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1 A. Not that I remember, no.

2 Q. When you met with Ms. Murphy in June, did you
3 look at any documents?

4 A. Not that I remember, no, besides the incident
5 report and the interrogatories.

6 Q. Okay.

7 MR. CUNNINGHAM: Tom, just to clarify
8 the record, we also met for about ten minutes
9 before we came over here this morning.

10 Q. (By Mr. Lyons) Okay. Did you look at any
11 documents when you met with Mr. Cunningham before
12 you came over here?

13 A. The interrogatories.

14 Q. The interrogatories. Okay. Have you looked at
15 any other documents to prepare for this
16 deposition whether it was with one of the
17 attorneys or otherwise?

18 A. I reviewed the Community Care Doctrine. I
19 don't, again, know the correct terminology on it,
20 but in the meetings with Caroline she had
21 mentioned that, so I took it upon myself to kind
22 of look at it.

23 Q. Okay. So you looked at an actual document that
24 discussed the Community Care Doctrine?

25 A. No. It was more of, maybe, a Wikipedia entry

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1 or a Google type of entry just to kind of --
2 point of reference.

3 Q. Okay. Had you ever read any written materials
4 about the Community Care Doctrine before then?

5 A. Not that I remember. It's possible through
6 previous trainings or previous policies that were
7 put out there, but it was terminology that I
8 didn't recall so I needed just to look at this
9 again if I hadn't.

10 Q. When you read about the Community Care Doctrine
11 recently, was that between June and now?

12 A. Yes.

13 Q. Okay. And did you do that at the police station
14 or at home?

15 A. At the police station.

16 Q. Okay. Does the Cranston Police Department have
17 any written materials about the Community Care
18 Doctrine?

19 A. Not to my knowledge, but, again, policies and
20 training materials that come out tends to be
21 excessive so it could be in there somewhere and,
22 again, I'd have to kind of comb through some of
23 the stuff in there, but not to my knowledge, no.

24 Q. Okay. Do you specifically recall having any
25 classes or receiving any materials previously in

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1 your training that dealt with the Community Care
2 Doctrine?

3 A. Not specifically, no.

4 Q. Okay. When you read about it recently on
5 Wikipedia or Google, did it refresh your
6 recollection that you had, in fact, heard about
7 the doctrine at some point in the past?

8 A. Yes, but, again, I don't know if it was a
9 training piece through the department, if it was
10 from the academy or things of that nature once I
11 kind of --

12 THE REPORTER: Pardon me?

13 A. When I was looking over the entries on the
14 computer, it jogged my memory that I was familiar
15 with it, but I don't specifically remember where
16 I originally read it or originally heard it.

17 Q. (By Mr. Lyons) Okay. Do you know when the first
18 time was you ever heard about the Community Care
19 Doctrine?

20 A. No.

21 Q. Okay. Do you know if it was before or after
22 2015?

23 A. I don't know specifically, no.

24 Q. Okay. What do you recall reading about the
25 Community Care Doctrine when you looked it up on

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1 the computer recently?

2 MR. CUNNINGHAM: Objection.

3 Q. (By Mr. Lyons) Okay. When you read about the
4 Community Care Doctrine on the computer sometime
5 between June and today, what did it say?

6 A. It was basically the rights of police officers
7 or the rights of police officers when it comes to
8 public safety. And when I saw the term "public
9 safety," it more jogged my memory that I've -- I
10 know this, this is things that I practice every
11 day.

12 So if the terminology of Community Care,
13 if that was ever said in the training or it was
14 on a particular document or a policy, I'm not
15 sure. But when I saw about public safety and
16 certain instances where police officers maybe not
17 in a criminal act where they're more using public
18 safety as the matter, not a criminal matter, it's
19 a public safety matter, that that's kind of what
20 jogged my memory that that's what we were dealing
21 with here.

22 Q. All right. So do you recall having any prior
23 education or training on the issue of dealing
24 with public safety outside the criminal context?

25 A. Specifically, no, but standard procedures in

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1 Caniglia if he objected to his firearms being
2 seized?

3 A. I don't recall, you know, the -- any
4 conversations with Mr. Caniglia regarding the
5 firearm.

6 Q. Okay. Do you know if anyone told Mr. Caniglia --
7 let me withdraw the question.

8 It was the Cranston Fire Department's
9 rescue unit that came to the scene?

10 A. Correct.

11 Q. And do you know if anyone told Mr. Caniglia that
12 the Cranston rescue was going to do an evaluation
13 of his mental state?

