

In The Matter Of:

*Caniglia vs
Strom, et al*

*Sergeant Brandon Barth
July 19, 2018*



Min-U-Script® with Word Index

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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 my day-to-day stuff with the police department, I
2 would estimate over half of the calls that I go
3 to I deal with public safety and quality of life
4 issues rather than criminal issues, so maybe more
5 hands-on things that I deal with public safety
6 issues.

7 Q. Okay. So are you aware of any written materials
8 that the Cranston Police Department has that
9 provide instruction for how to deal with public
10 safety issues outside of the criminal context?

11 A. I can't specifically name a particular policy.
12 If you give me some time, I could probably go
13 through it, but I don't know specifically a
14 policy that names it.

15 Q. Okay. Did you receive any education, either at
16 the Cranston Police Department or in your law
17 enforcement training, about police authority to
18 act with respect to public safety outside of the
19 criminal matters?

20 A. Again, specifically, I can't name a particular
21 training that I sat in. I would assume, yes,
22 because of the way that we operate as a police
23 department everybody seems to operate this way,
24 so I'm assuming that at some point --
25 specifically, I can't pinpoint a time that I sat

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1 Q. All right. Of those other officers, do you
2 recall how much experience they had?

3 MR. CUNNINGHAM: Objection.

4 Q. (By Mr. Lyons) Generally speaking.

5 A. I don't know their exact hire date and kind of
6 the calls that they've been on and everything
7 like that, but they're -- from my knowledge,
8 they're all fine officers and dutifully --

9 Q. I wasn't doubting that. For example, do you
10 recall how long Officer Mastrati had been on the
11 force in August of 2015?

12 A. I don't recall his exact hire date, but a
13 couple years, maybe.

14 Q. Okay. Did either Officer Russell or Officer
15 Smith have more experience than Officer Mastrati?

16 A. Officer Mastrati is senior, meaning he was
17 hired before them, so he's been a police officer
18 longer than those other two officers.

19 Q. It would be fair to say you had significantly
20 more experience than the other three officers?

21 A. Yes.

22 Q. Okay. And you were the senior person --

23 A. Yes.

24 Q. -- who was there?

25 All right. Did you talk to Mr. Caniglia

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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 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 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 illness on February 6, 2008. Do you recall
2 receiving any of that training?

3 A. I don't recall. It was quite a few years ago,
4 the actual content of that training, but they're
5 pretty good about the -- so if it says I was
6 there, I was there.

7 Q. Okay. All right. I'm going to show you --

8 MR. LYONS: Actually, we'll do these
9 both at the same time so why don't we mark this
10 as 33 and 34.

11 (Exhibits 33 and 34 Plaintiff's were so
12 marked.)

13 Q. (By Mr. Lyons) So let me show you what's been
14 marked as Exhibits 33 and 34 which also appear to
15 be similar Cranston Police records of in-service
16 training. 33 is dated November 10th, 2011, and
17 34 is dated December 4th, 2013. And these
18 indicate that on those dates you received
19 training on mental health. Do you see that?

20 A. Yes.

21 Q. Okay. Do you recall receiving the training on
22 either of those days?

23 A. The specific content of the course I don't
24 recall it, but, again, if it says I was in the
25 class, I was there.

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1 Q. Okay. These classes, do you recall whether they
2 include PowerPoint presentations?

3 A. Most of the time there's PowerPoints.
4 Sometimes they may bring in some professionals in
5 various fields to kind of give some other light
6 to it. Sometimes it's police officers that are
7 conducting the training as well.

8 Q. Okay. Let me show you an exhibit which was
9 previously marked as Exhibit 19.

10 A. I think I have an extra Exhibit 34.

11 Q. Exhibit 19 appears to me to be a PowerPoint
12 presentation, the first slide of which is
13 entitled Police Response to Persons with Mental
14 Illness, and there's a handwritten date in the
15 upper right-hand corner of the document that says
16 2008.

17 A. Yes.

18 Q. Do you know if this is a PowerPoint presentation
19 which was given on mental health that you
20 received or saw in 2008?

21 A. Again, I don't recall specifically the actual
22 content of it, but this is similar or like any
23 training that I've been in where a PowerPoint
24 would be presented in class.

25 Q. Okay. The first slide of what appears to be the

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1 printout of a PowerPoint refers to Michelle Lynn
2 Branch and Kate Noveau (phonetic spellings). Are
3 those professionals to whom you were referring to
4 when you said you received in-service training?

5 A. Yes. I don't recall their names, so those
6 would be professionals that come in and teach the
7 course.

8 Q. Okay. So at the bottom of the page, there
9 appears to be the letters O-K and a handwritten
10 name or signature. Do you see that?

11 A. Yes.

12 Q. Do you recognize that?

13 A. I don't recognize the name. The L-T would be
14 Lieutenant.

15 Q. Okay.

16 A. And trying to go off the badge number, it's a
17 little off there. Maybe Lieutenant Ricci at the
18 time at 339. I can't remember who has that badge
19 number.

20 Q. Okay. All right. If you go to the fifth page of
21 the exhibit, the top two slides refer to a --
22 appear to refer to a statute, 40.5, and on one
23 slide it says ".5-7," on the other slide it says
24 '5-7 emergency certification." Do you see that?

