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1 training academy on dealing with people who have  
2 mental issues?

3 A. I believe so.

4 Q. What do you recall about that?

5 A. Just generalization on how to recognize  
6 people that may have mental health issues and what  
7 the, you know, what's expected of police when  
8 dealing with people that may be identified as  
9 having mental health issues.

10 Q. What do you recall they told you about what was  
11 expected?

12 A. Specifically, I don't recall what the  
13 instruction was.

14 Q. Okay. Did you have any instruction at the police  
15 training academy about whether you can require  
16 people to have psychiatric evaluations?

17 A. Specifically, I don't recall.

18 Q. When did you have the supervisor courses that you  
19 took at Roger Williams?

20 A. Some time in the late '90s I was promoted to  
21 sergeant in 1999. It might have been right before  
22 or right after that.

23 Q. What do you recall about that instruction?

24 A. Specifically not much, other than it was a  
25 generalized course on what the role of the

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1 detain a person without arresting them?

2 A. I don't recall.

3 Q. Okay. Did any of them deal with when it is  
4 appropriate to seize any kind of property without  
5 a warrant or court order?

6 A. I don't specifically recall.

7 Q. Did any of them deal with seizing weapons for  
8 safekeeping?

9 A. I don't specifically recall.

10 Q. Did any of them deal with the community caretaking  
11 function?

12 A. I don't recall.

13 Q. Did any of them deal with requiring people to have  
14 psychiatric evaluations?

15 A. I don't recall.

16 Q. In 2015 approximately how many police officers  
17 were there in Cranston, employed by Cranston?

18 A. I think we're authorized for 153. It is some  
19 number less than that. Generally we're within 10  
20 or 15 of that number.

21 Q. All right. So somewhere between 140 and 150,  
22 somewhere in that range?

23 A. That's fair to say.

24 Q. So, were they assigned to particular shifts?

25 A. Sure. Many different assignments within the

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1 A. Yes, sir.

2 Q. Don't get impatient with me.

3 A. I have all day.

4 Q. I mentioned the community caretaking function,  
5 have you heard of that phrase before?

6 A. Yes.

7 Q. What is your understanding of it?

8 A. My understanding is that the courts recognize  
9 that law enforcement needs to take certain actions  
10 relative to the Fourth Amendment without a warrant  
11 that pertain to public safety functions or  
12 emergencies.

13 Q. Are public safety functions and emergencies  
14 different categories or --

15 A. Or emergencies.

16 Q. So when you say a public safety function, what  
17 public safety -- what kind of public safety  
18 functions are you referring to?

19 A. Say, an intoxicated person stumbling down  
20 Reservoir Avenue into traffic, I think the courts  
21 recognize that it's reasonable for the police to  
22 take custody of the person for their own  
23 well-being, protect them from getting hurt, make  
24 sure they receive whatever care that they need.

25 Hypothetically, a person jumping off the Pell

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1 Q. Would the community caretaking function ever come  
2 up during a roll call training?

3 A. It may have, I don't recall specifically. We  
4 do it on a regular basis, we do high-speed pursuit  
5 training at roll call, we do review of the cell  
6 block policy at roll call. We're mandated by  
7 CALEA to do that, the accreditation. There are  
8 certain policies within the Cranston police  
9 general orders that mandate roll call training,  
10 continuous training. That particular phrase,  
11 community caretaking, may not be, but it may be  
12 part of a different topic.

13 Q. Okay. So, in other words, the theory of the  
14 community caretaking function may have been  
15 discussed even if that particular phrase was not  
16 used?

17 A. It may have been discussed under mental  
18 health in roll call training.

19 Q. Do you believe, or is it your understanding that  
20 the Cranston Police Department has the authority,  
21 separate from a criminal investigation, of  
22 requiring a person to submit to a psychiatric  
23 evaluation?

24 THE WITNESS: Can you repeat that?

25 (QUESTION READ)



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1 A. No.

2 Q. Do you know whether any Cranston police officer  
3 has ever required a person to submit to a  
4 psychiatric evaluation?

5 A. Not that I'm aware of, no.

6 Q. Do you know whether the Cranston Police Department  
7 has any written materials that describe its  
8 authority under the community caretaking function?

9 A. It may be referenced in one of those policies  
10 we talked about when we first started. I'd have  
11 to have the policy in front of me.

12 Q. Do you recall a specific policy that refers --

13 A. Either the public mental health policy or  
14 maybe the BCI policy.

15 Q. Okay. Are you aware of any Rhode Island statute  
16 that recognizes the community caretaking function?

17 A. I believe -- it's my opinion that there was  
18 recently a law passed last year, I believe, under  
19 Title 40.1 that memorializes the -- I don't  
20 believe it uses those words, but I believe it  
21 memorialized the concept, gives the authority to  
22 law enforcement under Rhode Island General Law to  
23 do those functions.

