

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

AMERICAN NEWS & INFORMATION SVCS. INC. and EDWARD PERUTA Plaintiff	*	CIVIL ACTION NO. 3:15-CV-01209-RNC
	*	
vs.	*	
	*	
JAMES C. ROVELLA, MICHAEL COATES, BRANDON J. O'BRIEN, SEAN SPELL, BRIAN FOLEY, ET AL. Defendants	*	DECEMBER 16, 2016
	*	

VIDEOTAPE DEPOSITION
OF
OFFICER STEPHEN BARONE

Taken before Patricia Tyszka, Registered Merit Reporter and Notary Public, in and for the State of Connecticut, pursuant to the Federal Rules of Civil Procedure, at the Law Offices of Rachel M. Baird & Associate, 15 Burlington Road, Harwinton, Connecticut, on Tuesday, December 16, 2016, commencing at 10:01 a.m.

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A P P E A R A N C E S

REPRESENTING THE PLAINTIFF:

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ALSO IN ATTENDANCE:

Edward Peruta

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Transcript Legend

- [sic] - Exactly as said.
- [phonetic] - Exact spelling not provided.
- [--] - Break in speech continuity and/or interrupted sentence.
- [...] - Indicates omission of word[s] when reading OR trailing off and not finishing a sentence.

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LIST OF EXHIBITS
[Marked for Identification]

OFFICER STEPHEN BARONE
DEFENDANT

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**REPORTER'S NOTE: All exhibits retained
by Attorney Baird.

S T I P U L A T I O N S

1
2
3 It is stipulated by the Attorneys for the Plaintiff
4 and the Defendant that each party reserves the right to
5 make specific objections in open court to each and every
6 question asked and the answers given thereto by the
7 witness, reserving the right to move to strike out where
8 applicable, except as to such objections as are directed to
9 the form of the question.

10 It is stipulated and agreed to the adequacy of the
11 notice.

12 It is stipulated and agreed between counsel for the
13 parties that the proof of the authority of the Commissioner
14 before whom this deposition is taken is waived.

15 It is further stipulated and agreed that the Deponent
16 will read and sign the deposition transcript.
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OFFICER STEPHEN BARONE,
Deponent, of Hartford Police Department, 253 High
Street, Hartford, Connecticut 06103, after first
having been duly sworn by the Court Reporter,
testified under oath as follows:

MS. HARRIS: So I raised with Attorney
Baird it's come to my attention that Mr. Peruta
has put portions of the deposition -- of his
deposition on the Internet. I don't think
that's appropriate under the Rules. I intend to
file a motion for protective order, but I have
not yet done so since it just recently came to
my attention. I think Attorney Baird disagrees
with that position, and what we've agreed to do
is that Attorney Baird will hold off putting
anything on the Internet until I can file the
motion on Monday, and I promise to file it on
Monday.

Does that comport with our -- would you
agree?

MS. BAIRD: Right. The agreement is that I
will instruct my client not to distribute this
deposition or other depositions taken in the
case on the condition that counsel, Attorney

1 Harris, files the motion on Monday so that the
2 issue can be resolved immediately, because I am
3 not in agreement that the contents of a
4 deposition, whether a written transcript or
5 video, is subject to nondisclosure unless there
6 is a specific ruling on that.

7 MS. HARRIS: Okay. I'll file on Monday.
8 Fair.

9

10 DIRECT EXAMINATION

11

12 BY MS. BAIRD:

13 Q Good morning, Officer Barone. How
14 are you?

15 A Good morning. How are you?

16 Q Good. I introduced myself to you before the
17 deposition started.

18 A You did.

19 Q I'm Attorney Rachel Baird, and I represent Ed
20 Peruta in this case, and I also represent American News &
21 Information Services in this case.

22 A Okay.

23 Q Have you had a chance or opportunity to read
24 over the complaint in this case?

25 A Briefly. And I have my subpoena here, so I read

1 that over.

2 Q Did you read it over when you initially received
3 it or more recently?

4 A When I received it.

5 Q Have you ever been through the deposition
6 process before?

7 A No, ma'am. It's my first time.

8 Q Okay. So just a few quick guidelines.

9 When you answer, answer verbally, as you have
10 been doing --

11 A Okay.

12 Q -- because the court reporter is taking down
13 everything you say. And we also provided notice that this
14 is a videotaped deposition as well, and so whatever you
15 say is also being recorded by video.

16 A Okay.

17 Q If you need a break, just let me know.

18 If your counsel objects to anything for any
19 reason, just stop right there while we resolve whatever
20 the objection is --

21 A Okay.

22 Q -- before going forward. And if you have any
23 questions as we proceed, just let me know. Okay?

24 A Thank you.

25 Q So you I believe listed your address as High

1 Street in Hartford. That's your professional address.

2 A Yes, ma'am.

3 Q How long have you been employed by the City of
4 Hartford?

5 A Eight-and-a-half years.

6 Q Has that entire eight-and-a-half-year period
7 been as a police officer?

8 A Yes, ma'am.

9 Q Did you receive training to be a police officer
10 with the Hartford Police Department?

11 A I did.

12 Q What training did you receive prior to, you
13 know --

14 A The standard police academy in Stamford, and
15 then your periodic legal updates, mandatory review
16 training.

17 Q Was that police academy training in Stamford
18 specifically for your employment with the Hartford
19 Police --

20 A Yes.

21 Q -- Department?

22 A Yes.

23 Q Have you been employed by any other police
24 departments?

25 A No, ma'am.

1 MS. HARRIS: Let me just caution.

2 Make sure you give her time to get the
3 whole question out before you answer. It makes
4 it difficult for the court reporter, so just --
5 you're anticipating.

6 THE WITNESS: Got you.

7 MS. HARRIS: It's very normal in
8 conversation, but make sure because it drives
9 the court reporters crazy. Thank you.

10 THE WITNESS: I'm sorry.

11 BY MS. BAIRD:

12 Q Have you received any education after high
13 school? Do you have any college education?

14 A I do.

15 Q What college education do you have?

16 A I have a four-year degree from Bryant and a
17 Master's from New Haven.

18 Q What is your Master's degree in?

19 A Forensic computer investigation.

20 Q What is your -- is it a Bachelor of Science or a
21 Bachelor of Arts?

22 A Bachelor of Business Administration in finance.

23 Q Okay. When did you receive your Master degree?

24 A 2006 to 2008. Then I started the police academy
25 in a week.

1 Q That was going to be my next question. Were you
2 employed as a police officer --

3 A No.

4 Q -- already?

5 Did you have any other employment between your
6 graduation from Bryant and the Hartford Police
7 Department?

8 A Yes.

9 Q What was that employment?

10 A Owner-operator of Barone Landscaping, LLC.

11 Q And is that business still --

12 A No.

13 Q -- operating? What time period did it operate?

14 A 2006 to 2008, I'd say?

15 Q Any other employment besides the Police
16 Department and Barone's Landscaping?

17 A Nothing relevant aside from cashier here and
18 there at a ballpark or ...

19 Q How long was the police academy in Stamford?

20 A Six months.

21 Q After you graduated was there field training?

22 A Yes, there was.

23 Q Was there a probationary period?

24 A Yes.

25 Q How long was the probationary period?

1 A Three months of field training, one year of
2 probation.

3 Q And was the probationary period extended for any
4 reason?

5 A No.

6 Q Completed in the time frame --

7 A Yes, ma'am.

8 Q -- specified?

9 What was your first assignment out in the field?

10 A The Patrol Division.

11 Q Was that while you were still in field training?

12 A Yes.

13 Q Any particular area of the city that you were
14 assigned to patrol?

15 A The North End.

16 Q And how long did you patrol the North End?

17 A Two years.

18 Q Primary duties during that time?

19 A Calls for service. Domestic. Accidents.

20 Q Who were your supervisors -- supervisor or
21 supervisors during that time?

22 A Sergeant Bremser. Sergeant Watson. Sergeant
23 Laureano. Sergeant Zarger. Sergeant Liappes.

24 Q What assignment followed after the two years in
25 the Patrol Division in the North End?

1 A I received a permanent assignment in the South
2 End of the city for three years.

3 Q Does that work out to about from 2010 to 2013 in
4 the South End?

5 A Just about.

6

7 [Mr. Peruta joined proceedings.]

8

9 BY MS. BAIRD:

10 Q And what were your general duties in the South
11 End?

12 A Same duties as the North End.

13 Q And your supervisor or supervisors during that
14 three-year period?

15 A Sergeant Varkal. Sergeant Elliott. I think
16 that's it -- much more consistent.

17 Q And when I ask you for your supervisors, did you
18 have different supervisors on different shifts or did you
19 work the same shift and have the same supervisor?

20 A The two years of the North End was very
21 sporadic. Being new, they bat you around different
22 shifts, different supervisors as they get bounced around.
23 That's about it.

24 Q And what shift did you work mostly in the South
25 End?

1 A Midnights.

2 Q So it's fair to say that your supervisor was a
3 little more consistent because you --

4 A Yes.

5 Q -- worked a straight midnight shift you weren't
6 bounced around?

7 A Yes.

8 Q During your time in the North End, did you
9 respond to any incidents involving homicide -- murder?

10 A Yes.

11 Q Fair to say is it numerous -- or was it
12 numerous?

13 A Unfortunately, yes.

14 Q In those murders that you responded to in the
15 North End during the time you were assigned there, did you
16 participate in any investigation?

17 A Preliminary investigation, yes.

18 Q Fair to say you were never the lead investigator
19 or the assigned investigator?

20 A No. Those are typically the detectives.

21 Q And how about in the South End during the 2010,
22 about, to 2013 time frame? Did you respond to any reports
23 of homicide or murder?

24 A Yes.

25 Q And again, were you involved in any preliminary

1 investigation of those in the South End?

2 A As in terms of?

3 Q Well, you had said in the North End you were
4 involved in the investigation, preliminary investigation.

5 A Yes. Same duties in the South End.

6 Q And after 2013 what was your assignment? Where
7 did you go?

8 A I went to the Conditions Unit.

9 Q The what?

10 A The Conditions Unit. Oh. It's Hartford's
11 version of a street crimes unit.

12 Q Okay. It's called the Conditions Unit?

13 A Yes.

14 Q And are you still in that unit?

15 A No.

16 Q When did you leave that unit?

17 A 2016.

18 Q What month?

19 A March.

20 Q What did you do in the Conditions Unit on a
21 day-to-day basis?

22 A It was a proactive unit designed to address
23 quality of life violations.

24 Q Did you work the whole city?

25 A The South End.

1 Q And just describe what -- some of the proactive
2 things that you would do in the Conditions Unit during
3 that time.

4 A A lot of street-level narcotic activity. And
5 also your typical loitering, trespassing, public
6 drinking, littering, those type of violations.

7 Q What shift did you work during that time frame
8 in the Conditions Unit?

9 A It varied. 8:00 a.m. to 4:00 a.m. sometimes.

10 Q What's the rank of the supervisor of the
11 Conditions Unit?

12 A A sergeant.

13 Q And who were the sergeants who were supervising
14 the Conditions Unit while you were in it?

15 A Sergeant Michel and Sergeant Vega.

16 Q When you left in March of 2016, were they still
17 both the supervising sergeants in the unit?

18 A No.

19 Q Who was?

20 A The unit was disbanded, so there's no longer a
21 unit.

22 Q Got it. Approximately how many people were in
23 the unit?

24 A Six.

25 Q And does that include the two sergeants when you

1 say "six"?

2 A No.

3 Q So other than Sergeant Vega and -- is it
4 Sergeant Michael [phonetic] or Michele [phonetic]?

5 A Michael [phonetic].

6 Q Michel. Other than Sergeant Michel and Vega,
7 who were the other officers that worked with you in the
8 unit?

9 A Officer Cornell. Officer Cote, C-o-t-e.
10 Officer Fierravanti, F-i-e-r-r-a-v-a-n-t-i. Officer
11 Urbanski. Officer Gonzalez for a time period. I believe
12 that's it. Oh, Officer Suchecki. Sorry.

13 Q What became your assignment in March of 2016?

14 A The Patrol Division.

15 Q In the South End again?

16 A Yes.

17 Q Basically the same thing that you had been doing
18 between 2010 and 2013?

19 A Yes. Just no longer on midnights.

20 Q What shift?

21 A We called it the relief shift, so one month I'm
22 on days, one month I worked the evening shift.

23 Q Did you have a different supervisor when you
24 worked the days and the evening shift in this new
25 assignment since March of --

1 A Yes.

2 Q -- 2016? And who has been -- who have been your
3 supervisors when you've been working the day shift since
4 March?

5 A Sergeant Varkal. Sergeant Brooks. That's
6 pretty much it.

7 Q Okay. And how about the relief shift?

8 A The evening shift?

9 Q Yes.

10 A Sergeant Morrison. Sergeant Francis. That's
11 about it.

12 Q And as we sit here today, that's your
13 assignment -- in the South End Patrol Division.

14 A Yes, ma'am.

15 Q What kind of training have you received since
16 the police academy?

17 A We do periodic updates through our academy to
18 maintain our P.O.S.T. certification. So legal updates,
19 anything new regarding criminal law. And refreshing
20 courses pretty much on juvenile law, domestic law, et
21 cetera.

22 Q In your duties as a patrol officer, in the North
23 End that we've spoken about and in the South End that
24 we've spoken about, have those duties included
25 establishing perimeters at crime scenes?