25 A. Yes.

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1 Q. Do you recall any discussion during the training
2 you received on mental health law about emergency
3 certifications of people for a mental health
4 examination or admission?

5 A. I don't recall any specific classroom talks.

6 Q. Okay. Do you recall ever receiving any training
7 on a Rhode Island statute that dealt with
8 emergency certification of somebody with a mental
9 health issue?

10 A. Again, it says I was in the class and then,
11 obviously, they went over for it. But for me to
12 recall what specifically was said and how the
13 training went, I can't.

14 Q. Okay. Do you know if you've ever actually read
15 that statute?

16 A. I'm sure I read it, but off the top of my head
17 it doesn't sound like something I could rattle
18 off verbatim.

19 Q. All right. Let me show you what has previously
20 been marked as Exhibit 9, which again appears to
21 be a printout of a PowerPoint presentation,
22 entitled Mental Health 101. And on the first
23 page in the bottom right-hand corner, there's a
24 handwritten date of 2011. Do you see that?

25 A. Yes, I do.

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1 Q. Do you know if this is the PowerPoint
2 presentation you saw for mental health in-service
3 training in 2011?

4 A. Specifically, no, but if my name was on the
5 roster, then I'd say yes.

6 Q. If you go to -- okay. Well, let me direct your
7 attention to what I referred to as Bates numbers
8 which are in the sort of bottom left-hand corner
9 of each document. And I'm going to refer to
10 those numbers because not every page of this
11 document has a page number.

12 A. Okay.

13 Q. So I'm going to ask you to go to the page that
14 has the Bates number that ends with 238.

15 A. Says "avoid" at the top?

16 Q. Yes. It says, "avoid the following when dealing
17 with a person with mental illness." Do you see
18 that?

19 A. Yes.

20 Q. Okay. And there's a number of things that are
21 listed there. And then you go to the next page,
22 which says, "What if the person doesn't want
23 help." Do you see that?

24 A. Yes.

25 Q. And the second bullet point says, "never threaten

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1 Q. Is being suicidal a mental illness?

2 A. Again, I'm not a medical professional, so I
3 don't qualify as that a mental illness. But in
4 the -- as I see it is a term that there is an
5 ailment in a person who makes a statement to harm
6 themselves and that they need to seek a medical
7 professional.

8 Q. Well, in your understanding, then, they would
9 have a mental illness that they need to seek
10 professional assistance; is that correct?

11 A. Correct.

12 Q. Okay. If you go to a few pages later on, it's
13 the page that has the Bates number 242 on it, but
14 this one does have a Page Number 43 in the lower
15 right-hand corner.

16 A. Okay.

17 Q. Okay. It says "suicide risk assessment." Do you
18 see that here?

19 A. Yes.

20 Q. And then on the next page, there's also warning
21 signs of suicide and then after that comes
22 questions to ask. Do you see that?

23 A. Questions to ask, yes.

24 Q. Okay. I'm going to go back to the first one
25 which says -- I'm going to ask you questions

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1 about all three pages.

2 A. Okay.

3 Q. If you want to look at them all together now,
4 please go and do so, but we're going to go
5 through and talk about all three. Okay?

6 The page that says "Suicide Risk
7 Assessment," the first bullet point is gender.
8 Do you see that?

9 A. Yes.

10 Q. Did you use that to make an assessment of whether
11 Mr. Caniglia was suicidal?

12 A. I mean, the term "assessment," I would say no
13 because I'm looking at it as a -- kind of a
14 totality when they use that term "assessment," so
15 I would say, no, I didn't use that. Wouldn't
16 matter either way if he was a male or female.

17 Q. Did you use any of the factors so forth on this
18 page as bullet points in your decision-making
19 with respect to Mr. Caniglia?

20 A. No, I wasn't looking at his risk at that
21 point. The statement, in my opinion, was enough
22 that he needed to seek medical attention.

23 Q. Okay. If you go to the next page which is
24 warning signs of suicide, did you use any of
25 these warning signs in your assessment of Mr.

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1 Caniglia?

2 A. Bullet Point 1, threatening to hurt or kill
3 him or herself. Again, the statement wasn't him
4 harming himself, but it was a statement made that
5 he wanted harm done onto himself, so I would take
6 that as that bullet point there.

7 Q. Okay. Did any of the other warning signs of
8 suicide factor into your decision?

9 A. The second bullet point, seeking access to
10 means. In this particular case, I would say the
11 firearm would be an access at that point to the
12 means to harming himself or having harm done on
13 himself.

14 Q. Did any of the other warning signs factor into
15 your decision?

16 A. No, because at that point once -- the bullet
17 Point 1 and 2, in my opinion, kind of trying to
18 recollect, that at that point Mr. Caniglia needed
19 to seek medical assistance.

20 Q. Okay. Go to the next page. It says, "questions
21 to ask." And it says, "ask them directly if they
22 are suicidal." Do you see that?

23 A. Yes.

24 Q. Did anyone ask Mr. Caniglia directly if he was
25 suicidal?

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1 A. I don't recall.

