

In The Matter Of:

*Caniglia vs
Strom, et al*

*Officer Austin Smith
June 1, 2018*



Min-U-Script® with Word Index

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1 A. I don't recall.

2 Q. Do you have notebooks from 2015?

3 A. I don't recall.

4 Q. But you kept notebooks in 2015?

5 A. I have notebooks, but I don't believe I've
6 kept them.

7 Q. Okay. What did you do with them?

8 A. Probably throw them away.

9 Q. Do you recall when you threw them away?

10 A. No.

11 Q. All right. Do you remember if anybody asked you
12 to keep your notebooks from 2015?

13 A. No.

14 Q. Okay. With respect to this lawsuit, has anyone
15 asked you to look for or keep your notebooks from
16 2015?

17 A. No.

18 Q. Do you remember going to Mr. Caniglia's house in
19 August of 2015?

20 A. Yes.

21 Q. Okay. Before that, had you ever had any
22 interaction with Mr. Caniglia?

23 A. No.

24 Q. Before that, had you had any interaction with Mr.
25 Caniglia's wife?

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1 A. No.

2 Q. Had you ever heard of the Caniglias before then?

3 A. No.

4 Q. To your knowledge, has Mr. Caniglia ever had any
5 kind of restraining order entered against him?

6 A. I don't have any knowledge of that.

7 Q. Okay. Had he ever had any kind of criminal charge
8 against him?

9 A. I have no knowledge of that, either.

10 Q. Had Mr. Caniglia ever been accused of domestic
11 violence?

12 A. I'm not sure.

13 Q. Do you know if Mr. Caniglia has any kind of
14 criminal record?

15 A. I'm not sure.

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

18 A. I'm not sure.

19 Q. Do you know if Mr. Caniglia has any history of
20 misusing firearms?

21 A. No.

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

24 A. No.

25 Q. Do you know if Mr. Caniglia has any history of

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1 A. I don't remember, no.

2 Q. Let me ask you to go to Page 10 -- well, actually
3 first, let me ask you this generally: Do you know
4 whether this presentation addresses the authority
5 of the police department to seize property without
6 a warrant and when there's not a criminal process?

7 A. No, I don't remember.

8 Q. Okay. Now let's go to Page 10. There's a slide
9 which is entitled Exceptions to the Search Order
10 Requirement; do you see that?

11 A. Yes.

12 Q. There's a listing of ten things; do you see those?

13 A. Yes.

14 Q. Do you know if any of those pertain to the
15 authority of the police department to seize
16 property without a search warrant when there's not
17 a criminal process?

18 A. Yes.

19 Q. Which ones?

20 A. Protective sweep, abandoned property. I
21 don't know what pre-trial detainees is.

22 Q. Any others?

23 A. Consent, plain view, exigent circumstances.
24 That's just my opinion.

25 Q. Do you know what community care means?

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1 A. Not exactly, no.

2 Q. Okay. Do you have any idea what it means?

3 A. Not exactly, no.

4 Q. Okay. Do any of these exceptions listed in this
5 slide pertain to the seizure of Mr. Caniglia's
6 firearms?

7 MR. CUNNINGHAM: Objection.

8 A. I'm not sure.

9 Q. Okay. Mr. Caniglia was not arrested, right?

10 A. No.

11 Q. He was not charged with a crime?

12 A. No.

13 Q. Okay. Do you know where his firearms were
14 located?

15 A. No.

16 Q. Do you know if they were in plain view?

17 A. No.

18 Q. Okay. Do you know if they were abandoned?

19 A. No.

20 Q. Do you know if anyone gave consent to them being
21 seized?

22 A. I don't recall.

23 Q. Do you know if there were any exigent
24 circumstances with respect to the seizure of his
25 firearms?

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1 A. No.

2 Q. If you go to Page 32, at the bottom of the page
3 there's a slide entitled community caretaking
4 function; do you see that?

5 A. Yes.

6 Q. Do you remember ever being taught about the
7 community caretaking function at any point in your
8 training?

9 A. Sounds familiar, but I'm not familiar with
10 it.

11 Q. If someone asked you to explain what it was, would
12 you be able to?

13 A. No; probably not.

14 Q. Do you have any idea whether the community
15 caretaking function relates to the seizure of
16 Mr. Caniglia's firearms?

17 A. No.

18 Q. Do you have any idea whether the community
19 caretaking function relates to a requirement that
20 Mr. Caniglia speak to the Cranston rescue?

21 A. I don't understand that question.

22 Q. Okay. My understanding is that you believe that
23 the Cranston police has the authority to require
24 someone to speak to the Cranston rescue about
25 their psychological condition?

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1 A. Yes.

2 Q. Okay. Do you know if that authority arises under
3 the community caretaking function?

4 A. I'm not sure because I'm not very familiar
5 with that, community caretaking function.

6 Q. When you take in-service training with the
7 Cranston Police Department, there's a record made
8 of what training you received and when you
9 received it?

10 A. I believe there should be.

11 MR. LYONS: I'm going to mark as an
12 exhibit -- actually, I'll mark two different
13 things. Let me mark this as 12, and let me mark
14 this as 13.

15 EXHIBIT 12, EXHIBIT 13

16 (PLAINTIFF'S EXHIBITS 12 AND 13

17 MARKED FOR IDENTIFICATION)

18 Q. Let me ask you if you've seen either Exhibit 12 or
19 13 before?

20 A. No.

21 MR. CUNNINGHAM: Tom, do you have
22 copies?

23 MR. LYONS: No.

24 (OFF THE RECORD)

25 Q. So, if you look at the second page of Exhibit 13,

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1 Q. Okay. Do you remember what you learned about
2 mental health awareness when you attended the
3 in-service training?

4 A. Not exactly, no.

5 Q. Let me show you what was marked as Exhibit 9
6 during Officer Mastrati's deposition which appears
7 to be a PowerPoint presentation entitled Mental
8 Health 101, and it has what looks like a
9 handwritten date of 2011 on it; do you see that?

10 A. Yes.

11 Q. Do you know, by chance, whose handwriting that is?

12 A. No.

13 Q. Do you remember if when you attended a mental
14 health presentation there was a PowerPoint
15 presentation?

16 A. Most likely, but I don't exactly recall it.
17 It's usually how it's presented, that information.

18 Q. Can you go to what is Page 40 of this.

19 MR. CUNNINGHAM: I'm sorry, what
20 page, Tom?

21 MR. LYONS: 40.

22 A. I don't have numbers past 35 -- never mind,
23 here's 40.

24 Q. This appears to be a PowerPoint slide entitled
25 What if the Person Doesn't Want Help; do you see

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1 this?

2 A. Yes.

3 Q. Do you recall receiving information during an
4 in-service training about what to do if a person
5 does not want help?

6 A. I don't recall.

7 Q. This one includes a bullet point that says, "Never
8 threaten them with hospitalization"; do you see
9 that?

10 A. Yes.

11 Q. Do you recall if you were ever told not to
12 threaten a person with hospitalization?

13 A. I don't recall.

14 Q. Okay. If you go to Page 43 -- Page 43, 44 and 45
15 all deal with suicide. Do you recall seeing a
16 presentation that discussed these aspects of
17 suicide?

18 A. I don't recall.

19 Q. Do you recall being told how to deal with somebody
20 who might be suicidal; for example, do you recall
21 warning signs of suicide as discussed on Page 44?

22 A. Vaguely.

23 Q. Okay. Do you know if anyone discussed or
24 considered, with respect to Mr. Caniglia, any of
25 these warning signs of suicide?