24 Q. Okay. Prior to the legislation last year in 2017,  
25 were you aware of any Rhode Island statute that

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1 recognizes the community caretaking function?

2 A. There may have been under Title 40. I'd have  
3 to review the title. I believe that covers mental  
4 health.

5 Q. Are you aware of any Rhode Island regulation that  
6 recognizes the community caretaking function?

7 THE WITNESS: Rhode Island  
8 regulation?

9 MR. LYONS: Yes.

10 THE WITNESS: That the police are  
11 bound by?

12 MR. LYONS: Correct.

13 A. No.

14 Q. Are you aware of any court decision from a Rhode  
15 Island court that recognizes the community  
16 caretaking function?

17 A. Off the top of my head, I don't know the  
18 names of any court cases.

19 Q. Okay. Are you aware of any court decision from  
20 any other jurisdiction that recognizes the  
21 community caretaking function?

22 A. I don't recall the names of the cases at this  
23 time.

24 Q. All right. Do you recall from what jurisdiction  
25 the cases may have been, even if you don't recall

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1 the names?

2 A. No. As I stated earlier, I do a lot of  
3 reading, self-education, to try and maintain my  
4 knowledge on different court cases.

5 Q. Do you recall in what circumstances those courts  
6 recognize the community caretaking function?

7 A. I read one about motor vehicle accidents and  
8 the resulting search of a motor vehicle. That's  
9 probably the most recent one I remember.

10 Q. Okay. Are you aware of any court decisions  
11 recognizing the community caretaking function, and  
12 stating that it authorizes police to seize  
13 property, including firearms, from a person's  
14 residence?

15 A. Off the top of my head, no.

16 Q. Are you aware of any court decision recognizing  
17 the community caretaking function and stating it  
18 authorizes police to require someone to leave  
19 their residence and go for a psychiatric  
20 evaluation?

21 A. No.

22 Q. Other than what we've talked about so far, have  
23 you had any other training on the seizing of  
24 firearms for safekeeping?

25 THE WITNESS: Specific to that

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1 changes to policies since this Exhibit 15, it's  
2 dated September 16, 2014, so I would say yes,  
3 there have been many changes to policies since  
4 then.

5 Q. Do you recall any of them off the top of your  
6 head?

7 A. I'd be lying if I did.

8 Q. Okay. Other than the mental health one, do you  
9 know if any of them deal with the seizure of  
10 firearms?

11 A. Specifically, I don't recall.

12 Q. Other than the mental health one, do you know if  
13 any of them deal in one way or another with  
14 psychiatric -- sending people for psychiatric  
15 evaluations?

16 A. Specifically, I don't recall.

17 Q. Okay. Does the Cranston Police Department keep  
18 its policies, general orders, procedures, et  
19 cetera, in any collection other than the policy  
20 and procedure manual?

21 THE WITNESS: Can you repeat that?

22 (QUESTION READ)

23 A. No, this is the manual, it may be digital or  
24 a print copy, but this is the manual -- whatever  
25 manual is in existence today, June 13th, today,



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1 words, requested by whom?

2 A. I don't know. I'm not really sure who  
3 they're referring to. I'm assuming a lot of  
4 assumptions here because it's not really specific.  
5 I assume the rescue personnel on the scene, they  
6 can be requesting, the actual person who is  
7 suffering from the alleged mental illness could be  
8 requesting, or the officers could be requesting.

9 Q. Okay. If the person, for lack of a better word,  
10 who has the perceived mental illness objects to  
11 being taken to a mental health facility, would  
12 that be a voluntary admission?

13 A. So, just to clarify, I'm not sure why this  
14 says mental health facility. As a practice, we  
15 don't bring people to a mental health facility, we  
16 bring them to a hospital, whether it's for medical  
17 treatment from injury or for an evaluation for a  
18 perceived mental health issue, for being  
19 intoxicated, drugs or alcohol, our role is to  
20 provide, bring them to the hospital. We can't  
21 make them submit to anything, whether it's medical  
22 treatment, mental health treatment, evaluations or  
23 anything else at the hospital.

24 Q. So, in other words, even if the police officer  
25 says to a person we think you should go for an

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1 evaluation, and the person says I don't want to  
2 go, you can't compel them to go to the hospital;  
3 would you agree with that?

4 A. If we feel it's necessary for them to go to  
5 the hospital and receive medical treatment, used  
6 in a broad term, then we'll do that. We can't  
7 make them submit to it once they're at the  
8 hospital.

