

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

EDWARD A. CANIGLIA,
Plaintiff,

v.

C.A. No. 15-525

ROBERT F. STROM as the Finance Director
Of the CITY OF CRANSTON, THE CITY
OF CRANSTON, COL. MICHAEL J. WINQUIST,
in his individual and in his official capacity as
Chief of the CRANSTON POLICE DEPARTMENT,
CAPT. RUSSELL HENRY, JR., in his individual
and in his official capacity as an officer of the
CRANSTON POLICE DEPARTMENT; MAJOR
ROBERT QUIRK, in his individual capacity
and in his official capacity as an officer of the
CRANSTON POLICE DEPARTMENT, SGT.
BRANDON BARTH, in his individual capacity
and in his official capacity as an officer of the
CRANSTON POLICE DEPARTMEN, OFFICER
JOHN MASTRATI, in his individual capacity
and in his official capacity as an officer of the
CRANSTON POLICE DEPARTMENT, OFFICER
WAYNE RUSSELL, in his individual capacity
and in his official capacity as an officer of the
CRANSTON POLICE DEPARTMENT, OFFICER
AUSTIN SMITH, in his individual capacity
and in his official capacity as an officer of the
CRANSTON POLICE DEPARTMENT, and JOHN
And JANE DOES NOS 1-10, in their individual capacities
and their official capacities as officers of the
CRANSTON POLICE DEPARTMENT,
Defendants.

Defendants Statement of (Additional) Undisputed Facts

51. When she called the Cranston Police Department, Mrs. Caniglia believes that she informed the Cranston Police Department that she and Mr. Caniglia had had an argument and that Mr. Caniglia had been depressed. Exhibit K; June 27, 2018 Deposition Transcript of Kim Caniglia at 31-32.

52. Mrs. Caniglia hid the magazine because Plaintiff was depressed. Id. at 22.

53. Mrs. Caniglia hoped that Plaintiff could get some help at the hospital. Id. at 63. She was concerned about Plaintiff's depression. Id.

54. Mrs. Caniglia did not know why she was not worried that Plaintiff would use the gun on himself. Id. at 30.

55. Officer Mastrati testified that, as a police officer, he has the legal authority to seize a weapon from an individual who he thought was suicidal. Exhibit L; May 31, 2018 Deposition Transcript of John Mastrati at 27. Under these circumstances, he would notify a supervisor and the supervisor would make the decision. Id. He was aware of this as a result of training. Id. at 27, 36-37. Seizing the weapons would be for the safety of the person and the public. Id. at 36-37, 38

56. Officer Mastrati believed that Plaintiff was in a clear and imminent danger of harming himself as a result of the statements he made to his wife and the presentation of a firearm. Id. at 107.

57. Officer Smith testified that the Cranston Police Department can seize a firearm for safekeeping in non-criminal situations where a supervisor makes a decision that an individual who has a firearm may cause harm to himself or a member of the public. Exhibit M; June 1, 2018 Deposition Transcript of Austin Smith at 34.

58. Officer Barth was familiar with the Community Caretaking Doctrine. Exhibit N; July 19, 2018 Deposition Transcript of Brandon Barth at 9. Officer Barth testified that the Community Caretaking Doctrine involved the "rights of police officers when it comes to public safety." Id. at 12. He practices this type of public safety daily. Id.

59. Officer Barth is not sure if the specific term “Community Caretaking” was ever used in training or whether it was on a particular policy. He was, however, familiar with the theory behind the doctrine in so far as it concerns public safety and police acting in non-criminal situations. Id. at 12, 79.

60. Officer Barth testified that police officers need to maintain public safety “whether it’s an individual who wants to do harm to themselves or do harm to others” and it’s not a criminal matter and “it’s up to the police department to maintain safety and order of the public.” Id. at 12. Moreover, he noted that “sometimes there could be exceptions to search and seizure rules [with respect to] maintaining public safety.” Id. at 15.

61. Officer Barth testified that Plaintiff was “upset” and “agitated.” Id. at 86, 124.

62. Officer Barth considered the totality of the circumstances in dealing with the situation, including, but not limited to, (1) Mrs. Caniglia decided to leave the residence, (2) Mrs. Caniglia wanted a police escort back to her house; (3) Mr. Caniglia had corroborated what Mrs. Caniglia had informed the Cranston Police; (4) the fact that Mr. Caniglia brandished a gun and asked Mrs. Caniglia to shoot him; (5) Mr. Caniglia was agitated and upset. Id. at 41, 56, 82-83, 86-89, 102, 124.

63. Captain Henry is aware of the Community Caretaking Doctrine and hears about it periodically. His understanding of the Doctrine is that “courts recognize that law enforcement needs to take certain actions relative to the Fourth Amendment without a warrant that pertains to public safety functions or emergencies.” Exhibit O; June 13, 2018, Deposition Transcript of Russell Henry at 24, 26.

64. Captain Henry testified that Courts recognize that the police may take “reasonable action to prevent [a] person from killing themselves. A person has a firearm that’s thinking of harming

themselves or others, I think the courts recognize police have to take whatever action is necessary to prevent that.” Id. at 25.

65. Captain Henry testified that he believes the Community Caretaking Doctrine is synonymous with public safety. Id. at 26.

66. Captain Henry may have learned about the Community Caretaking Doctrine in formal education or from materials he has read. Id. at 26. He tries to keep current on the topic by reading current court cases. Id.

67. Captain Henry testified that although the specific phrase “Community Caretaking” may not have come up in training – the theory of community caretaking may have been discussed in training even though the particular phrase was not used. Id. at 31.

68. Captain Henry testified that the mental health training that Cranston Police Officers receive encompassed the concept of the Community Caretaking Doctrine. Id. at 35.

69. Captain Henry testified that Cranston Police have also been trained on the Community Caretaking Doctrine related to exceptions to the Search Warrant Requirement. Id. at 94-95.

70. An individual associated with the Cranston Rescue informed Plaintiff that they were “going to Kent Hospital” and Plaintiff replied “[f]ine.” Exhibit P, June 29, 2018 Deposition Transcript of Edward Caniglia at 44.

71. Officers Russell, Smith, Barth, Henry, and Mastrati are not involved in the return of seized property. Exhibit N at 58; Exhibit O at 58-59, 63; Exhibit M at 57; Exhibit L at 100; Exhibit Q; Office Wayne Russell’s Answer to Plaintiff’s Interrogatory 7.

Defendants,
By their attorneys,

/s/ Marc DeSisto
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CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 30th day of January, 2019 and is available for viewing and downloading from the ECF system.

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/s/ Marc DeSisto
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