1 A Yes.

2 Q And do you know what I mean when I say that,
3 establishing a perimeter at a crime scene?

4 A I do.

5 Q Is that the proper language for it or do you at
6 the Hartford Police Department use a different term for
7 it?

8 A Sounds reasonable.

9 Q Okay. In the training that you received at the
10 police academy, did it include any training specifically
11 addressing how to establish a perimeter at a crime scene?

12 A Yes.

13 Q And was it classroom training or book training?

14 A Classroom training.

15 Q Was there a particular name for the class that
16 that was addressed in?

17 A We're going back a number of years here. I
18 don't know if there was a specific class that actually
19 went over that. Just I know that we were taught it.

20 Q During your field training did any circumstances
21 arise where you were instructed in the field about
22 establishing a perimeter at a crime scene?

23 A I don't believe my field training incorporated
24 any of that.

25 Q And any of the training that you received since

1 the police academy, has that addressed establishing a
2 perimeter at a crime scene?

3 A I'm not sure specifically, but I believe that
4 was, you know, brought up occasionally.

5 Q Now, you're a patrol officer; correct?

6 A Yes, ma'am.

7 Q Have you ever taken the test for sergeant?

8 A Yes, ma'am.

9 Q And when did you take the test for sergeant?

10 A September -- or -- sorry. Last year, 2015. I'm
11 not sure the month.

12 Q And did the results come out yet?

13 A Yes, ma'am.

14 Q Okay. And do you plan on taking the test in the
15 future?

16 A I plan on being promoted soon.

17 Q Okay. Oh, so you made it.

18 A Yes.

19 Q Oh, okay. It just seems like a long time ago,
20 2015. When are you actually going to get awarded the --

21 A Your guess is as good as mine.

22 Q -- promotion? Okay. So you're waiting for it.

23 A Yes, ma'am.

24 Q Okay. So as a patrol officer have you, in any
25 of the scenes that you've responded to, been in charge of

1 establishing a perimeter?

2 A Not in a while. It's ...

3 Q When you say "not in a while," does that take us
4 all the way back to the North End days when that might
5 have happened?

6 A Probably the South End days in Patrol. We
7 didn't do much of that in Conditions and we didn't --
8 since coming back from Conditions, I haven't been to too
9 many crime scenes.

10 Q Okay. So maybe the last time was between 2010
11 and 2013?

12 A That seems reasonable.

13 Q And were you in charge of establishing a
14 perimeter because you were the first on the scene or the
15 most ranking officer at that occasion?

16 A I was rarely the most ranking officer --

17 Q Right.

18 A -- in 2013. And the first one on scene usually
19 doesn't establish the perimeter.

20 Q At the police academy or in your subsequent
21 training since the police academy that may have addressed
22 establishing perimeters, what kinds of things did you
23 learn? Or what kinds of things have you adopted in
24 establishing perimeters?

25 A Evidentiary -- evidentially speaking, nothing

1 in, nothing out. And I'm sure I butchered that word.

2 Q No.

3 A Obviously scene safety is paramount. So a scene
4 really isn't established until we've determined the
5 threat level that still exists.

6 Q What, if anything, have you been trained in with
7 regard to crowd control at a scene where a perimeter has
8 been established?

9 A Can you -- one more time with the question?

10 Q What, if anything, have you been instructed --
11 I'm going to change the question a little bit.

12 A Okay.

13 Q What, if anything, have you been instructed in
14 with regard to controlling a crowd that may be at a crime
15 scene where a perimeter has been established?

16 A It's very difficult. First of all, you have to
17 be aware of your surroundings in the event that the
18 individual, the suspect in certain crimes, is still out
19 there. So for officer safety purposes it's important to
20 maintain a good understanding of who's in the crowd and
21 that there's no safety issue.

22 A lot of these scenes involve people who are
23 very emotional, so it's not as easy as just putting up a
24 tape and stepping back. Usually involves keeping an eye
25 on the perimeter. You can't just throw up tape and walk

1 away.

2 Q Has any of your training specifically addressed
3 responding to members of the media who may be in the crowd
4 near the perimeter of a crime scene?

5 A If any, it's been very limited. My
6 understanding is they have every right as the general
7 public does.

8 Q And when you say "every right as the general
9 public does," what rights are you referring to?

10 A Where they can be. What they can do. Fortunate
11 for us in the city we have a lot of supervisors on scene,
12 so anything beyond that I can refer to them.

13 Q What, if anything, have you been taught, either
14 at the police academy or in subsequent training or in
15 field training, about the privacy, if there is privacy, of
16 a -- we'll start with an injured person at a crime scene?

17 A In today's YouTube age there really is no
18 privacy.

19 Q And when you say "YouTube age," I just have to
20 ask you what you mean.

21 A I assume that everything I do on a daily basis
22 is being monitored with a cell phone camera, so I assume
23 90 percent of the crime scenes we go to everybody has a
24 cell phone out and they're videotaping us anyways. So
25 there's not a whole deal of privacy going on.

1 Q Okay. What duties do you have, if any, to
2 protect the privacy of -- and again I'm talking about
3 someone who's injured at a crime scene. I'll start with
4 that.

5 A I mean there -- it's difficult to address
6 privacy when -- if there's a medical need. Somebody
7 injured requires -- I mean the last thing I'm worrying
8 about is their ID getting out so somebody knows their
9 name. I'm concerned with their health, their well-being,
10 and that they receive the type of medical attention that
11 they require.

12 Q And what duties, if any, do you have in
13 protecting the privacy of someone who is deceased at the
14 crime scene?

15 A It is our intention to wait and to notify next
16 of kin before we release any identity on the deceased
17 person.

18 Q Okay. Now, you've established perimeters at
19 homicide scenes; correct?

20 A I've aided in it, yes. I've aided in
21 establishing perimeters, yes.

22 Q Approximately how many?

23 A Ten to 20, I'd say.

24 Q And at those -- and how many of those were --
25 how many of those crime scenes were crime scenes that were

1 in a public place?

2 A I'd say many of them.

3 Q And in these maybe 10 to 20 homicide scenes that
4 you responded to that you aided in establishing a
5 perimeter, specifically addressing those that were in a
6 public place, what were your duties specifically to ensure
7 the privacy of the deceased individual?

8 A My duties in those? I'm not exactly sure that
9 fell into my realm of expertise.

10 Q Okay. Did you ever cover the body with a sheet
11 at any of these scenes?

12 A Medical staff would typically do that.

13 Q Okay. Did you ever set up sort of a temporary
14 curtain around --

15 A No.

16 Q Does the Hartford Police Department have the --

17 A No.

18 Q Have --

19 A Not to my knowledge we don't.

20 Q Okay.

21 MS. HARRIS: Again, let her finish the
22 question. I know you know where she's going --

23 THE WITNESS: Fine.

24 MS. HARRIS: -- but just -- it just makes
25 the record much more clear.

1 BY MS. BAIRD:

2 Q And do you know what I mean? I'll explain
3 better. Just sort of -- sort of temporary walls that are,
4 you know, curtains with maybe metal framing around them
5 that secure privacy. Do you know what I'm talking about?

6 A I know what you're talking about. I've never
7 seen them.

8 Q Okay.

9 A Not here.

10 Q Have you ever seen them on crime shows on TV or
11 anything?

12 A Probably on a TV show.

13 Q Okay. So you know what I'm talking about?

14 A Yes.

15 Q Okay. But to your knowledge, the Hartford
16 Police Department doesn't have those? Or you've never
17 seen them?

18 A Never seen them.

19 Q Have you ever -- have you ever conveyed to
20 people at a crime scene where there's a dead body in
21 public view, you know, not to look at it?

22 A No.

23 Q Have you -- why not?

24 A Can't prevent somebody from looking at
25 something. We all have free will.

1 Q Oh. By the way, since you passed the sergeants
2 test, have you been acting as a sergeant --

3 A No.

4 Q -- and by that I mean -- I don't mean acting
5 like a sergeant. An acting sergeant, have you been an
6 acting sergeant?

7 A No.

8 Q Does the Hartford Police Department have such a
9 thing as acting sergeants?

10 A No, we don't.

11 Q Okay.

12 A Not until you get promoted.

13 Q Have your duties changed at all since your
14 promotion?

15 A No. Same duties.

16 Q Were you at a scene, 38 Kelsey Street, on -- I
17 know I put the date down -- August 7th, 2015, where an
18 individual by the name of Matthew Russo died?

19 A I was on my way to the scene, but I never
20 responded because it was addressed before I got there.

21 Q So what shift were you working when you were on
22 your way to the scene on Kelsey Street on August 7, 2015?

23 A I was in the Conditions team still.

24 Q And so that would have been I think -- what did
25 you say? You worked midnights when you were on the

1 Conditions -- in the Conditions Unit?

2 A It varied.

3 Q It varied.

4 A Depending on the day.

5 Q And what shift were you working that day; do you
6 know?

7 A I have no idea.

8 Q And when you were called, were you working on
9 shift?

10 A I wasn't called to the scene.

11 Q Okay. You were on your way?

12 A I responded due to the chaotic nature of the
13 radio transmission.

14 Q And when you heard the radio transmission or
15 transmissions, were you on duty?

16 A Yes.

17 Q Were you working with anybody? In the same
18 patrol unit or --

19 A I was solo that day.

20 Q And you were in a cruiser?

21 A Yes.

22 Q Where were you when you heard the transmissions?

23 A Somewhere in the South End of the city. I'm not
24 exactly sure.

25 Q Did you indicate to anybody by dispatch that you

1 were responding?

2 A No.

3 Q At what point in your response did you terminate
4 it?

5 A I believe somebody came over the radio saying
6 that they had enough officers there. They were all set.

7 Q And what time frame passed between the time that
8 you heard the transmissions and your recall of somebody
9 saying on the radio that they were all set?

10 A I was -- I just remember being very far away
11 from the scene because it was in the -- Kelsey Street's
12 not exactly close to the area we patrolled often.
13 Between two and five minutes, I guess.

14 Q Did you tell anybody that you were on your way?

15 A No.

16 Q To your knowledge, does anybody know that you
17 were on your way?

18 A No.

19 Q And what was it about the radio transmission
20 that caught your attention that seemed chaotic?

21 A Unfor -- I mean, we have so many transmissions a
22 day that you just get the impression that things are
23 going poorly. It's probably the stress in the officers'
24 voices.

25 Q Do you know if -- I think you already said you

1 don't remember what shift you were working; right?

2 A I do not, no. We had some funky hours.

3 Q Who was your supervisor that night? Or day.
4 Whenever it was.

5 A It was probably Sergeant Vega.

6 Q Do you know if anybody else from the Conditions
7 Unit responded to Kelsey Street on that August 7th?

8 A I don't believe anybody did.

9 Q Have you ever made any written reports about
10 your response -- terminated response, or what you heard
11 over the radio?

12 MS. HARRIS: At Kelsey Street?

13 A No.

14 MS. BAIRD: Yes, at Kelsey Street.

15 A No. Never even arrived on scene.

16 BY MS. BAIRD:

17 Q Were you ever involved in the investigation of
18 the incident at Kelsey Street on August 7, 2015?

19 A No.

20 Q Do you know Chief Rovella?

21 A Not personally.

22 Q Okay. Have you ever worked directly with him on
23 patrol or investigation or --

24 A No.

25 Q -- anything like that?

1 In your promotion examination, in your
2 examination for sergeant, did you go through any process
3 with Chief Rovella? Was he on any board or interview
4 team?

5 A No.

6 Q Do you know Deputy Chief Brian Foley?

7 A A little bit.

8 Q Have you ever had occasion to work directly with
9 him on a project or investigation, assignment, anything
10 like that?

11 A He was my supervising lieutenant when I was in
12 the South End on midnights. 2010 to 2013.

13 Q As a supervising lieutenant, fair to say there
14 was a sergeant between you two?

15 A Yes.

16 Q Okay. And who was that?

17 A Sergeant Varkal.

18 Q Did Deputy Chief Foley ever evaluate you for
19 performance?

20 A No. They didn't often work midnight shift.

21 Q How about Lieutenant Coates, Michael Coates?
22 Hope I got that right. Do you know him?

23 A I do.

24 Q And have you ever worked directly with
25 Lieutenant Coates?

1 A No.

2 Q And when you say you know him, how do you know
3 him?

4 A He's our -- we have a small department. You
5 know everybody.

6 Q Well, how many people are on the department?

7 A 400.

8 Q Okay. That's small?

9 A Well, after eight years you're very close with
10 everybody.

11 Q Have you ever been the subject of an Internal
12 Affairs complaint?

13 A Yes.

14 Q More than one?

15 A Yes.

16 Q How many?

17 A I'm not sure.

18 Q And how do you know you've been the subject of
19 an I.A. complaint?

20 A We get a letter.

21 Q Have you ever been interviewed about any of the
22 I.A. complaints that have been filed?

23 A Yes.

24 Q All of them?

25 A Yes.

1 Q Do you know an individual named Sean Spell?

2 A Yes.

3 Q And how long have you known Sean Spell?

4 A My entire length of my career.

5 Q Okay. Did you know him when you were at the
6 police academy?

7 A No.

8 Q When you graduated from the police academy and
9 became a Hartford police officer, to your knowledge was
10 Sean Spell employed by the department already?