2 Q. Did anyone ask if he had served in the military?

3 A. I don't recall.

4 Q. Did anyone ask if he had decided how he was going
5 to kill himself?

6 A. That specific question, no, but based on
7 the -- I'm sorry.

8 Q. Go ahead. Please finish.

9 A. Just based on the totality of it, in my
10 opinion, it was just the -- the reference of the
11 firearm was what he was referencing or how he
12 might want to have harm done onto him.

13 Q. Were any of these other questions asked of Mr.
14 Caniglia?

15 A. I don't recall.

16 Q. Okay. Let me show you what was previously marked
17 as Exhibit 10.

18 MR. CUNNINGHAM: Got it.

19 Q. (By Mr. Lyons) Okay. Which appears to be a
20 printout of a PowerPoint presentation, the first
21 slide of which is entitled Mental Health 101
22 Review, Cranston Police 2013. Do you recall if
23 this was the PowerPoint that you would have seen
24 when you received training on mental health in
25 2013?

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1 A. Specifically, no, but it appears like a
2 PowerPoint presentation that would have been
3 given out in that training.

4 Q. Okay. Can you go to Page 8.

5 (Witness complied.)

6 Q. (By Mr. Lyons) And on Page 8, the middle slide
7 is entitled Assess for Risk of Suicide or Harm.
8 Do you see that?

9 A. Yes.

10 Q. Okay. And there's several bullet points that are
11 listed there. The first one says, "individual
12 may be compliant, nod and say they understand but
13 may not comprehend." Do you see that?

14 A. Yes.

15 Q. Did Mr. Caniglia comprehend what the Cranston
16 Police were saying to him?

17 A. In my opinion, yes.

18 Q. Okay. The second one says, "People with mental
19 illness have seven times more contact with police
20 officers during their lifetime than the person
21 without a mental illness." Do you see that?

22 A. Yes.

23 Q. Do you know if Mr. Caniglia had any other contact
24 with Cranston Police or any other police other
25 than this particular incident?

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1 A. To my knowledge, no.

2 Q. Okay. The next bullet point says, "They may
3 behave in unusual ways that draw the attention of
4 others (posturing, laughing, staring)." Did Mr.
5 Caniglia behave in unusual ways that drew the
6 attention of others?

7 A. No.

8 Q. Okay. The next bullet point says, "They may not
9 readily recognize or understand the badge, the
10 vehicle or uniform." Do you see that?

11 A. Yes.

12 Q. Did Mr. Caniglia recognize the Cranston police
13 officers as police officers?

14 MR. CUNNINGHAM: Objection.

15 A. In my knowledge, yes.

16 Q. (By Mr. Lyons) Okay. The next point says,
17 "Allow yourself and the individual an escape
18 route, if possible, appropriate for safety and to
19 reduce anxiety." Do you see that?

20 A. Yes.

21 Q. Did you feel the need to allow yourself an escape
22 route when you dealt with Mr. Caniglia?

23 A. Not sure what the intention of that language
24 is, escape route. Any dealings with the public
25 as a police officer, you're always aware of your

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1 surroundings, so I don't think this particular
2 incident would be any different from my response,
3 that I'm always aware of what a person's doing,
4 where their hands are, and if I need to get out
5 of a situation where I'm going to go. So if --
6 maybe that's what they meant by that bullet
7 point, but I would say it's kind of an ongoing
8 thing.

9 Q. When you were speaking with Mr. Caniglia, at any
10 time did you feel in any particular danger?

11 A. No.

12 Q. Okay. The last bullet point says, "Be prepared
13 to repeat questions and commands without showing
14 frustration." Do you see that?

15 A. Yes.

16 Q. Did you have to repeat any questions or commands
17 when dealing with Mr. Caniglia?

18 A. I don't recall, you know, the specific
19 conversation with him, if it had to be repeated,
20 but I know that he did have some trepidations
21 about going to the hospital, so I'm assuming that
22 it had to be said a few times.

23 Q. Okay. When you had to repeat things to him, was
24 it because he was not comprehending or he just
25 didn't want to go to the hospital?

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1 A. No, I believe he -- in my opinion, it wasn't
2 that he didn't comprehend it, it was that he
3 didn't want to go.

4 Q. Okay. All right. I think this might be the last
5 exhibit we're going to look at, but I make no
6 promises.

7 A. Okay.

8 Q. Okay. But let me show you what's been previously
9 marked as Exhibit 8 and ask you if you've ever
10 seen this document before.

11 A. Just scanning over some of the bullet points,
12 it's things that I've seen before, but in this
13 capacity I can't remember specifically if it was
14 a training piece or if it's something that is out
15 there.

16 Q. Okay. Again, it appears to be a printout of a
17 PowerPoint presentation which was produced to us
18 by the Cranston Police Department entitled Rhode
19 Island Search and Seizure Law presented by Rhode
20 Island Department of Attorney General, Stephen A.
21 Regine, Assistant Attorney General, January 2016.
22 Do you recall attending or seeing a presentation
23 on Rhode Island Search and Seizure Law in or
24 around January 2016?

25 A. Specifically, I don't remember.

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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