9 Q. Oh, so you can take them to the hospital, but you  
10 can't make them be treated?

11 A. I believe it's our role under the Community  
12 Caretaking Act or Doctrine, that under certain  
13 circumstances we think is reasonable, are  
14 reasonable, if we force somebody to be transported  
15 to a medical facility, whatever type of facility,  
16 walk-in, whatever it is, for treatment, then we'll  
17 do that. Once they're there, we can't force them  
18 to participate in anything, nor would we try.

19 Q. Number 6 underneath that says, one of the options  
20 says, "Transport for involuntary emergency  
21 psychiatric evaluation if the person's behavior  
22 meets the criteria for this action." Do you see  
23 that?

24 A. Yes.

25 Q. How does a police officer determine if a person's

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1 A. Okay.

2 Q. To whom does that refer?

3 A. That's a good question. I must have -- I  
4 don't know why it says that. I don't know.

5 Q. It also refers to his children, to whom does that  
6 refer?

7 A. Again, I don't know. My recollection was it  
8 was just the plaintiff and his wife involved in  
9 the incident.

10 Q. Can you go to interrogatory Number 21.

11 A. Okay.

12 Q. Again, it refers to the custom and practice; do  
13 you see that?

14 A. Yes.

15 Q. Okay. Again, is there a document referring or  
16 setting forth that custom and practice that we  
17 have not discussed so far?

18 A. Not that I can think of.

19 Q. Okay. It says, "It is the custom and practice to  
20 call rescue to transport the individual to the  
21 hospital for further evaluation." Does that mean  
22 that the police make the determination to have  
23 rescue transport the individual?

24 A. Yes.

25 Q. Okay. Is that what happened in this case, the

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1 police made the decision?

2 A. There's occasions where the fire department  
3 makes the determination also.

4 Q. Do you know which happened in this case?

5 A. The police made the determination.

6 Q. Have we discussed any reasons upon which they made  
7 that determination -- I'll withdraw the question.  
8 Apart from what we have discussed so far, are you  
9 aware of any facts upon which they made that  
10 determination to transport Mr. Caniglia to the  
11 hospital?

12 A. Apart from what we've already discussed, I  
13 don't believe there's any.

14 Q. Finally, can you look at 22, which starts at the  
15 bottom of Page 8 and carries over -- sorry, at the  
16 bottom of Page 7 and carries over to Page 8.

17 A. Okay.

18 Q. That refers to public safety issues; do you see  
19 that?

20 A. Yes.

21 Q. Is the public safety issue the possibility that  
22 Mr. Caniglia would harm himself?

23 A. Or others.

24 Q. What was the basis of the belief that Mr. Caniglia  
25 might harm others?



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1 Q. Was Mr. Caniglia ever under a guardianship?

2 A. Not that I'm aware of.

3 Q. Was he ever determined to be mentally incompetent?

4 A. I don't know.

5 Q. Was he ever a drug addict?

6 A. I don't know.

7 Q. Was he ever a felon or fugitive from justice?

8 A. I don't know.

9 Q. Was he an unnaturalized, foreign born person?

10 A. I don't know.

11 Q. If Mr. Caniglia had objected to the seizure of his  
12 firearm, would your decision have been any  
13 different?

14 A. No. Can I add to that?

15 MR. LYONS: Yes.

16 A. If he had -- if we were able to make  
17 alternative arrangements to have them stored at a  
18 firearm dealer or a relative, more likely a  
19 relative, that could have been an alternative;  
20 we've done that in the past.

21 Q. Do you know if that was discussed with him?

22 A. I don't believe it was.

23 Q. Do you know why not?

24 A. No, I don't know.

25 Q. Would the Cranston Police Department's a decision

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1 to have Mr. Caniglia sent for psychological  
2 evaluation have been different if he had objected?

3 A. Our decision was to send him to the hospital  
4 for medical care.

5 Q. But it was for a psychiatric evaluation, right?

6 A. Speak to a medical professional, and they  
7 could determine that.

8 Q. Right. But if he had objected --

9 A. It wouldn't have mattered.

10 Q. He would still have been sent?

11 A. Yes.

12 Q. Does the Cranston Police Department use written  
13 consent forms for searches of property?

14 A. We have a form for that, yes.

15 Q. Did it use one in this case?

16 A. No.

17 Q. Do you know why not?

18 A. It's my understanding under community  
19 caretaking we do not need consent or warrant to  
20 search as long as it's not to collect evidence of  
21 a crime.

22 MR. LYONS: I believe those are all  
23 my questions. Thank you, very much.

24 THE WITNESS: Thank you.

25 (DEPOSITION CLOSED AT 2:23 P.M.)