11 A Yes.

12 Q And what rank, or what were his duties when you
13 first became aware of Sean Spell?

14 A He was a sergeant.

15 Q Was he a sergeant in the North End?

16 A No.

17 Q Where was he a sergeant when you first met him
18 or became aware of him?

19 A The South End.

20 Q And how did you become aware of Sean Spell in
21 the South End after you became an officer with the
22 Department?

23 A They read the roll every day, and they tell you
24 who's monitoring what side of the city.

25 Q While you were in the North End during that

1 initial two years, did you have occasion to work with --

2 A No.

3 Q -- Sergeant Spell?

4 MS. HARRIS: Again --

5 THE WITNESS: Sorry. Sorry.

6 MS. HARRIS: It's very natural, but it
7 just -- it's -- you know.

8 THE WITNESS: No, I know. I'm sorry.

9 MS. HARRIS: Rachel's very good about
10 asking clear questions and let's, you know, try
11 and keep it that way.

12 THE WITNESS: Got you.

13 BY MS. BAIRD:

14 Q While you were in the North End for those two
15 years, did you have occasion to work with Sergeant Spell
16 for any reason?

17 A No.

18 Q Were you ever -- were you -- let's stick to
19 those first two years in the North End. Did you receive
20 any training from Sergeant Spell?

21 A No.

22 Q I'm not sure we went over who your FTOs were.
23 Who were they?

24 A Matt Dawiczuk. I cannot spell that for you,
25 sorry. Tyrone Boland. And Brian Ferguson.

1 Q And all that training took place in the North
2 End?

3 A No.

4 Q Oh.

5 A Tyrone Boland was in the South End. So when I
6 worked with him we covered the South End.

7 Q Do you know the reason, by the -- is it -- is
8 there a reason for the delay between your passing the
9 sergeants exam and the actual promotion?

10 A You pass the exam, they come out with a list,
11 and historically they're making 20 to 30 officers off
12 said list. So currently they made a small batch last
13 year and they're due to make a small batch this year.

14 Q So they don't give the sergeants test every
15 year. They give it periodically and then just work off
16 that list for a while.

17 A Every three years. Every two years they extend
18 it one year usually.

19 Q Did you have occasion to work with Sergeant
20 Spell when you went to the South End between 2010 and
21 2013?

22 A No.

23 Q Was he no longer there?

24 A I don't know where he was, but he didn't work
25 midnights.

1 Q At roll call would you hear his name?

2 A No.

3 Q And while you were in the Conditions Unit in
4 2000 -- what was that, '13 to '16?

5 A Give or take, yeah.

6 Q Okay. Did you have occasion to work under
7 Sergeant Spell or with him?

8 A I never worked with him, but we -- our paths
9 crossed more often.

10 Q Are you able to sit here and count today how
11 many investigations or scenes you've been at with Sergeant
12 Spell?

13 A No. I wouldn't say it's very high.

14 Q And what was it about between 2010 and '13 --
15 2013 and '16 being in the Conditions Unit that brought you
16 in contact with Sergeant Spell more?

17 A The same style of work. He was running the
18 Shooting Task Force and they were also a proactive unit.
19 And the Conditions Unit that I was in was prepping you to
20 one day work in the Shooting Task Force.

21 Q Do you know when Sergeant Spell went to the
22 Shooting Task Force?

23 A I have no idea.

24 Q Were you ever on the Shooting Task Force?

25 A No.

1 Q You came in contact with officers on the
2 Shooting Task Force in your work in the Conditions Unit?

3 A Yes.

4 Q Do you know how many officers were on the
5 Shooting Task Force?

6 A I have no idea of the exact number.

7 Q Is the Shooting Task Force still in existence?

8 A Yes.

9 Q And before you left in March of -- before the
10 Conditions Unit was disbanded in March of 2016 -- let me
11 put it this way. Let me put it this way better.

12 Describe more what you mean by -- you already
13 described what "proactive" meant in terms of the
14 Conditions Unit. Was the Shooting Task Force a proactive
15 unit as well? I thought I heard you say that.

16 A I believe -- I mean I don't -- having never
17 worked with them I don't know their exact objectives, but
18 they were tasked with a lot of the gun-related crimes.

19 Q What would you observe members of the Shooting
20 Task Force do?

21 A I didn't have many professional interactions
22 with them. I would occasionally go to a meeting where
23 they -- we would collaborate; what's been going on at the
24 street level and what they're seeing. Higher up the food
25 chain, so to speak.

1 Q Who would run these meetings?

2 A Sergeant Spell. I think Lieutenant O'Brien, who
3 was a sergeant at the time as well.

4 Q Do you know Lieutenant O'Brien?

5 A Not personally.

6 Q You know him from seeing him at some of these
7 meetings of the Shooting Task Force?

8 A Yes.

9 Q Have you ever worked directly on assignment or
10 investigation with Lieutenant O'Brien?

11 A No.

12 Q If we could have exhibit --

13 MS. BAIRD: Ms. Harris, do you know what
14 the last exhibit number was? I'd e-mailed you
15 this morning hoping --

16 MS. HARRIS: Oh, I didn't see it. Can we
17 take a break? Let me go off the record for one
18 second.

19 [Off record: 10:45 a.m. to 10:47 a.m.]

20
21 [Plaintiff Exhibit 1: Marked for ID.]

22
23 [Mr. Peruta did not rejoin proceedings.]

24
25 MS. BAIRD: Back on the record.

1 BY MS. BAIRD:

2 Q Do you recognize Plaintiff's Exhibit 1 that I
3 just handed you?

4 A Yes, ma'am.

5 Q Is that a subpoena that you were served with to
6 come to the deposition today?

7 A Yes, ma'am.

8 Q Did you bring any responsive documents to the
9 subpoena?

10 A No. I do not believe so, no.

11 Q Okay. Did you bring any documents whatsoever?

12 A No. I had a chance to review my report, though.
13 That was it.

14 Q Did you bring a copy of your report?

15 A Not with me.

16

17 [Mr. Peruta rejoined proceedings.]

18

19 BY MS. BAIRD:

20 Q How many pages is the report that you're
21 referring to?

22 A Two sentences long.

23 Q Okay.

24 MS. BAIRD: Can I have this marked as
25 Plaintiff's Exhibit 2.

1 [Plaintiff Exhibit 2: Marked for ID.]

2

3 BY MS. BAIRD:

4 Q Officer Barone, is Plaintiff's Exhibit 2 the
5 report that you referred to as the one you reviewed for
6 today?

7 A Yes, ma'am.

8 Q And Exhibit 2 refers to a response to an
9 incident on September 12th, 2014; is that correct?

10 A Yes, ma'am.

11 Q Was Sergeant Spell present at the response scene
12 in Case No. 14-30263?

13 A He was.

14 Q And within the three-year period between 2013
15 and 2016 when you were in the Conditions Unit,
16 approximately how many other homicide scenes did you
17 respond to where Sergeant Spell was present?

18 A I'm not sure.

19 Q Okay. Is it too many to count? Or you just
20 don't remember?

21 A I just don't remember.

22 Q Who was your supervisor at the scene on
23 September 12th, 2014? And when I -- we'll call it the
24 "Park Street scene" or whatever. Okay.

25 A Okay. Sergeant Michel.

1 Q Was he the sergeant that you regularly worked
2 under in that assignment in the Conditions Unit during
3 that time?

4 A Yes.

5 Q In Exhibit 2 you refer to Unit 333?

6 A Yes, ma'am.

7 Q What is Unit 333?

8 A That was our unit designation for the day.

9 Q When you say "our unit designation for the day,"
10 are you referring to the Conditions Unit or ...

11 A The Conditions Unit was broken down into smaller
12 units.

13 Q Did they have different numbers on different
14 days?

15 A Typically we all had "330" numbers. So there
16 was a specific officer assigned to No. 331, a specific
17 for 332, and myself 333. And usually there's a partner
18 corresponding with each set of numbers. So it was
19 typically two people.

20 Q And there was -- there was another person
21 assigned to 333 that day; right?

22 A I believe so. And Officer Cote was my partner
23 for a long time.

24 Q Okay.

25 MS. BAIRD: We can have this marked as

1 Plaintiff's Exhibit 3.

2

3 [Plaintiff Exhibit 3: Marked for ID.]

4

5 BY MS. BAIRD:

6 Q Referring you to the sentence in Plaintiff's
7 Exhibit 3 -- which is an incident report from the Park
8 Street incident on September 12th, 2014 -- there was a
9 reference to Unit 333, and it's a report by Officer Cote.
10 Do you see that?

11 A I do.

12 Q So am I correct that you and Officer Cote were
13 assigned to Unit 333 in responding to the Park Street
14 incident?

15 A Sounds about right.

16 Q And would there have been officers from the
17 Conditions Unit also assigned to Units 331 and 332?

18 A Yes.

19 Q So at any point in time it sounds like there
20 were six officers in the Conditions Unit that were working
21 a shift?

22 A If everybody was working that day, yes.

23 Q You and Officer Cote work in Unit 333 during
24 this incident. Does that mean you were in the same car,
25 the same patrol car?

1 A Yes.

2 Q Did you and Officer Cote arrive together?

3 A Yes.

4 MS. BAIRD: May this be marked as
5 Exhibit 4, Plaintiffs' Exhibit 4.

6

7 [Plaintiff Exhibit 4: Marked for ID.]

8

9 BY MS. BAIRD:

10 Q Do you recognize what Plaintiffs' Exhibit 4 is?

11 A Yes.

12 Q What is it?

13 A It's the Heartbeat printout for different unit
14 numbers.

15 Q And can you tell by looking at Exhibit 4 whether
16 it pertains to the Park Street incident that we're
17 discussing that happened on September 12th, 2014?

18 A Yes.

19 Q Is your unit response reflected on Exhibit 4?

20 A I do not see it, no. Maybe I missed it.

21 I don't see it. If you do.

22 Q Okay. I do not.

23 A Okay. Got you.

24 MS. BAIRD: If we could have this marked as
25 Exhibit 5.

1 [Plaintiff Exhibit 5: Marked for ID.]

2

3 BY MS. BAIRD:

4 Q If I could just ask you if you see it on
5 Exhibit 5. And I'll tell you straight up I didn't see it.

6 A Okay. I don't see it either.

7 Q Looking at Exhibit 2, your report, do you agree
8 that it reflects that you arrived at the Park Street scene
9 at approximately 2116 hours?

10 A Yes.

11 Q And then looking at Exhibit 4, page one, it does
12 reflect that some units arrived at that time, 2116;
13 correct?

14 A It does.

15 Q And there's a Unit 345. Would that -- and I'm
16 talking about page one of Exhibit 4. Would that be a
17 Conditions Unit?

18 A No.

19 Q Okay. The Conditions Unit are all 33s?

20 A Yes.

21 Q If I could direct your attention to page eight
22 of Exhibit 4, and it has the time frame. Begins with 2121
23 under "Time."

24 MS. HARRIS: One second.

25 MS. BAIRD: Sure.

1 MS. HARRIS: I'm sorry. You said page
2 eight? I've got that on seven. Oh, wait. No,
3 never mind. It continues, 2121. Go ahead.
4 Sorry.

5 BY MS. BAIRD:

6 Q On the eighth page of Exhibit 4, it has under
7 the first time entry "2121." Do you see that?

8 A I do.

9 Q Okay. And then it has a "2122" entry for Unit
10 330. That's a Conditions Unit; right?

11 A Yes.

12 Q And that was your supervisor that night, Officer
13 Michel -- excuse me -- Sergeant Michel.

14 A Yes, ma'am.

15 Q Okay. Do you agree that the Hartford Police
16 Department reports reflect that Sergeant Michel arrived
17 approximately six minutes after you?

18 A Yes and no.

19 Q Okay. Why do you say "yes"?

20 A The paperwork indicates it, yes.

21 Q And why do you say "no"?

22 A Typically in an environment like this, people
23 will respond to the scene, and once it becomes a little
24 more calmer, then they go over the radio and indicate
25 that they're out. So they might be there a few minutes

1 earlier, but not have the opportunity to say over the
2 radio that they're here. Otherwise you get a lot of
3 clutter on the radio when we have a potential homicide
4 and murder suspect on the loose. We try not to tie up
5 the air.

6 Q So the times on Exhibit 4 reflect when somebody
7 called in that they had arrived, not necessarily when they
8 actually arrived.

9 A Or when a dispatcher inputted them into the
10 computer.

11 Q Do you recall whether you arrived before, after,
12 or at the same time as Sergeant Michel?

13 A I'm not sure who was first.

14 Q Directing your attention to Exhibit 2, in your
15 second sentence, "Once on scene, Sergeant Michel assigned
16 me to the outer perimeter in the area of 582 Park Street,"
17 does that -- I mean you're familiar with the way you
18 write. Does that give you any indication of who arrived
19 first or whether you arrived at the same time?

20 A It does not. No.

21 Q Prior to this assignment that Sergeant Michel
22 gave you to the outer perimeter, had you received
23 assignments from anyone else at the scene?

24 A No.

25 Q We've discussed and used the term "perimeter."

1 What is an outer perimeter as you reference in Exhibit 2?

2 A An outer perimeter would kind of be the furthest
3 that we would consider looking at for items of evidence.
4 For this -- you know, outside.

5 Q Is there an inner perimeter?

6 A It depends on the crime scene, but oftentimes
7 there is.

8 Q What would that be?

9 A Where the body is.

10 Q Are the two perimeters treated differently?

11 A Yes. Yes and no.

12 Q Well, before we get to that, though, is there
13 another category of perimeters? Is there a middle
14 perimeter or ...

15 A A lot of it depends on what type of scene you're
16 at. If you were at a -- excuse me for using this
17 example, but something like an active shooter or
18 something, there would be -- the building itself might be
19 one cell, and you'd push people back beyond a -- what
20 they'd call a "kill zone." So if there was anybody who
21 could cause you harm, you'd want the general public
22 outside of that. And you might have a perimeter inside
23 of that in which the police officers are working. So
24 perimeters could vary based on the situation.