14 A. I don't recall that, no, any conversations
15 with him about that.

16 Q. Okay. Have you ever told anyone that, that the
17 Cranston rescue would do an initial evaluation of
18 someone's mental state?

19 A. No. Standard procedure is that they do their
20 initial blood pressure check and maybe the --
21 you know, their questions that they ask, but as
22 far as my knowledge is they don't do any mental
23 evaluation on any patients. They just transport
24 those patients to the hospital.

25 Q. All right. Does the Cranston Police Department

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1 have any written policy or procedure for
2 determining when it will seek a mental evaluation
3 of the person?

4 A. I'd have to look through the policy book. If
5 you give me some time, I can probably find it if
6 you haven't looked through it already, but
7 specifically I can't say the exact policy that it
8 is.

9 Q. Okay. Did you use that policy when you sent Mr.
10 Caniglia for an evaluation?

11 A. Yes. Again, I don't know the specifics of the
12 policy. Was probably more going on my experience
13 up until that point and any other dealings with
14 persons who aren't in their right frame of mind
15 and how we react with them and reacted the same
16 with Mr. Caniglia.

17 Q. Okay. Prior to dealing with Mr. Caniglia, had
18 you ever previously required anyone to go for a
19 psychological evaluation at the hospital?

20 A. Yes.

21 Q. How many times?

22 A. More times than I can count.

23 Q. Okay. And were these all occasions in which
24 there was no criminal charges or criminal
25 investigation going on?

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1 A. There was -- yes, there were several
2 instances -- countless instances that I have
3 dealt with where noncriminal persons that I've
4 dealt with that we've had to transport them.
5 There have also been other criminal people in
6 custody as, you know, charged that also had to --

7 Q. Setting aside the criminal instances, when this
8 happens do you take the subject matter into
9 custody? In other words, did the Cranston Police
10 take Mr. Caniglia into custody?

11 A. There are occasions when the Cranston -- when
12 me, as a police officer, I've had to take persons
13 into custody based on that.

14 The incident I referred to earlier
15 with -- when I was training with Officer Baccari,
16 we had to -- he wasn't charged with anything
17 criminally, but we had to physically take custody
18 of him or detain him in order to get him to the
19 proper medical professionals.

20 Q. Did you take Mr. Caniglia into custody?

21 A. No.

22 Q. Okay. What's the difference between -- or what
23 constitutes taking someone into custody?

24 A. I guess for me custody would be physically
25 putting my hands on somebody or putting handcuffs

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1 on someone for their safety, not for a criminal
2 act.

3 Try not to do that as much as possible.
4 I would rather somebody go on their own volition.
5 So a lot of these instances there's a lot of
6 talking back and forth, but ultimately I'd rather
7 convince somebody to go on their own accord
8 rather than physically put my hands on somebody
9 and take them to the rescue or the ambulance.

10 Q. As you sit here now, without having looked at any
11 documents to refresh your recollection or
12 anything else, is there anything else you
13 remember about dealing with Mr. or Mrs. Caniglia
14 back in August of 2015?

15 A. No.

16 Q. Okay. When you were speaking with Mr. Caniglia
17 before deciding to send him to the hospital and
18 seize his firearms, did you know whether or not
19 he had a family history of suicide?

20 A. Did not know that, no.

21 Q. Okay. Did you ask him that?

22 A. I don't recall if anybody asked him that, but
23 it's not something that I would have asked.

24 Q. Okay. Do you know whether you asked him if he
25 was mistreated as a child?

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1 Q. Okay. Do you know if he'd had any recent social
2 or financial losses?

3 A. No.

4 Q. Did you ask him about his physical health?

5 A. No.

6 Q. Was there any evidence or history of domestic
7 violence in the Caniglia house?

8 A. From what I remember, no. And we have -- only
9 going off any Cranston Police responses to that
10 address, and from what I remember there wasn't
11 any.

12 Q. Okay. Do you recall consulting with any specific
13 psychological or psychiatric criteria in
14 determining whether or not Mr. Caniglia should
15 have a psychological evaluation?

16 A. I'm sorry. Could you repeat that.

17 Q. Sure.

18 (The question was read.)

