

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

EDWARD A. CANIGLIA,
Plaintiff

v.
ROBERT F. STROM as the Finance Director of
THE CITY OF CRANSTON, et al.
Defendants

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C.A. No. 15-525

PLAINTIFF’S STATEMENT OF ADDITIONAL UNDISPUTED FACTS

Pursuant to LR 56, in response to Defendants’ Statement of Undisputed Facts, Plaintiff designates the following as additional undisputed facts. For ease of reference, Plaintiff will number them from the next number of the Undisputed Facts he set forth in support of his Motion for Partial Summary Judgment:

147. Sgt. Brandon Barth was the senior CPD officer present at Plaintiff’s house on August 21, 2015. (Barth depo. p. 36, excerpts attached as Exhibit FF).

148. Sgt. Barth heard about the “Community Care Doctrine” when he prepared for his deposition in this case. (Id. at p. 9).

149. Sgt. Barth read about the “Community Care Doctrine” on Wikipedia in preparation for his deposition. (Id. at pp. 9-12).

150. Sgt. Brandon Barth does not know whether he heard about the “Community Care Doctrine” before 2015. (Id. at p. 11).

151. Sgt. Barth has no knowledge that the CPD has any written material about the “Community Care Doctrine.” (Id. at p. 10)

152. Sgt. Barth does not recall having any classes or receiving any materials concerning the Community Care Doctrine.” (Id. at p. 11).

153.Sgt. Barth does not recall having any prior education or training on the issue of dealing with public safety outside the criminal context. (Id. at p. 12-13).

154.Sgt. Barth said the Cranston Rescue does not do any mental evaluations on any patients.

“They just transport those patients to the hospital.” (Id. at p. 46).

155.Sgt. Barth did not recall whether the CPD had any written policy or procedure for determining when it will seek a mental evaluation of a person. (Id. at p. 47).

156.Sgt. Barth does not know the specifics of the CPD’s policy. “[I] was probably more going on my experience up until that point...” (Id. at p. 47).

157.Sgt. Barth has required people to go for mental evaluations “[m]ore times than [he] can count.” (Id.)

158.Sgt. Barth did not consult any specific psychological or psychiatric criteria before deciding to sent Mr. Caniglia for a psychological evaluation. (Id. at pp. 51-52).

159.Sgt. Barth did not consult with any medical professional before deciding to sent Mr. Caniglia for a psychological evaluation. (Id. at p. 52).

160.Sgt. Barth bases his authority to send someone for a psychological evaluation on the Community Care Doctrine. (Id. at p. 79).

161.Sgt. Barth said that Mr. Caniglia was transported for an “involuntary emergency psychiatric evaluation” under GO 320.09. (Id. at p. 101).

162.Sgt. Barth said he determined that Mr. Caniglia was imminently dangerous to himself or others. (Id. p. 102-03). Sgt. Barth understands “imminent” to mean “immediately.” (Id. at p. 103).

163.Sgt. Barth has attended CPD training on dealing with people with mental health issues. (Id. at p. 105). He does not remember any of that training. (Id. at pp. 106-09).

164.Of the various suicide risk factors in his training, the only ones that Sgt. Barth considered were that Mr. Caniglia had a gun and he had supposedly said “he wanted harm done to himself.” (Id. at pp. 111-118).

165.Sgt. Barth is not aware of any Rhode Island decision on the community caretaking function that authorizes police to seize firearms from a person’s residence without a court order. (Id. at p. 121).

166.Sgt. Barth is not aware of any Rhode Island decision on the community caretaking function that authorizes police to require someone to have a psychiatric evaluation without a court order. (Id. at p. 121).

EDWARD CANIGLIA

By his attorneys,

/s/ Thomas W. Lyons

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CERTIFICATION

I hereby certify that on January 30, 2019, a copy of the foregoing was filed and served electronically on all registered CM/ECF users through the Court’s electronic filing system. Parties may access this filing through the Court’s CM/ECF system.

/s/ Thomas W. Lyons