25 Q What perimeters were you aware of that were --

1 or what types of perimeters were you aware of that were
2 established at the Park Street incident?

3 A Being the lowly patrol officer or officer title
4 that I have, my job was strictly to address the outer
5 perimeter.

6 Q When you say in your report that Sergeant Michel
7 assigned you to the outer perimeter, had the perimeter
8 already been set by somebody else or were you the one that
9 was to set it according to that assignment?

10 A I'm not exactly sure. I don't --

11 Q I'm looking at Exhibit 2.

12 A Yes. I'm not exactly sure who set the perimeter
13 initially.

14 Q Well, do you know if it was you?

15 A I would have no -- it would be rare that I would
16 have anything to do with setting that perimeter.

17 Q So I just want to understand from Exhibit 2,
18 your report, the term "assigned me to the outer
19 perimeter," does that mean that the tape was already up?

20 A It depended. Could be a moving perimeter. He
21 told me to go over there and that's where I went.

22 MS. HARRIS: I'm sorry. Just focus on the
23 question that she's asking.

24 Do you mean when he first arrived? Is that
25 what you were trying to get at?

1 MS. BAIRD: Well, no --

2 MS. HARRIS: Or do you want to rephrase the
3 question? I'm not sure he's answering what
4 you're asking.

5 BY MS. BAIRD:

6 Q When you arrived on scene and were assigned to
7 the outer perimeter, what did that assignment include?

8 A Ensuring that nothing came in or out of the
9 perimeter.

10 Q Okay. And so to ensure that nothing came in or
11 out, is it fair to say you had to know where the perimeter
12 was?

13 A Yes.

14 Q And how did you know where the perimeter was?

15 A I believe we started setting up tape.

16 Q And how did you know where to set up the tape?

17 A I'm not sure if it was already set up by
18 somebody else or not. I'm not sure.

19 Q Okay. Was Officer Cote given the same
20 assignment; do you know?

21 A No. I don't believe so.

22 Q You had mentioned "we." Was there somebody else
23 that was given the assignment with you to the outer
24 perimeter?

25 A No, I'm not sure. There's, as you can see, a

1 ton of officers on scene.

2 Q Have you viewed any video of the Park Street
3 incident?

4 A Yes.

5 Q Was it video that was taken by the Hartford
6 Police Department?

7 A No.

8 Q Was it video taken by any law enforcement
9 agency?

10 A No.

11 Q Are you aware of any video taken at the scene by
12 any law enforcement agency?

13 A No.

14 Q To the best of your knowledge, who took the
15 video that you viewed of the Park Street incident?

16 A Mr. Peruta.

17 Q And where did you view -- on what source, what
18 medium did you view that video on?

19 A Computer.

20 Q And was the video on a CD or did you view it on
21 the Internet?

22 A I viewed it in preparation for today's event.

23 Q Okay. And is that -- I'm not asking you
24 anything that you've done with your attorney, so I just
25 want to make that clear. It's subject to attorney/client

1 privilege.

2 So other than preparing for today and viewing
3 the video, had you reviewed the video previously?

4 A No.

5 Q Did you know the video existed of the Park
6 Street incident?

7 A Yes.

8 Q And how did you know it existed?

9 A Word of mouth. Rumors.

10 Q Well, let me ask you this. Did you view the
11 video with your attorney?

12 A Yes.

13 Q Okay. Have you ever seen any pictures of the
14 scene -- the Park Street incident?

15 A No.

16 Q Other than you, Officer Cote -- here's another
17 one. If you could go to Exhibit 4, 2 pages from the back,
18 the next to the last page. Okay. It appears that there's
19 an entry for another Conditions Unit, 331; am I correct?

20 A You are.

21 Q Okay. And so Officer Cornell and -- is it
22 Officer Suchecki?

23 A Yes.

24 Q And we already discussed that there were three
25 Conditions Units. That would be the 331 that those two

1 officers were in; correct?

2 A Yes.

3 Q And then you and Officer Cote in the 333?

4 A Yes.

5 Q And the 332, if you could just look through
6 Exhibit 4 to confirm that that does not appear listed
7 under "Units Responding."

8 A I do not see it.

9 Q Do you know who would have been in Unit 332 that
10 shift?

11 A It would have been Officer Fierravanti. I do
12 not know if he was working that day.

13 Q What officers do you recall, if you recall any,
14 who also worked on the outer perimeter while you were
15 there?

16 A I'm not sure. Judging by my report, I know
17 Officer Suchecki relieved me.

18 Q And according to Exhibit 4, the next to last
19 page, he was en route at 2205?

20 A According to the paper, yes.

21 Q Do you know how long you were on the outer
22 perimeter before Officer Suchecki relieved you?

23 A I'm not sure of an exact time frame.

24 Q And why were you relieved?

25 A (No response.)

1 Q Did you have another assignment?

2 A I am sure I had reports to do and things to do
3 back at the office.

4 Q So when you were relieved by Officer Suchecki,
5 did you leave the scene?

6 A Yes.

7 Q Do you know why the arrival and departure of
8 Unit 333 isn't reflected in Exhibit 4?

9 A I would venture to guess that either one of
10 three things happened. Either four people all indicated
11 that they were on scene at the same time, prompting the
12 dispatcher to fail to enter one or two; I would guess we
13 transmitted that we were there and the dispatcher didn't
14 enter it; or I would guess that either Officer
15 Suchecki -- Officer Cote and I just never put ourselves
16 out there over the radio.

17 Q Was Officer Cote relieved at the same time as
18 you since he was in the same Unit, 333?

19 A I don't know. I'm not sure.

20 Q Well, how would that work? Did you take the
21 cruiser from the scene and leave him there?

22 A I -- I'm not sure, but it's not beyond what's
23 happened before. Our office was a few blocks away. If
24 guys had to write reports, it's not uncommon for us to
25 switch cars and get a ride back.

1 Q Okay.

2 MS. BAIRD: Next exhibit.

3

4 [Plaintiff Exhibit 6: Marked for ID.]

5

6 BY MS. BAIRD:

7 Q Have you ever seen Exhibit 6?

8 A No.

9 Q If I can direct your attention to the last
10 sentence of Exhibit 6 in the first paragraph. And it
11 talks about utilizing my cruiser -- (As Read) I noticed
12 that several emergency vehicles were already on scene, and
13 blocked, utilizing my cruiser with its emergency lights
14 per the order of Sergeant Michel, Unit 330, the
15 intersection of Park Street at Broad Street, not allowing
16 any vehicular traffic from encroaching on the scene
17 eastbound from Park Street.

18 Is that what you recall the manner in which
19 Officer Suchecki relieved you -- using his vehicle?

20 A No.

21 Q Okay. How do you recall him relieving you?

22 A Be on foot.

23 Q And could -- do you know if Sergeant Suchecki
24 was already on the scene doing other things?

25 A I believe so.

1 Q Okay. Did you look at -- besides your police
2 report and the video, did you look at any other documents
3 or pictures or video to prepare for today?

4 A No.

5 Q Have you ever read a transcript of the Park
6 Street incident?

7 A No.

8 Q And when I say "transcript," I mean a transcript
9 of the video we've been discussing that was taken by
10 Mr. Peruta.

11 A Yes. Yeah, no.

12 MS. HARRIS: I'm sorry. You said "yes" and
13 "no." Clarify your answer, please.

14 A Oh. No. No, I have not seen any transcripts.

15 MS. BAIRD: Exhibit 7.

16

17 [Plaintiff Exhibit 7: Marked for ID.]

18

19 BY MS. BAIRD:

20 Q Do you recognize the type of form that Exhibit 7
21 is?

22 A I do.

23 Q What kind of form is that?

24 A It's a Crime Scene Entry Log.

25 Q And what's the purpose -- well, let me ask you

1 this. When is a Crime Scene Entry Log used?

2 A Major crime scenes.

3 Q Is there a definition of what a major crime
4 scene is?

5 A Shootings, homicides typically.

6 Q Is there a Major Crime Scene division or unit in
7 the Hartford Police Department?

8 A Yes.

9 Q Is that part of the Detective Unit?

10 A Yes.

11 Q Is it the same thing as the Detective Unit?

12 A It is encompassed in the Detective Unit.

13 Q Okay. Who is the head of the Major Crime Scene
14 Unit right now?

15 A Lieutenant Cicero at the lieutenant's level.

16 I'm not sure who is above him.

17 Q How about a sergeant -- well, never mind. Who
18 was -- was Lieutenant Cicero head of the Major Crime Unit
19 back in September 12, 2014?

20 A No.

21 Q Who was?

22 A I have no idea.

23 Q Okay.

24 MS. BAIRD: Make that No. 8.

25

1 [Plaintiff Exhibit 8: Marked for ID.]

2

3 BY MS. BAIRD:

4 Q I'm just giving you that to direct your
5 attention to the officer who prepared that report, and --
6 Bradford?

7 A Yes.

8 Q And what rank is Officer Bradford?

9 A An officer.

10 Q Okay. Was he in a supervisory capacity at the
11 Park Street incident?

12 A No.

13 Q Did you have any contact with Officer
14 Bradford --

15 A No.

16 Q -- at the Park Street incident?

17 A No.

18 MS. BAIRD: We can make this 9.

19

20 [Plaintiff Exhibit 9: Marked for ID.]

21

22 BY MS. BAIRD:

23 Q Again just directing your attention to some
24 names on here. A Detective Wall, do you know who that is?

25 A Yes.

1 Q Do you know if Detective Wall is in the Major
2 Crimes Unit?

3 A Yes.

4 Q Do you know, is it a he or a she?

5 A She.

6 Q Do you know if she was in the unit back on
7 September 12, 2014?

8 A I'm not sure.

9 Q How about Detective Jaeger Thomas?

10 A I'm not sure where they were assigned at the
11 time.

12 Q Do you know who Detective Jaeger Thomas is?

13 A Yes.

14 Q Do you know if Detective Jaeger Thomas is in
15 Major Crimes now?

16 A He is. He might be detached. I'm not exactly
17 sure. I know he's -- he was there as of a few months
18 ago.

19 Q Did you have any contact with either Detective
20 Wall or Detective Thomas on the scene on September 12th,
21 2014?

22 A No.

23 Q Did either Detective Wall or Detective Thomas
24 give you any assignments at the scene?

25 A No.

1 Q Go back to Exhibit 7. It's the Crime Scene
2 Entry Log. Was this Crime Scene Entry Log that's
3 Exhibit 7 kept for this case because it was a major crime?

4 A Yes.

5 Q Who -- did you have any responsibility for
6 preparing the Crime Scene Entry Log related to this case?

7 A No.

8 Q Does it appear, at least from Exhibit 7, that
9 a -- and I think -- is it Hungerbride?

10 A Hunyadi.

11 Q Hunyadi. Hunyadi had that responsibility?

12 A Yes.

13 Q Have you ever had the responsibility to fill out
14 a Crime Scene Entry Log or keep track of it?

15 A Yes.

16 Q And what are your duties in being assigned to do
17 a Crime Scene Entry Log?

18 A To document anybody who comes in or out of
19 the -- usually the inner crime scene.

20

21 [Mr. Peruta left proceedings.]

22

23 BY MS. BAIRD:

24 Q Now, I don't see your name on here, do you?

25 A No.

1 Q Do you know why that would be?

2 A I don't believe I was ever in the vicinity of
3 the inner crime scene.

4 Q Okay. So does the Crime Scene Entry -- what
5 area does the Crime Scene Entry Log apply to?

6 A The innermost.

7 Q Okay. So it doesn't apply to all the way out to
8 the outer perimeter.

9 A No.

10 Q Is the inner perimeter marked with any kind of
11 tape similar to the tape that marks the outer perimeter?

12 A That's the goal, in theory.

13 Q Are you saying that doesn't always happen?

14 A Rarely does what's supposed to happen in best
15 practice apply in every situation.

16 MS. BAIRD: Exhibit 10.

17

18 [Plaintiff Exhibit 10: Marked for ID.]

19

20 BY MS. BAIRD:

21 Q Officer Barone, is that you in Exhibit 10, on
22 the right-hand side of the picture, in uniform?

23 A Yes.

24 Q What duties were -- and do you recognize this as
25 being the scene of the Park Street incident from

1 September 12th, 2014?

2 A Yes.

3 Q And what duties were you performing during the
4 moment or time when Exhibit 10 was taken?

5 A My duty was the exterior crime scene here.

6 Q Okay. Now, what's the definition of an exterior
7 crime scene?

8 A Perimeter. Sorry. I didn't mean to use
9 different words.

10 Q Okay. Are we able to see, in Exhibit 10, a
11 portion or part of the outer perimeter that was
12 established at the Park Street scene?

13 A I guess you --

14 MS. HARRIS: If you don't -- don't guess.

15 THE WITNESS: Okay.

16 MS. HARRIS: Just answer.

17 A You see the tape here, yes.

18 BY MS. BAIRD:

19 Q The tape that is visible in Exhibit 10, is that
20 what marked the outer perimeter of the crime scene?

21 A I would say it's an initial perimeter.

22 Q Okay. What's an initial perimeter?

23 A Police work is not an exact science. As new
24 information develops, things are constantly evolving. So
25 this is where the tape was put up initially to assist

1 with crowd control and allow us to search for items of
2 evidence.

3 Q And you can tell that this is the initial
4 perimeter looking at Exhibit 10?

5 A I can tell it's a perimeter. I don't know if
6 there was --

7 Q Okay.

8 A -- you know, tape up before or later on. I can
9 tell there's tape there now and nothing inside of that.

10 MS. BAIRD: Exhibit 11.

11

12 [Plaintiff Exhibit 11: Marked for ID.]

