police Department will provide  
22 entry-level personnel with training on this  
23 subject and will provide refresher training at  
24 least every three years." Do you see that?

25 A. Yes.

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1 Q. Do you know if the Cranston Police Department has  
2 done any presentations on the mental health of  
3 police officers?

4 A. Yes.

5 Q. Have you attended those kind of presentations?

6 A. Yes.

7 Q. But it would be fair to say you do not recall  
8 attending a presentation that used PowerPoint  
9 slides like what's in Exhibit 9?

10 A. Yes.

11 MR. LYONS: Okay. Then we'll move  
12 on.

13 EXHIBIT 10 (PLAINTIFF'S EXHIBIT 10  
14 MARKED FOR IDENTIFICATION)

15 Q. Exhibit 10 again appears to be a printout of a  
16 PowerPoint presentation entitled Mental Health 101  
17 Review, Cranston Police 2013. Let me ask you if  
18 you recall attending an in-service presentation  
19 that used PowerPoint slides such as are depicted  
20 in this exhibit?

21 A. I do.

22 Q. Do you recall -- let me withdraw the question. Do  
23 you recall if this presentation dealt with mental  
24 health issues of police officers or of members of  
25 the general public, or both?



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1 A. I believe both.

2 Q. If you go to Page 8 -- actually, let me ask you a  
3 question before that. Do you recall if you  
4 attended this presentation in 2013?

5 A. I do.

6 Q. And did you attend this presentation in 2013?

7 A. I did.

8 Q. Okay. Now if you go to Page 8, there's a slide,  
9 Number 23, it appears -- which is entitled Assess  
10 for Risk of Suicide or Harm; do you see that?

11 A. I do.

12 Q. Okay. Do you recall seeing this slide in 2013?

13 A. I don't recall specifically.

14 Q. Okay. It says -- there are several bullet points  
15 listed there, the first one says, "Individual may  
16 be compliant, nod and say they understand, but may  
17 not comprehend." Do you see that?

18 A. I do.

19 Q. Did Mr. Caniglia comprehend what you were saying  
20 to him?

21 A. I believe he did.

22 Q. Okay. The next bullet point says, "People with  
23 mental illness have seven times more contact with  
24 the police officers during their lifetimes than  
25 the person without a mental illness." Do you see

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1 that?

2 A. I do.

3 Q. Are you aware of any other contact that  
4 Mr. Caniglia had with police officers other than  
5 the one incident in which you were involved?

6 A. No.

7 Q. The next bullet point says, "They may behave in  
8 unusual ways that draw the attention of others  
9 (posturing, laughing, staring)." Do you see that?

10 A. I do.

11 Q. Did Mr. Caniglia behave in any unusual ways that  
12 drew the attention of others?

13 A. Just what I was told the way he acted, but as  
14 I was talking to him, he seemed normal.

15 Q. When you refer to that, you're referring to the  
16 argument he had with his wife the previous night?

17 A. Yes.

18 Q. The next bullet point says, "They may not readily  
19 recognize or understand the badge, vehicle or  
20 uniform"; do you see that?

21 A. Yes.

22 Q. Did Mr. Caniglia recognize and understand your  
23 badge, vehicle and uniform?

24 A. I imagine he did, I spoke to him.

25 Q. Did he know you were a Cranston police officer?

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1 A. He did.

2 Q. The next bullet point says, "Allow yourself and  
3 the individual an escape route, if appropriate,  
4 appropriate for safety and to induce anxiety." Do  
5 you see that?

6 A. I do.

7 Q. When you spoke with Mr. Caniglia, did you feel the  
8 need to allow him an escape route?

9 A. No.

10 Q. Did you feel the need to allow yourself an escape  
11 route?

12 A. No. The only thing I was worried about is  
13 the firearm that he had, that's why I called him  
14 outside. I wouldn't talk to him in his house.

15 Q. He did not bring the firearm out with him?

16 A. He was instructed to come out without a  
17 firearm on the phone.

18 Q. Did he indicate he would have brought the firearm  
19 out if you hadn't said so?

20 A. No.

21 Q. Did he say he even knew where the firearm was?

22 A. No.

23 Q. Did he say anything about the firearm when you  
24 talked to him on the phone?

25 A. I can't remember if it was on the phone, he

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1 admitted to having the firearm and bringing the  
2 firearm out. I'm just not sure if that was on the  
3 phone or when I spoke to him in person, or both.

4 Q. When you said he admitted to bringing the  
5 firearm --

6 A. Presenting the firearm during the argument.

7 Q. The previous night?

8 A. Yes.

9 Q. And then the last bullet point says, "Be prepared  
10 to repeat questions and commands without showing  
11 frustration." Do you see that?

12 A. I do.

13 Q. Did you have to repeat any questions or commands  
14 to Mr. Caniglia?

15 A. No.

16 Q. Do you have any knowledge of any presentations on  
17 mental illness that may have been given to the  
18 Cranston police in 2008?

19 A. No.

20 Q. I believe I asked you earlier if you had any  
21 knowledge of any state statutes dealing with  
22 mental health?

23 A. You did.

24 Q. Your answer was no; is that correct?

25 A. Yes.

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1           you asking me if this is the same as this? Yes.

2       Q.    The first Exhibit B attached to the Answers to  
3           Interrogatories is the same as what was previously  
4           marked as Exhibit 2?

5       A.    Yes.

6       Q.    Then you can look at either one for my next  
7           question, but I want to go to the part of the  
8           narrative which is at the bottom of the first  
9           page. There is a sentence which says, "He came  
10          outside and while speaking to him he appeared  
11          normal"; do you see that?

12      A.    Yes.

13      Q.    The he refers to is Mr. Caniglia?

14      A.    Yes.

15      Q.    And you recall that he appeared normal when you  
16          spoke to him?

17      A.    Yes.

18                           MR. LYONS: Why don't we take a short  
19          break.

20                           (BRIEF RECESS)

21      Q.    Just a couple more questions. Did you have any  
22          conversations with Mrs. Caniglia about getting the  
23          weapons back from the Cranston Police Department?

24      A.    No.

25      Q.    Okay. Do you know if any police officer had any