

**In The Matter Of:**

*Caniglia vs  
Strom, et al*

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*Officer John Mastrati  
May 31, 2018*

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*Min-U-Script® with Word Index*

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1 supervisor of the situation and that there's  
2 firearms present, and to seize them would be for  
3 the well-being of that person and the safety of  
4 others.

5 Q. Okay. You just referred, for example, to a Terry  
6 pat, which you can do of a person?

7 A. Yes.

8 Q. And you can seize their firearms if you detect  
9 them during the Terry pat, right?

10 A. Yes.

11 Q. Okay. Is it your understanding that the Terry  
12 case gives you the authority to seize the firearms  
13 of a person who may be suicidal, or does your  
14 legal authority come from a different source than  
15 the Terry decision?

16 A. For me, the Terry decision would be -- I use  
17 it for any illegal firearms. I never seized on a  
18 suicidal subject. I never obtained a firearm from  
19 a Terry pat on a suicidal subject.

20 Q. My question is with respect to the Terry pat, you  
21 cited a legal authority for that --

22 A. Yes.

23 Q. -- the Terry decision?

24 A. Yes.

25 Q. What is your legal authority to seize the firearms

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1 of a person who may be suicidal?

2 A. It would be pretty much for safety, his  
3 safety and other people's safety. So I figure it  
4 would be a duty to seize that firearm to prevent  
5 him from hurting himself or hurting others.

6 Q. Okay. I'll be more specific. Are you aware of,  
7 for example, a different U.S. Supreme Court case  
8 that gives you the authority to do that?

9 A. No.

10 Q. Are you aware of a constitutional provision that  
11 gives you the authority to do that?

12 A. No.

13 Q. Are you aware of the decision of any other court  
14 that gives you the authority to do that?

15 A. No.

16 Q. Are you aware of any Rhode Island statute that  
17 gives you the authority to do that?

18 A. No.

19 Q. Does the Cranston Police Department have a written  
20 policy or procedure or general order that gives  
21 you the authority to do that?

22 A. No.

23 Q. Your understanding of your authority to do that  
24 comes from the in-service training you have  
25 received or -- let me withdraw the question. Does

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1           your understanding of your legal authority to  
2           seize the firearms of someone who may be suicidal  
3           come from the in-service training you received?

4           A.    Yes.

5       Q.    Okay. Just so we're clear, you don't recall who  
6           it was who told you that?

7           A.    No.

8       Q.    Does Cranston use what are referred to as domestic  
9           violence/sexual assault forms?

10          A.    Yes, DV/SA forms.

11       Q.    Have you completed a DV/SA form?

12          A.    Yes.

13       Q.    Under what circumstances do you complete a DV/SA  
14           form?

15          A.    Any incident involving a domestic could be  
16           with a crime, without a crime.

17       Q.    With respect to Mr. Caniglia, do you know if you  
18           completed a DV/SA form?

19          A.    I don't believe I did.

20       Q.    Why not?

21          A.    Because I didn't believe that incident  
22           involved a domestic at the time. To me it was  
23           more of his well-being.

24       Q.    Okay. The Cranston Police Department has general  
25           orders; is that correct?