13

14 BY MS. BAIRD:

15 Q Is that you that appears in Exhibit 11, on the
16 right-hand side of the photo?

17 A Yes, ma'am.

18 Q Are you able to identify any of the other
19 individuals in Exhibit 11 who are in the background?

20 A No.

21

22 [Mr. Peruta rejoined proceedings.]

23

24 BY MS. BAIRD:

25 Q Approximately how long did you work the outer

1 perimeter while the -- what you refer to as the initial
2 perimeter was still in place?

3 A My report indicates I was on scene for about a
4 half-hour.

5 Q Okay. And during that half-hour -- you've
6 testified that, you know, police work is not an exact
7 science and whatever -- was the perimeter moved at any
8 point?

9 A Yes.

10 Q And how many times was it moved during that
11 approximately half-hour that you were assigned to it?

12 A I have no idea.

13 Q How do you go about -- or how did you go about,
14 on that evening, moving the perimeter the first time?

15 A Add more tape.

16 Q Did you move any tape?

17 A I don't know if we strung up new tape or if we
18 moved the existing stuff.

19 Q So what are the different ways to move a
20 perimeter?

21 A Put more tape up and have everybody stand behind
22 it.

23 Q Okay. Do you take the initial tape down?

24 A Sometimes. Sometimes we don't.

25 Q Okay. So sometimes you do and sometimes you

1 don't?

2 A Mm-hmm.

3 Q Okay. So that -- yes?

4 A Yes.

5 Q Okay. Is there a reason why sometimes you would
6 and sometimes you wouldn't?

7 A There's a lot of different factors at play.

8 Q And that's what I'm trying to find out.

9 A Sometimes you forget. Sometimes it's -- like I
10 said, in more -- you know, inner perimeter or where
11 things might be necessary to prevent people from
12 accessing, yeah.

13 Q And who told you to move the perimeter the first
14 time it was moved?

15 A One of the sergeants on scene. I'm not sure
16 which one.

17 Q Okay. And we've already established that
18 Sergeant Michel was on scene; right?

19 A He was my supervisor for the day.

20 Q Okay. And he's the one -- according to your
21 report, Exhibit 2, I think -- that initially assigned you
22 to the outer perimeter; right?

23 A Yes.

24 Q And Sergeant Spell was on scene; correct?

25 A Judging by Exhibit 4 or 5, yeah.

1 Q Okay. Do you remember any interactions with
2 Sergeant Spell?

3 A Not specifically.

4 Q Do you know why Sergeant Spell was on scene at
5 the Park Street incident?

6 A He's the commander of the Shooting Task Force --
7 or the sergeant at the time. It was not uncommon for
8 them to respond to shooting scenes.

9 Q Any other sergeants who were at the Park Street
10 scene that you recall?

11 A Probably. There's probably a ton, but none I
12 recall.

13 Q Okay. In your assignment at the perimeter
14 during that 30 minutes, other than Sergeant Michel did
15 anyone give you any orders or tell you what to do at the
16 scene?

17 A I'm not sure. I believe so. Can you clarify
18 that one more time for me?

19 Q Well, for example, when the perimeter was moved,
20 was it Sergeant Michel that told you -- Michael
21 [phonetic]. I know somebody else who -- anyway. Sergeant
22 Michel. Was it Sergeant Michel that told you to do that
23 or somebody else?

24 A I don't know who told me to move a tape two
25 years ago.

1 Q Okay. Well, in your report you --

2 A Yeah, he was my immediate supervisor. So
3 typically, based on past practice, I would have -- be
4 ordered -- you know, answer to him.

5 Q Okay. And it's fair to say your report doesn't
6 mention any movement of the perimeter at any point -- in
7 Exhibit 2. Right?

8 A No.

9 Q I know you said it was two years ago, but do you
10 recall why the perimeter was moved on the first occasion?

11 A I believe additional evidence was found.

12 MS. HARRIS: Would now be a good time to
13 take a quick break?

14 MS. BAIRD: Oh, yes. Definitely.

15

16 [Off record: 11:32 a.m. to 11:42 a.m.]

17

18 MS. BAIRD: Back on the record.

19

20 [Plaintiff Exhibit 12: Marked for ID.]

21

22 BY MS. BAIRD:

23 Q Do you know an Officer Chesworth?

24 A I do.

25 Q Have you worked in a unit with him?

1 A Worked in Patrol with him.

2 Q On the South End?

3 A Yes.

4 Q When?

5 A For the past nine months, I'd say?

6 Q Did you work previously with him in any division
7 or patrol?

8 A No.

9 Q Do you recall seeing him at the Park Street
10 incident?

11 A Not specifically, no.

12 MS. BAIRD: Exhibit 13.

13 BY MS. BAIRD:

14 Q And do you know if his assignment -- and by
15 "him" I mean Officer Chesworth's assignment -- was in the
16 Patrol Division, South End, back in 2014 September?

17 A I have no idea what he was doing. I can tell
18 you what he does now. That's about it.

19 Q Okay. What does he do now?

20 A The Patrol Division in the South End.

21 Q Okay.

22 MS. BAIRD: Exhibit 13.

23

24 [Plaintiff Exhibit 13: Marked for ID.]

25

1 BY MS. BAIRD:

2 Q Do you know Officer Hildebidle?

3 A Yes.

4 Q And have you ever been assigned to the same unit
5 or division or patrol as Officer Hildebidle?

6 A No.

7 Q Do you recall working with or seeing, observing
8 Officer Hildebidle on September 12th, 2014?

9 A No.

10 Q Did you view any police cars blocking traffic at
11 the Park Street crime scene?

12 A Yes.

13 Q And what is the -- have you ever been assigned
14 to block traffic in a cruiser at a crime scene?

15 A Yes.

16 Q And what's the purpose of that?

17 A To ensure no vehicular traffic enters the crime
18 scene.

19 Q Is it fair to say that when police cars are used
20 to ensure that no vehicular traffic enters crime scenes,
21 that those police cars are stationed outside the outer
22 perimeter?

23 A Yeah, sometimes.

24 Q Well, when would they be inside the outer
25 perimeter?

1 A Put the tape on the outside of the car, you can
2 put the tape on the inside of the car.

3 Q Okay.

4 A It's semantics on where the tape goes.

5 Q Okay.

6 MS. BAIRD: Exhibit 14.

7

8 [Plaintiff Exhibit 14: Marked for ID.]

9

10 BY MS. BAIRD:

11 Q Do you know Officer Romanchuck?

12 A I do.

13 Q Have you been assigned to a unit or division
14 with Officer Romanchuck previously?

15 A I have.

16 Q When?

17 A Within the last nine months.

18 Q In the South End patrol?

19 A In the South End, in Patrol.

20 Q Had you worked with Officer -- I'll put it this
21 way. Had you been assigned to a unit or patrol with
22 Officer Romanchuck prior to the last nine months?

23 A No.

24 Q Do you recall observing Officer Romanchuck or
25 working with him at the Park Street incident?

1 A No.

2 Q Direct your attention to the second paragraph of
3 Exhibit 14. It references a radio call -- or radio
4 transmission from Officer Bradford that he had located a
5 gun in some bushes. Do you recall hearing that
6 transmission?

7 A Vaguely. Yes.

8 Q What do you recall about it?

9 A Somebody came over, said they found a gun.

10 Q Did you have a response to that?

11 A No.

12 Q Did you continue in your assigned assignment
13 from Sergeant Michel?

14 A Yes.

15 Q Michael [phonetic].

16 A Yeah.

17 Q Did you observe Officer Bradford at all
18 retrieving a gun or looking for a gun?

19 A No.

20 Q Did you observe anyone else in your vicinity
21 respond after that transmission came over the radio about
22 a gun?

23 A People were coming and going. I'm not sure
24 where they were directed to.

25 Q When you heard the transmission about the gun

1 come over the radio, were you aware of where the gun had
2 been located?

3 A Some bushes. That was -- that was it.

4 Q Do you know how close the bushes were to your
5 location?

6 A I did not know.

7 Q Did you find out at some point?

8 A Through reading this report, yes.

9 Q And what did you find out? No. No. What did
10 you find out?

11 A Oh. It was on Hungerford Street. I'm not sure
12 how far up Hungerford Street, though.

13 Q Okay. And through "reading this report," you
14 mean now you found out; right?

15 A Yes.

16 Q Okay.

17 A Closer to Grand Street.

18 Q What is a -- there is a term in Exhibit 14 in
19 that second paragraph, "a second perimeter." We've talked
20 a little bit about inner, outer, initial perimeters. What
21 is a second perimeter?

22 A A more extensive perimeter as opposed to the
23 first one, the primary one.

24 Q Were you involved at all in establishing the
25 second perimeter for the located gun that's referenced in

1 Exhibit 14?

2 A Not on Hungerford Street, but further down Park
3 Street.

4 Q Did you ever -- did you see the second
5 perimeter?

6 A On Hungerford Street?

7 Q The one --

8 A That's referenced by Officer Romanchuck?

9 Q Right.

10 A No.

11 Q And was there a second second perimeter that was
12 established where you were as well?

13 A Yes.

14 Q And where was that second second perimeter
15 established?

16 A West of our location on Park Street.

17 Q And what role did you play in establishing that
18 second second perimeter?

19 A Moving it back -- moving everybody back to that
20 perimeter.

21 Q So you recall establishing or moving a perimeter
22 out after a radio transmission about the location of a
23 gun?

24 A I don't know that -- when it was -- when it was
25 asked of, but I did assist in removing the -- or

1 extending the perimeter.

2 Q And I think you've testified already you don't
3 remember who told you to do that?

4 A Not -- which specific sergeant? I know Sergeant
5 Spell and Sergeant Michel were giving me orders at the
6 time. I don't know who told me to.

7 Q And on that occasion when -- did you know that
8 you were establishing a second perimeter because a gun had
9 been located?

10 A No. I just -- it's not uncommon for us to make
11 things bigger.

12 Q Okay.

13 MS. BAIRD: Exhibit 15.

14

15 [Plaintiff Exhibit 15: Marked for ID.]

16

17 MS. BAIRD: Okay. We don't need that one.

18 Ignore that one.

19 Exhibit 16.

20

21 [Plaintiff Exhibit 16: Marked for ID.]

22

23 BY MS. BAIRD:

24 Q Okay. Do you know Officer Hodzic?

25 A I do.

1 Q And have you been assigned to the same division
2 or ...

3 A The past nine months, yes.

4 Q And how about Detective Farignoli? Do you know
5 him?

6 A Yes.

7 Q And do you recall being given any assignments or
8 being told what to do with the Park Street scene by
9 Detective Farignoli?

10 A No.

11 Q Do you recall seeing him?

12 A No.

13 Q How about Officer Hodzic? Do you recall seeing
14 Officer Hodzic at the scene?

15 A No.

16 Q Do you know Officer Muniz?

17 A Yeah, I do.

18 Q Okay. And have you ever worked with Officer
19 Muniz --

20 A I have.

21 Q -- in the same unit? Past nine months?

22 A No. Midnights, South End. 2010, I think, to
23 2013.

24 Q And do you recall seeing Officer Muniz at the
25 Park Street incident?

1 A I do not.

2 Q And your total time there on Park Street was 30
3 minutes? About?

4 A Probably less. Yes.

5 Q Okay.

6 MS. BAIRD: If we could go off the record a
7 minute.

8

9 [Off record: 11:55 a.m. to 11:56 a.m.]

10

11 MS. BAIRD: Back on the record.

12 Exhibit 17.

13

14 [Plaintiff Exhibit 17: Marked for ID.]

15

16 BY MS. BAIRD:

17 Q Just Officer Cagno, do you know Officer Cagno?

18 A I do.

19 Q Ever worked with Officer Cagno in the same unit
20 or assignment?

21 A 2010 to 2013, midnights.

22 Q Do you recall seeing Officer Cagno at all
23 related to the Park Street incident?

24 A No.

25 Q Officer Agostino. Do you know Officer Agostino?

1 A I do.

2 Q Ever worked with Officer Agostino?

3 A I have.

4 Q In what unit or assignment?

5 A Past nine months in Patrol.

6 Q Do you recall Officer Agostino from the scene?

7 A No.

8

9 [Mr. Peruta left proceedings.]

10

11 BY MS. BAIRD:

12 Q Officer George? Do you know Officer George?

13 A I do.

14 Q And have you ever been assigned to the same unit
15 or worked with Officer George?

16 A I have not.

17 Q And do you remember seeing or observing --

18 A No.

19 Q -- what Officer George did at the Park Street
20 incident?

21 A No.

22 MS. BAIRD: Do you need a break?

23 MS. HARRIS: Sorry. That should just be
24 off. Sorry.

25

1 BY MS. BAIRD:

2 Q Officer Gaudino. Do you know Officer Gaudino?

3 A I do.

4 Q Ever worked an assignment or unit with Officer
5 Gaudino?

6 A I have. Last nine months in Patrol.

7 Q Do you remember seeing Officer Gaudino at the
8 Park Street incident?

9 A I do not.

10

11 [Mr. Peruta rejoined proceedings.]

12

13 BY MS. BAIRD:

14 Q Are you aware that the plaintiff in this case,
15 Edward Peruta, filed a complaint about the Park Street
16 incident with Internal Affairs?

17 A I was not.

18 Q Is it fair to say then that you just became
19 aware of it through my question?

20 A Yes.

21 Q Is it fair to say that no one from the Hartford
22 Police Department ever contacted you to ask you any
23 questions about Mr. Peruta's conduct at the scene that
24 night -- the Park Street incident?