19 MR. CUNNINGHAM: Objection.

20 A. May I ask just criteria?

21 Q. (By Mr. Lyons) Sure.

22 A. Like a professional? Like a person? Is that
23 what --

24 Q. Or a list of factors that you would consider, for
25 example, in deciding is this person suicidal or

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1 not? Were there -- like a checklist of any kind?

2 A. No checklist physically written. Only going
3 off my experience and kind of standard procedures
4 with the police department.

5 Q. Okay. Besides Captain Henry, did you consult
6 with any other law enforcement or medical
7 professionals before deciding to send Mr.
8 Caniglia for the psychological evaluation?

9 A. No.

10 Q. Okay. Did you consult with any other medical or
11 psychological professionals before deciding to
12 seize his firearms?

13 A. No.

14 Q. How did you find his firearms? Well, I'll
15 withdraw the question.

16 Do you remember actually seizing Mr.
17 Caniglia's firearms?

18 A. I remember, yes, being a part of taking
19 possession of Mr. Caniglia's firearms and we were
20 told by Mrs. Caniglia where they were located.

21 Q. Okay. Were you the one who spoke with Mrs.
22 Caniglia about that?

23 A. I had conversations with her after Mr.
24 Caniglia was transported to the hospital.
25 Specifically, I don't recall the actual content

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1 A. Yes.

2 Q. All right. Is that an exception that applies to
3 a criminal investigation?

4 A. Sometimes, yes.

5 Q. Is that an exception that applied to Mr.
6 Caniglia?

7 A. Yes.

8 Q. Okay. And if I -- I'm going to paraphrase.

9 A. Okay.

10 Q. So if I don't get it exactly right, I'm not
11 trying to hold you to this, but my notes indicate
12 that you described this as that police officers
13 need to maintain public safety where an
14 individual wants to do harm to himself or others
15 but it's not a criminal situation and that's when
16 this public safety exception applies.

17 A. Yes.

18 Q. Okay. So what is your understanding of what the
19 legal authority is for this maintaining public
20 safety exception?

21 A. When you find an individual who may be a harm
22 to himself, harm to others, there's not enough
23 probable cause for a criminal avenue to go down.
24 We still have to maintain safety of the public
25 and the safety to an individual with himself. So

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1 in an instance where the public safety would be
2 an exception, because if you find somebody
3 that's -- mentions doing harm to themselves, is not
4 in their right frame of mind, is not acting like
5 a reasonable person would, is an instance where
6 exceptions to the search and seizure rules.

7 Q. Okay. Is it your understanding that this
8 exception is expressly set forth, for example, in
9 the constitution or a statute?

10 A. Not to my knowledge that I can recall that it
11 is. I'd have to research it.

12 Q. Okay. So what's the basis? Where does this
13 exception come from legally?

14 A. Again, I go back to the Community Care
15 Doctrine. I've always, in my head, refer -- not
16 referred to it, but acted as a public safety in
17 these types of incidents where it's not criminal
18 but there's still, maybe, some harm to the
19 public.

20 Q. Okay. Are you aware of any decision by a court
21 which sets forth this exception for maintaining
22 public safety?

23 A. I don't recall, no.

24 Q. Have you received any instruction from any lawyer
25 or law -- any lawyer, I'll put it that way, as to

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1 A. Yes.

2 Q. -- is that fair to say?

3 A. Yes.

4 Q. Number 5 says, "Assist in arranging voluntary
5 admission to a mental health facility, if
6 requested." Do you see that?

7 A. Yes.

8 Q. You would agree that you did not assist in
9 arranging a voluntary admission to a mental
10 health facility?

11 A. Yes, I would agree with that.

12 Q. Okay. Number 6 says, "Transport for involuntary
13 emergency psychiatric evaluation if the person's
14 behavior meets the criteria for this action." Do
15 you see that?

16 A. Yes.

17 Q. Is that what occurred in this case?

18 A. Yes, that's how I classified that interaction
19 with Mr. Caniglia.

20 Q. Okay. So let's go to the next page.

21 (Witness complied.)

22 Q. (By Mr. Lyons) And there's Item Number G, says
23 "involuntary admission." Do you see that?

24 A. Yes.

25 Q. Okay. And it says part -- small 11 says, "a

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1 higher level of law enforcement intervention will
2 be required when officers encounter the following
3 scenarios," and Number 1 says, "the person is
4 imminently dangerous to himself or others." Do
5 you see that?