25 A I was not asked any questions about it.

1 Q All right. And no one in Internal Affairs or
2 the Police Department ever contacted you about any
3 allegation that Sean Spell acted in a discourteous manner
4 or improperly at the scene towards Mr. Peruta?

5 A No.

6 Q Do you know what Integrated Security Services,
7 Inc. is?

8 A No. No idea.

9 Q Do you know an individual by the name of
10 Jacqueline Manning?

11 A No.

12 Q Diana Ferraro. Do you know a person named Diana
13 Ferraro?

14 A No.

15 Q Did anyone from a private investigation service
16 ever contact you with regard to a complaint made by Ed
17 Peruta against Sergeant Spell for discourteous conduct or
18 improper behavior at the Park Street incident?

19 A No.

20 Q Did anyone at the Hartford Police Department
21 ever ask you if you were at the Park Street incident on
22 September 12th, 2014?

23 A No.

24 Q Did anyone at the Hartford Police Department
25 ever ask you who else was -- or who was at the Park Street

1 incident on September 12th, 2014?

2 A No. That's what the Hartbeat's for.

3 Q Well.

4 A Most of -- most of the time. And the --

5 Q The Hartbeat didn't have your name; right?

6 A -- and the reports back it up, though, at least.

7 Q Right. So if you have Exhibit 7 in front of you
8 still, that is the Hartbeat report?

9 A Yes. Got it. It's 4?

10 Q Yes.

11 A Okay.

12 Q So if -- what you're saying is if someone at the
13 Hartford Police Department wanted to know who was at the
14 Park Street incident on September 12th, 2014, Exhibit 7
15 would be a resource; correct?

16 A It would be one of the re -- Exhibit 4.

17 Q Oh, Exhibit 4. I'm sorry. Exhibit 4 would be a
18 resource; right?

19 A It would be one of, yes.

20 Q Okay. And is it fair to say that Exhibit 4 is
21 relevant to a case number?

22 A Yes.

23 Q And another way of determining who was at the
24 Park Street incident, if someone in the police department
25 wanted to know, would be by looking up reports filed under

1 case No. 14-030263.

2 A Yes.

3

4 [Mr. Peruta left proceedings.]

5

6 BY MS. BAIRD:

7 Q Were you present on June 4th, 2016, at an
8 incident in West Hartford where --

9 MS. HARRIS: You can finish your question.

10 BY MS. BAIRD:

11 Q -- where Sean Spell was present after a police
12 chase?

13 A Yes.

14 MS. HARRIS: I'm objecting to any line of
15 questioning about this. This is not part of the
16 complaint.

17 MS. BAIRD: Okay. Well, we'll make a
18 record of why I'm going to claim it, and these
19 are the reasons.

20

21 [Mr. Peruta rejoined proceedings.]

22

23 MS. BAIRD: Okay. This is the reason I'm
24 claiming it. I'm claiming it because there is
25 an allegation in the current complaint about the

1 Park Street incident that Sergeant Spell
2 prevented American News and Mr. Peruta from
3 videotaping. There has been an arrest
4 warrant -- and we allege that it was by order of
5 Sean Spell. There is an arrest warrant that is
6 currently pending -- well, it's been served on
7 Sergeant Spell -- related to the June 4th, 2016,
8 incident, where it's alleged in the arrest
9 warrant that Sergeant Spell approached a State
10 Police cruiser to look at what had been caught
11 on the dash cam or the video recorder on the
12 State Police cruiser. And the arrest warrant
13 implies, if not outright states, that the
14 purpose was to determine if the conduct of Sean
15 Spell, which included kicking somebody in the
16 head, was caught on video.

17 Part of our allegation in this case is that
18 Sergeant Spell did not like to be videotaped,
19 that he had numerous Internal Affairs complaints
20 against him, and the only one that had ever been
21 substantiated was one where he had been
22 videotaped. And that was his purpose. He
23 didn't like videotape and he didn't want
24 Mr. Peruta videotaping. He violated his First
25 Amendment.

1 So I want to ask this officer, who was on
2 the scene June 4th, 2016, what he knows about
3 what Sean Spell did and what he did in terms of
4 looking to see if there was videotaping going on
5 by the State Police or the West Hartford police
6 cruisers. So that's my claim for the record.

7 MS. HARRIS: I understand your claim. I
8 absolutely disagree with that. There's no
9 allegations that Sean Spell did anything to
10 Mr. Peruta in your complaint in relation to an
11 incident on Flatbush or anything in 2016. That
12 is not part of this claim. There has to be
13 relevance. It is absolutely not. This should
14 not be part of Mr. Peruta's, well, news
15 gathering operations or any other event. I will
16 absolutely object -- or for you to conduct your
17 own investigation. I will absolutely object to
18 that questioning, and what I would suggest that
19 we do -- and had I had any idea that you were
20 going to ask something so completely outside of
21 the scope of this complaint I would have filed a
22 protective order.

23 So what I would suggest that we do is that
24 I add this to the protective order that I'm
25 going to file on Monday and, if the judge rules,

1 then we come back. But I don't think that's an
2 appropriate line of questioning.

3 MS. BAIRD: Okay. So that will be taken
4 care of by a motion.

5 MS. HARRIS: So I'll file a protective
6 order and, if the Court rules, then we come
7 back. But any line of questioning about
8 Flatbush for any witness I'm going to object
9 to --

10 MS. BAIRD: Okay.

11 MS. HARRIS: -- on this basis.

12 MS. BAIRD: And you're instructing
13 obviously your client not to answer.

14 MS. HARRIS: Correct. And I will seek a
15 protective order. And had I realized that was
16 going to be part of the line of questioning,
17 because it's not part of the complaint in this
18 case nor is any allegation that Mr. -- that
19 Officer Spell -- there's no allegations that --
20 about Internal Affairs in the complaint. So --
21 other than the one complaint that was filed by
22 Mr. Peruta. So no, I don't think any of that is
23 relevant and I will seek a protective order.

24 MS. BAIRD: Okay. But just to make clear,
25 you're instructing Officer Barone not to answer.

1 MS. HARRIS: Yes.

2 MS. BAIRD: Okay.

3

4 [Off record: 12:08 p.m. to 12:11 p.m.]

5

6 MS. BAIRD: Let's go on the record.

7 BY MS. BAIRD:

8 Q There's been a gentleman present at this
9 deposition, who I believe was introduced to you or he
10 introduced himself, named Ed Peruta and --

11 A Yes.

12 Q -- he's seated to my left. Have you -- do you
13 recall seeing Mr. Peruta prior to today?

14 A I do.

15 Q And on how many occasions have you seen him
16 previously?

17 A I believe just one.

18 Q And was that occasion at the Park Street
19 incident that we've been referring to occurred on
20 September 12th, 2014?

21 A Yes.

22 Q How did Mr. Peruta come to your attention at the
23 Park Street incident?

24 A He had a giant camera and he had a press badge.

25 Q Okay. And let me ask you this. There were

1 other people who were not members of law enforcement
2 outside the perimeter at the Park Street incident, not
3 just Mr. Peruta. Right?

4 A Yes.

5 Q And sitting here today, is it fair to say you
6 probably can't identify all of them?

7 A No.

8 Q But you do recall seeing Mr. Peruta there.

9 A Yes.

10 Q And one of the reasons is because he had a --
11 you've referred to it as a big camera or giant camera?

12 A Yes.

13 Q And another reason is he had a press badge?

14 A Yes.

15 Q Can you describe the press badge?

16 A Not at all. Just recall it having a picture of
17 him on it.

18 Q Okay. And is there a reason why you recall the
19 press badge?

20 A Probably because we're here and, as a result,
21 the interaction with him is in my memory bank.

22 Q And when Mr. Peruta -- how far along were you
23 into that approximately 30 minutes that you spent at Park
24 Street when you -- when Mr. Peruta first came to your
25 attention?

1 A I have no idea.

2 Q What were you doing when Mr. Peruta first came
3 to your attention?

4 A I was setting up the perimeter.

5 Q And what were you doing to set up the perimeter
6 when he first came to your attention?

7 A I believe I was probably tying the tape up or I
8 was standing by the tape; one of the two.

9 Q When Mr. Peruta first came to your attention,
10 did you have a response?

11 A As far as?

12 Q Did you say anything to him?

13 A I don't believe so.

14 Q Did he say anything to you?

15 A I -- he gave me his credentials, and I believe
16 he noted that he was a member of law enforcement in the
17 past. That was it.

18 Q And was he outside the perimeter at that point
19 when he said that to you or inside?

20 A Outside.

21 Q And when Mr. Peruta said these things to you,
22 was there a tape separating the two of you?

23 A Yes.

24 Q So you were inside the perimeter and he was
25 outside the perimeter.

1 A Yes.

2 Q Did any other officer witness this conversation
3 or statement that Mr. Peruta made to you?

4 A I don't think so.

5 Q And what was your response, if any?

6 A Probably limited at best. I mean, there was a
7 lot of things going on.

8 Q Do you recall anything else, other than what
9 you've already testified to, that Mr. Peruta said?

10 A No.

11 Q Where did Mr. Peruta go, if anywhere, after he
12 said these statements to you?

13 A Kind of lingered behind the crime scene tape.

14 Q And did you continue to observe him for any
15 reason?

16 A Not in particular.

17 Q And what did you observe Mr. Peruta doing, if
18 anything, with his camera?

19 A Taking pictures.

20 Q Do you know whether Mr. Peruta was taking
21 pictures or video?

22 A I have no idea.

23 Q Okay. And what acts did you see him engaged in
24 that made you believe he was taking pictures or video?

25 A He had the camera in the vicinity of his eye

1 line.

2 Q And where was -- could you tell where the camera
3 was directed to?

4 A The crime scene.

5 Q And when you say "the crime scene," any
6 particular place in the crime scene?

7 A I believe it was, you know, where the body was.

8 Q Did you respond to your observation at all that
9 Mr. Peruta was taking pictures or video?

10 A As far as?

11 Q When you observed that Mr. Peruta was what you
12 believed taking pictures or video, did you respond at all?
13 Did you say anything to him?

14 A No.

15 Q Did you tell him to stop?

16 A Everybody's got a cell phone camera. Everybody
17 takes pictures.

18 Q Did Mr. Peruta come to your attention or did you
19 observe him for any other reason after that initial
20 conversation or statement he made to you?

21 A We had some further interactions after that
22 initial statement.

23 Q Okay. So what's the next interaction you recall
24 with Mr. Peruta after the initial statement?

25 A It was trying to get him to move further back

1 when we were extending the crime scene out.

2 Q Okay. And do you know if that extension of the
3 crime scene where you were trying to get him back was the
4 one that occurred after the call-in about the gun from
5 Officer Bradford?

6 A I don't remember if it was before or after the
7 gun call.

8 Q And what was this interaction then that you had
9 with him -- the second one?

10 A Adversarial, I'd say.

11 Q Okay. Well, describe that, why you believe --
12 what was said and what made you think it was adversarial?

13 A Traditionally, based on my past crime scenes and
14 the other people we've dealt with, you tell them to move
15 back, they move back, and then you're on to doing your
16 duty. Mr. Peruta, for whatever reason, didn't like the
17 response and he -- it had to be a little back-and-forth
18 as far as I need you to move back, why I need you to move
19 back. And then I guess you'd call it it took up more of
20 my time than the normal interaction with the general
21 public.

22 Q Okay. And then what hap -- I mean how long did
23 this interaction go on?

24 A It was on and off for -- I don't know, I mean
25 you've seen in the video the different pieces of it. I

1 can't tell you exactly how long. I didn't have a
2 stopwatch.

3 Q Okay. And did the crime scene tape eventually
4 get moved?

5 A Yes.

6 Q Was there another interaction after that?

7 A When I moved -- when we moved it the first time,
8 he went behind Diamante's Cafe, which is the 531 Park
9 Street. And then he was insistent that he can stay there
10 because it's private property and he didn't have to move
11 further down Park Street.

12 Q And what made him -- did you say something to
13 him where he had that response?

14 A As far as?

15 Q When you said he was insisting it was private
16 property --

17 A Yes.

18 Q -- and he didn't have to move, was he just
19 yelling that out or had you said something to him?

20 A No, I believe we confronted him and he had to go
21 further down Park Street.

22 Q And had you received a complaint from the
23 private property owner about Mr. Peruta being on their
24 property?

25 A No.

1 Q Was there -- I mean you've been an officer in
2 Hartford for a while. I'm sure you're familiar with the
3 signs that you see on some of the buildings; you know, "by
4 order of landlord, police officers take notice, no
5 trespassing." Did you see any sign similar to that at
6 that location?

7 A The parking lot at 531 Park Street has perimeter
8 fencing designed in a manner to prevent unwanted
9 intruders. It's a location we've made trespassing
10 arrests in the past. So based on that information, I do
11 know it's private and not, you know, accessible by
12 unwanted visitors.

13 Q So Mr. Peruta was inside that fencing?

14 A Mm-hmm.

15 Q Okay. And --

16 MS. HARRIS: I'm sorry. You have to
17 answer.

18 A Oh. Yes. Sorry.

19 BY MS. BAIRD:

20 Q And what kind of fencing was it?

21 A Wrought iron.

22 Q How did he get in there?

23 A There's a driveway.

24 Q Okay. So he --

25 A An opening in the driveway that allows you to

1 enter the parking lot.