6 A. Yes.

7 Q. Is that what you thought applied here? Did you
8 believe Mr. Caniglia was imminently dangerous to
9 himself or others?

10 A. Yes, based on the totality of the
11 circumstances, the -- you know, what had happened
12 the previous night, I know imminently applies
13 there was the night before and now we're dealing
14 with it a day later (sic).

15 My concern at that point was the
16 statements were made that the Police Department
17 was made aware of those statements and that he --
18 when we go back to the involuntary part of it,
19 regardless of what Mr. Caniglia had said, after
20 we had learned -- corroborated the statement from
21 the night before, he was going to the hospital
22 for a medical evaluation.

23 When I go back and state that we would
24 rather -- the Police Department would rather not
25 put our hands on somebody and take physical

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1 custody to bring them to the hospital, meaning
2 Mr. Caniglia -- tried to talk him into going
3 under his own volition, so it's still involuntary
4 but, again, I -- more cases than not we don't
5 want to physically put our hands on somebody to
6 place them into a rescue or to transport them to
7 the hospital, that we would rather they do it on
8 their own accord.

9 Q. What is your understanding of what imminent
10 means?

11 A. Imminent would be immediately.

12 Q. Okay. Down at the bottom, it says "training."
13 Do you see that?

14 A. Yes.

15 Q. It says, "Cranston Police Department will provide
16 entry level personnel with training on this
17 subject and will provide refresher training at
18 least every three years." Do you see that?

19 A. Yes.

20 Q. Do you recall having received such training?

21 A. We receive quite a bit of training at the
22 police department, so I know we've had that type
23 of training. When and where exactly that
24 happened, if it was every three years, but I do
25 recall having training on that.

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1 A. Yes.

2 Q. Are you aware of any Rhode Island decisions on
3 the community caretaking function which do not
4 involve a motor vehicle?

5 A. I'm not aware of any, no.

6 Q. Okay. Are you aware of any Rhode Island
7 decisions in community caretaking function which
8 authorize the police to seize firearms or other
9 property from someone's residence without a
10 warrant or a court order?

11 A. Decisions, no, not to my knowledge.

12 Q. Okay. Are you aware of any Rhode Island
13 decisions on the community caretaking function
14 which authorize the police to require somebody to
15 have a psychiatric evaluation without a court
16 order?

17 A. I'm not aware of any decisions.

18 Q. Okay. Other than Mr. Caniglia, have you ever
19 seized any firearms for safekeeping?

20 A. Yes.

21 Q. Do you recall how many times?

22 A. No, not specifically. Previous to this event,
23 it was fairly recent to it. I remember seizing a
24 firearm, but I don't recall the names, but the
25 situation was an individual had threatened harm

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1 on a city worker. And once we kind of -- I'm
2 trying to remember the specifics of it, but there
3 wasn't enough probable cause for anything
4 criminal but it was deemed that this particular
5 person was potentially a harm to himself.

6 And then I remember in that case he -- I
7 believe he was transported to the hospital, as
8 well, for medical attention and a firearm was
9 taken in possession in the house.

10 Q. The policy of seizing firearms for safekeeping,
11 do you know who developed that?

12 A. No, I do not.

13 Q. Do you know what the basis was of developing that
14 policy at the Cranston Police Department?

15 A. I would assume it would be Rhode Island
16 General Laws. The Constitution kind of plays
17 into effect, but, again, I don't know what the
18 actual basis is.

19 Q. Okay. The policy of requiring people to have
20 psychological evaluations, do you know who
21 developed that policy in the Cranston Police
22 Department?

23 A. No.

24 Q. Do you know what the basis was of that policy?

25 A. I don't know what the basis was, no.

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1 Q. Do you know whether or not any police officer
2 told Mr. Caniglia that unless he went for the
3 psychiatric evaluation his firearms would be
4 seized?

5 A. I don't recall that conversation.

6 Q. Okay. Would you deny that there was such a
7 statement made to Mr. Caniglia?

8 MR. CUNNINGHAM: Objection.

9 A. I only know the -- what -- from what I recall
10 that I was there. There were instances where I
11 wasn't with certain officers, so --

12 MR. LYONS: Okay. All right. I have no
13 other questions.

14 MR. CUNNINGHAM: I don't either.

15 THE REPORTER: Would you like a copy?

16 MR. CUNNINGHAM: Yes.

17 (Deposition adjourned at 1:13 p.m.)

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