2 Q Okay. So he went through the driveway and was
3 behind the fence?

4 A Yes.

5 Q Okay. And you told him to leave because it was
6 private property?

7 A No.

8 Q What did you tell him to do?

9 A The crime scene's been moved further back.

10 Q Okay. And did he move at that time?

11 A Yes. He was compliant.

12 Q And did you have any other interaction with him
13 after that?

14 A I believe one more.

15 Q And what was -- what was that one?

16 A The same: About the crime scene being moved
17 further down Park Street.

18 Q So it was moved the initial time -- it sounds
19 like to me you've testified it was moved three times; is
20 that accurate?

21 A I'd have to watch the video to give you an exact
22 number.

23 Q Okay. And any interaction with Mr. Peruta after
24 this final time, the fourth time I think that you've
25 testified to you had interaction with him?

1 MS. HARRIS: Oh. Go ahead. No, go ahead.

2 Sorry.

3 A It was, yeah, after three or four times I think
4 we were done interacting.

5 BY MS. BAIRD:

6 Q Okay. And during these interactions that you
7 had with Mr. Peruta, can you recall if any other officer
8 was present?

9 A Yes.

10 Q And what officer or officers do you recall were
11 present?

12 A Officer Marfella was with me at one point. I
13 believe Sergeant Michel was there as well.

14 Q And did Sergeant Spell ask you or order you to
15 do anything with regard to Mr. Peruta's presence?

16 A Yeah. He was asked to move further back away
17 from the crime scene.

18 Q Okay. But did Sergeant Spell ask you to do
19 anything with regard to Mr. Peruta and his presence?

20 A Move him back.

21 Q Okay. Did Sergeant Spell specifically give you
22 that order?

23 A He didn't say "Officer Barone," but I was the
24 only one interacting -- I was one of just a few officers
25 interacting with Mr. Peruta.

1 Q And Officer Marfella was another one?

2 A At one point Officer Marfella came over.

3 Q Okay. Do you remember any others?

4 A I don't remember. No.

5 Q Okay. So let's see. Right now I'm going to go
6 to a video that we've been referring to that has actually
7 19 clips.

8 MS. HARRIS: I think you have to hit the
9 "play" button. That's what you're trying to do?

10 MS. BAIRD: Yes.

11 MS. HARRIS: Okay.

12 BY MS. BAIRD:

13 Q Let's watch the whole clip first.

14 A Okay.

15 Q And this is Clip 1, Park Street 1.

16 [Video Played and Paused.]

17 BY MS. BAIRD:

18 Q First of all, have you seen Clip 1 or Park
19 Street --

20 A Yes.

21 Q -- 1 previously?

22 A Mm-hmm.

23 Q That incident that we just saw, is that what
24 you've been referring to as -- or what I've been referring
25 to as the second interaction with Mr. Peruta, where you

1 expanded the crime scene for the first time?

2 A Yes.

3 Q Okay. In Clip 1 there is a yellow tape that's
4 visible behind you; correct?

5 A Yes.

6 Q Do you know if that's the perimeter of the --
7 that was originally there, or if that was after it had
8 been moved the first time?

9 MS. HARRIS: Objection to form. But ...

10 BY MS. BAIRD:

11 Q Do you understand my question? I could ask it
12 better if you want.

13 A Yeah, give it to -- one more time, yeah.

14 Q Okay. In Clip 1 had you already moved the crime
15 scene tape or were you in the process of moving it?

16 A I have no idea.

17 Q Okay.

18 [Video Played and Paused.]

19 BY MS. BAIRD:

20 Q Are you able to tell by looking at the location
21 that's pictured on Clip 1 whether that was the location of
22 the original crime scene -- the crime scene tape
23 originally or whether it had been moved?

24 A I believe that was the original crime scene
25 tape.

1 Q And there's a voice in the background. Are you
2 able to identify who that voice is?

3 A I am.

4 Q And who is that?

5 A It's Sergeant Michel.

6 [Video Played and Paused.]

7 MS. BAIRD: I'm going to play the next clip
8 now. It's not easy to find.

9 Okay. I'm going to play Clip 2 now.

10 [Video Played and Paused.]

11 BY MS. BAIRD:

12 Q Who is that officer in Clip 2? Do you recognize
13 him?

14 A I can't even see that from here.

15 Q Okay.

16 MS. HARRIS: Hold on. You're pointing to
17 the left, near the car?

18 MS. BAIRD: Yes.

19 A Can you move the computer closer?

20 I'm not sure.

21 Q Okay.

22 [Video Played and Paused.]

23 BY MS. BAIRD:

24 Q I'm looking at Clip 2, and I see crime scene
25 tape in there. Do you see that, Officer Barone?

1 A Yes, ma'am.

2 Q And was -- if you listen to the tape -- and I'll
3 play it again -- it appears that someone is -- well, let
4 me play it again. Someone's ...

5 [Video Played and Paused.]

6 BY MS. BAIRD:

7 Q Did you hear somebody say, "Sir, other side of
8 the tape" in Clip 2?

9 A Yeah. I heard Sergeant Michel, and he indicated
10 that he'd have a place for --

11 Q Okay.

12 A -- Mr. Peruta at a stage two.

13 Q Okay. And what did that -- was he saying that
14 to you? "Sir, other side of the tape"?

15 A No.

16 Q Who -- do you know who he was saying it to?

17 A I can't --

18 Q Well, was --

19 A I'm not sure who Sergeant Michel was referring
20 to in this clip. I have no idea.

21 Q Okay. Was Mr. Peruta being ordered to go to the
22 other side of the tape?

23 A I -- I have no idea what Sergeant Michel was --

24 Q Okay. Was Mr. Peruta ever on the inside of the
25 tape? That you saw?

1 A That tape?

2 Q Yes.

3 A No.

4 Q Okay. Was he ever on the inside of any tape?

5 A If you go back, you see there's more crime scene
6 tape up in -- I believe it's the first clip when the
7 camera spins around. You see them beginning to establish
8 the permanent.

9 [Video Played.]

10 A I don't know if it was the first clip or the
11 second one. When it goes back.

12 If you hit "pause." Go back just a little bit.

13 [Video Paused and Played.]

14 A Little bit farther. Probably right around
15 there. Before that. Right there.

16 [Video Paused.]

17 A Do you see the other tape?

18 BY MS. BAIRD:

19 Q Right here?

20 A No. Where you first started.

21 Q Okay.

22 A Right by the fire truck there is beginning to be
23 a -- what looks like tape put up.

24 [Video Played and Paused.]

25 A Right there. Go back just a little bit more,

1 you'll see the tape in front of the fire truck.

2 [Video Played and Paused.]

3 BY MS. BAIRD:

4 Q Too much?

5 A I think so. Probably right around second 8 or
6 9, is my guess.

7 [Video Played and Paused.]

8 A More. There's tape coming across Hungerford,
9 and I believe it's starting to go south across Park
10 Street a few -- another second after.

11 BY MS. BAIRD:

12 Q So was Mr. Peruta inside tape that had already
13 been put up?

14 A Looks like a crime scene was being expanded.

15 Q But was he inside tape that was already erected
16 and put up?

17 A Crime scene was established and then it got
18 bigger.

19 Q Right. And so --

20 A So as it got bigger, it looks like the initial
21 crime scene was not yet removed.

22 Q Okay. I mean it's not like Mr. Peruta was
23 standing there and you put crime scene tape up around him
24 and then told him to get out of the crime scene?

25 A It appears that the crime scene tape was

1 established and then, as it was expanded, we don't always
2 communicate with each other, so people were putting it
3 probably another block or so back. So we were trying to
4 move everybody outside of it.

5 Q Okay.

6 A Does that make sense?

7 Q Yeah, but was Mr. Peruta ever inside yellow
8 crime scene tape that had already been put up?

9 A Kind of, yeah.

10

11 [Mr. Peruta conferred with Attorney Baird.]

12

13 BY MS. BAIRD:

14 Q Okay. Did he ever cross over an established
15 yellow crime tape?

16 A No.

17 Q Well, I was going to pull out the -- let me
18 see -- the Crime Scene Entry Log.

19 A Okay.

20 Q But even if he had, he wouldn't necessarily be
21 on there because you said that that only applied to the
22 inner -- inner perimeter; correct?

23 A Yes.

24 Q So somebody could actually cross into the crime
25 scene, but not be put on the Crime Scene --

1 A The officer addressing --

2 Q -- Entry Log.

3 A -- the Crime Scene Entry Log could have missed
4 somebody. It's all possible.

5 Q Okay. Well, I'm not saying that, whether they
6 missed somebody. I thought your testimony before was that
7 the Crime Scene Entry Log applied to individuals who were
8 in the inner perimeter, and not necessarily everybody.

9 A Yes.

10 Q Because you weren't on it.

11 A Yes.

12 Q You weren't on it; right?

13 A Mm-hmm. I was not on the Crime Scene Entry Log.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q Okay. And again we're back to Clip 1. We're in
17 Clip 1, and there is a fence there that appears to be made
18 of, you know, some sort of metal or wrought iron. Is this
19 the fencing that you were talking about before or is this
20 a different fence?

21 A That's the fence I was referring to.

22 Q Okay. And this is where it's posted private
23 property, you say?

24 A I don't recall if there's signs on the building.
25 I just indicated that there's perimeter fencing around

1 this building.

2 [Video Played and Paused.]

3 BY MS. BAIRD:

4 Q And you referenced a sergeant in Clip 1. That's
5 Sergeant Michel?

6 A Yes, ma'am.

7 [Video Played and Paused.]

8 A I think you just close out of it fully and --
9 there you go.

10 [Video Played and Paused.]

11 MS. HARRIS: That was Clip 3; right?

12 MS. BAIRD: That was Clip 3.

13 BY MS. BAIRD:

14 Q There was somebody that you asked, "Did you see
15 anything, Sir?"

16 A Yes.

17 Q Were you talking to Mr. Peruta or someone else?

18 A Somebody else had come up to the tape.

19 Q And did you discuss with that person or talk to
20 that person about the crime scene or the crime or what
21 they knew?

22 A I asked him if they saw anything.

23 Q Okay. And is it fair to say that they said no?

24 A Yes. If -- had they said something, it would be
25 in my report.

1 Q And at that point in the video -- and I'll play
2 it again.

3 [Video Played and Paused.]

4 BY MS. BAIRD:

5 Q At that point, in Clip 3 that we just watched
6 where you were asking someone if they had seen anything,
7 do you know what Mr. Peruta was doing at that time?

8 A Presumably videotaping.

9 [Video Played and Paused.]

10 BY MS. BAIRD:

11 Q Now, you're familiar -- you're familiar with the
12 South End of Hartford?

13 A Yes.

14 Q Correct? And in Clip 4, on the left-hand side
15 there appears to be some sort of corner convenience store;
16 am I right?

17 A Yes.

18 Q And there appears to be crime scene tape that's
19 attached to a trash can outside the door?

20 A Yes.

21 Q It is a trash can?

22 A Yes.

23 Q Okay. And are you the one that secured that
24 tape?

25 A No.

1 Q Is this the tape that was secure when you
2 arrived on the scene? Or was this after it had been moved
3 out for the secondary crime scene?

4 A That appears to be the primary one.

5 Q Okay. And while this primary tape was in place,
6 was there any restriction on the movement of people in and
7 out of that convenience store that's pictured in Clip 4?

8 A Not at this point, no.

9 Q And when the tape was moved the first time to --
10 I believe you referred to it as the "secondary crime
11 scene" in an earlier clip -- where was that tape that's
12 attached to the trash can in Clip 4 moved to?

13 MS. HARRIS: Ob --

14 BY MS. BAIRD:

15 Q If it was moved?

16 MS. HARRIS: Objection. I don't know
17 that -- clarify your question. Because if
18 you're referring to -- I don't know if he ever
19 testified the primary was moved. That's my -- I
20 just -- I think you --

21 MS. BAIRD: Okay.

22 BY MS. BAIRD:

23 Q Well, in Clip 4 there is tape. Was it moved
24 from that trash can? The tape on the left-hand side of
25 the trash can, was that ever moved?

1 A I was on the south side of the street. I have
2 no idea what was going on with tape on -- this is the
3 north side of the street, this part of the sidewalk.

4 Q Okay. So Clip 4, you're not familiar with the
5 crime scene tape or the movement of it or what happened
6 there; right?

7 A No. I had no involvement with any of that.

8 Q And you're characterizing this as the south
9 side.

10 A North side of the street.

11 Q The north side of the street.

12 A Yes.

13 Q Okay. I'm showing Clip 5 now.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q Clip 5 that we just watched, was that the north
17 end of the street as well?

18 A Yes.

19 Q And you were not stationed at the outer
20 perimeter of the north side of the street?

21 A No.

22 [Video Played and Paused.]

23 BY MS. BAIRD:

24 Q This is Clip 6?

25 A Yes.

1 Q In looking at Clip 6, there is crime scene tape
2 in the foreground about a third of the way up in the
3 video. Again, is that on the north side of the street?

4 A Just point to the -- what you're referring to?
5 That right there?

6 Q Yes.

7 A This is the north sidewalk of the street, yes.

8 Q Okay. And then in the background there's other
9 yellow crime scene tape probably about one-third of the
10 way from the top of the video. Is that from the south
11 side?

12 A No. That's also -- this is the north sidewalk.
13 So there would be the westernmost and the easternmost
14 side to that. That would be the east side of the crime
15 scene. That's the west.

16 Q So just to get this straight in the video Clip 6
17 that we're looking at -- let me make sure it's 6 -- yes --
18 there's an orange cone on the bottom of the screen, to the
19 left. And that's the north side of the street; correct?

20 A Yes.

21

22 [Mr. Peruta left proceedings.]

23

24 BY MS. BAIRD:

25 Q And in Clip 6, on the left side of the clip,

1 that is the north side of the street.

2 A Yes.

3 Q And the right side of the clip is the south side
4 of the street.

5 A Yes.

6 Q And you were on the south side or the right side
7 of video Clip 6; right?

8 A In this video clip?

9 Q Did you switch around?

10 A I was probably walking in the vicinity of the
11 westernmost part of the crime scene.

12 Q Okay. And so the westernmost part of the crime
13 scene is the crime scene --

14 A The bottom half of the video.

15 Q Right. From -- we're looking -- right, the
16 bottom half of the video, looking on.

17 A Yes.

18 Q And so you were walking north to south, south to
19 north, on the west side of the crime scene.

20 A Yes.

21 Q Do you know who was walking north to south,
22 south to north, on the east side of the crime scene?

23 A Not a clue.

24 [Video Played and Paused.]

25

1 [Mr. Peruta rejoined proceedings.]

2

3 BY MS. BAIRD:

4 Q This is Clip 7. And in looking at Clip 7, is
5 the left side of Clip 7 the north side?

6 A Mm-hmm.

7 Q Okay. And the right side --

8 A Yes. That is the north side.

9 Q And the right side of Clip 7 is the south
10 side --

11 A Yes.

12 Q -- right? And are we looking --

13 A We're looking --

14 Q -- from the east --

15 A -- from the west side of the --

16 Q The --

17 A -- clip.

18 Q The bottom half of the clip is the east side?

19 A West side.

20 Q West side. And the top half of the clip is the
21 east side.

22 A Yes.

23 Q So again, the bottom half of the clip, you were
24 patrolling that area from north to south, south to north,
25 on the west side; correct?

1 A Yes.

2 Q And this is the -- are you familiar with this
3 corner convenience store?

4 A Yes.

5 Q And it's the same one that we'd already
6 addressed in other clips; right?

7 A Yes.

8 Q And if we need to go back, I will, but do you
9 recall in another clip there was a trash can outside the
10 convenience store with yellow tape on it.

11 A Yes.

12 Q And --

13 A Still there.

14 Q Yes. The yellow tape is there in the -- it's
15 about the middle to the right of Clip 7. And do you know
16 if that was the original tape that was up, that was there
17 either when you got there or was put up after you got
18 there shortly?

19 A It was all there before I got there. I'm not
20 sure who put it up.

21 Q Okay. And do you know if this tape was the tape
22 that was there when you got there?

23 MS. HARRIS: Object. Just clarify your
24 statement because you're pointing at something
25 different, but not saying something different,

1 so it's going to show weird on the transcript.

2 MS. BAIRD: Okay.

3 BY MS. BAIRD:

4 Q In Clip 7, the tape that's in the -- it's about
5 the middle of the screen, a little to the right, right
6 above before the fire hydrant. Was that -- is that tape
7 in the position -- is that the position of the tape when
8 you arrived at the scene?

9 A When I came to this side of the street or when I
10 got to the scene originally?

11 Q Well --

12 A When I got to the scene originally, there
13 obviously was no tape up.

14 Q Oh, okay. Well, I didn't know that.

15 A Okay.

16 Q Okay. There was no tape up when you got there.

17 A No. I was one of the -- I'm not the first
18 officer there, but we got there relatively quickly.

19 Q Okay. So do you know who put the tape up that
20 is in Clip 7 that is about in the middle to the right of
21 the screen?

22 A Not a clue.

23 Q Did you put any tape up?

24 A We didn't have crime scene tape in our cars, but
25 it's -- it's possible. I have no idea who put up the

1 tape. It could have been me, for all I know.

2 Q Well, whoever. Do you agree that in Clip 7
3 somebody from law enforcement put up the tape that is
4 about in the middle of the screen, a little to the right,
5 above the fire hydrant?

6 A Yes.

7 Q Okay. And do you know if that is the first
8 placement of the tape that law enforcement put up when
9 they arrived on the west side -- we're on the west side of
10 the --

11 A I --

12 Q -- crime scene.

13 A I'm not sure of what went first and what went
14 second.

15 Q Well, do you agree that the second was further
16 out from the inner perimeter than the first?

17 A Yes -- well, I'm sorry. I'm confused. One more
18 time. Can you just point to which ones you're talking
19 about? So you're assuming that that one's the second one
20 and the one that goes left to right --

21 MS. HARRIS: Let her ask the questions.

22 THE WITNESS: Okay.

23 MS. HARRIS: Just so we have a clear
24 record.

25

1 BY MS. BAIRD:

2 Q Yeah, no. No, I'm -- I'm asking you if you know
3 this tape that's in Clip 7, that is in the middle of the
4 screen above the fire hydrant, whether that placement of
5 the tape is the original placement of the tape or the
6 placement of the tape after it was moved at some point?

7 A Not a clue. Guys do funny things when they
8 start putting up tape. I'm not sure.

9 Q Well, did you have any involvement in moving the
10 tape during your 30 -- approximate 30 minutes there?

11 A I don't -- I probably -- I think I did at one
12 point. I'm not sure where or when.

13 Q What tape was it? Was it the tape on the east
14 end of the crime scene or the west end of the crime scene
15 that you had your first conversation, the -- well,
16 conversation where Mr. Peruta made his statements to you?
17 Your initial encounter with Mr. Peruta.

18 MS. HARRIS: I'm sorry. Can you read that
19 back to me?

20

21 [Last question read back by reporter.]

22

23 A The west end of the crime scene.

24 BY MS. BAIRD:

25 Q And in looking at Clip 7, were -- that

1 convenience store is on the west end of the crime scene;
2 right?

3 A Yes.

4 Q Okay. In your first conversation with
5 Mr. Peruta on the west end of the crime scene, how far
6 away were you from the convenience store?

7 A In close proximity, I'd say.

8 Q Were you on the sidewalk that is outside the
9 convenience store?

10 A You're talking about the video-recorded --
11 you're talking about Clip 1 interaction?

12 Q Where Mr. Peruta said he'd been in law
13 enforcement. That's --

14 A Oh, I -- I'm not sure where -- what side of the
15 street that was on. I know it was on the western side of
16 the crime scene. That's where I was the entire time.
17 But I don't know if it was the north or the south
18 sidewalk. I have no idea.

19 Q I'm going to show Clip 8.

20 [Video Played and Paused.]

21 BY MS. BAIRD:

22 Q Do you know if that's you in Clip 8?

23 A It is.

24 Q I will play it again.

25 [Video Played and Paused.]

1 BY MS. BAIRD:

2 Q Are you inside the perimeter of the crime scene
3 tape in Clip 8 or outside the perimeter?

4 A I would be outside the inner perimeter.

5 Q So there was an inner perimeter?

6 A Yes.

7 Q So you -- in Clip 8 you were in between two
8 crime scene tapes.

9 A I'm not sure where in the time frame this video
10 is. I'm outside the smaller of the crime scene. If
11 it's -- and I don't want to jump to any conclusions here.

12 Q Okay.

13 A But I'm outside the initial crime scene.

14 Q And do you know if in Clip 8 you're still in a
15 crime scene?

16 A I have no idea what's to my left.

17 Q Okay.

18 A What's out of video range.

19 Q In Clip 8 there's somebody who appears to have
20 an orange sweater on. Do you know who that is?

21 A No idea.

22 Q What is that book?

23 A That's my notebook.

24 Q Do you know if you made any notes about your
25 interactions with Mr. Peruta in the notebook?

1 A Yes. Zero notes. It had no police relevance.

2 Q This is Clip 9.

3 [Video Played and Paused.]

4 BY MS. BAIRD:

5 Q In Clip 9 there is a -- what appears to be a
6 building on the left-hand side with a drawing or
7 advertisement on it. Do you see that?

8 A I do.

9 Q Do you recognize that building?

10 A It's the convenience store you referenced in
11 Clips 5 and 6, I think?

12 Q Okay. So do you agree that in Clip 9 that the
13 individuals in Clip 9 are on the west side of the crime
14 scene?

15 A Yes.

16 Q And that they're on the north side of the
17 street?

18 A Yes.

19 Q And that from their position, if they look left,
20 they could see the inner crime scene or the inner
21 perimeter of the crime scene?

22 A Yes.

23 Q And was that where the dead body was?

24 A Yes.

25 Q Do you recognize any of the individuals in --

1 A No.

2 Q -- Clip 9?

3 A No.

4 Q Do you recall having any interaction with them?

5 A Nothing beyond the normal "did you see
6 anything?" And judging by my supplement, nothing of
7 value was obtained.

8 Q I'm playing Clip 10.

9 [Video Played and Paused.]

10 BY MS. BAIRD:

11 Q Okay. In Clip 10 are we looking -- are the
12 individuals portrayed or pictured in Clip 10 on the west
13 side of the crime scene?

14 A Yes.

15 Q Are they on the north side of the street?

16 A Yes. North side of Park Street.

17 Q North side of Park Street.

18 A Yes.

19 Q Did you patrol back and forth at all on the east
20 side of the crime scene?

21 A I don't recall being on that side of the crime
22 scene, no.

23 Q I have Clip 11 now.

24 [Video Played and Paused.]

25

1 BY MS. BAIRD:

2 Q Do you recognize any of the individuals in Clip
3 11?

4 A Paramedics on the left.

5 Q Okay. So there are two individuals in white
6 shirts on the left of Clip 11. And do you recognize them
7 as paramedics?

8 A Or EMTs. But I mean they're medical personnel.
9 I have no idea who that is. That's Officer Cote.

10 Q And Officer Cote is the gentleman in the middle
11 of the screen, a little to the right, who is in full
12 uniform with a hat, and he is sort of putting his left
13 hand on his hip with his elbow out? That gentleman?

14 A Mm-hmm.

15 MS. HARRIS: "Yes" or "no." You have to
16 say "yes" or "no."

17 A Oh. Yes. Yes.

18 BY MS. BAIRD:

19 Q And do you know who this is in the white shirt?

20 A That's Sergeant -- Sergeant Spell.

21 Q And are you able to see anybody else in the
22 video?

23 A I cannot make out faces of the other two.

24 [Video Played and Paused.]

25

1 BY MS. BAIRD:

2 Q Clip 12.

3 [Video Played and Paused.]

4 BY MS. BAIRD:

5 Q I'm going to play Clip 12 again, and I'm going
6 to ask you if you know what Sergeant Spell is saying in
7 Clip 12.

8 [Video Played and Paused.]

9 A I have no idea. That wasn't me in the video.

10 BY MS. BAIRD:

11 Q Okay -- no. Sergeant Spell.

12 A Yeah. No, the other officer that was --

13 Q Okay.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q So we've already identified -- we're in Clip 12.
17 We've already identified this officer in full blue uniform
18 with the hat as --

19 A Officer Cote?

20 Q Officer Cote. Oh, that's the -- that was
21 your --

22 A Yes.

23 Q -- Unit 333 --

24 A Mm-hmm.

25 Q Okay. Companion or --

1 A Partner.

2 Q Partner. Okay.

3 Do you know where you were at this point in the
4 events?

5 A I believe I was by the crime scene tape still.

6 Q Okay. And the crime scene tape that you would
7 have been by would have been in the foreground of Clip 12
8 where the west side of the crime scene was; right?

9 A Yes.

10 Q And do you recall Sergeant Spell saying anything
11 that you could hear?

12 A No. I have no idea what he was saying.

13 [Video Played and Paused.]

14 BY MS. BAIRD:

15 Q Do you know what Sergeant Spell is pointing to
16 in Exhibit 12 -- excuse me -- Clip 12?

17 A No --

18 [Video Played and Paused.]

19 BY MS. BAIRD:

20 Q I'll play Clip 13.

21 [Video Played and Paused.]

22 BY MS. BAIRD:

23 Q Do you know whose face is in the foreground of
24 Clip 13 at about 3 seconds in?

25 A Yeah, that's Officer Marfella.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q Do you recognize the voice in Clip 13 of the
4 person who said, "Sir, please"?

5 A I think that's Officer Romanchuck.

6 [Video Played and Paused.]

7 BY MS. BAIRD:

8 Q Were Officers Romanchuck and Marfella also
9 assigned to patrol the west side of the crime scene
10 between the north and south side of Park Street?

11 A I have no idea what their duties were.

12 Q Okay. I mean when you were doing it, were you
13 running into each other? Did you notice what they were
14 doing or did you feel like you were responsible for the
15 whole thing yourself?

16 A No. It's -- the best way to describe it, I --
17 it's difficult to say what other officers were doing.
18 They each had their own responsibility. I have no idea
19 what that was for them.

20 [Video Played and Paused.]

21 BY MS. BAIRD:

22 Q Do you recall seeing -- this is Clip 13 and in
23 the middle, the gentleman with the white shirt and the
24 badge around his neck, is that Sergeant Spell?

25 A It is.

1 Q Okay. And do you recall him approaching the
2 west end of the crime scene in the way it's portrayed in
3 Clip 13?

4 A I do.

5 Q And what was he saying?

6 A I have no idea what he's saying. I believe I
7 was on the southern side of the street and I was not
8 initially here.

9 Q And did you respond at all when you observed
10 Sergeant Spell approaching the west side of the crime
11 scene and saying something?

12 A I did.

13 Q And how did you respond?

14 A I started walking over to the other officers to
15 assist.

16 Q Okay. So were the other officers that you
17 walked over to Officers Romanchuck and Marfella?

18 A I only hear Romanchuck's voice. I don't recall
19 him being there. I know I recall Vinnie being there,
20 though.

21 Q And when you got over there, did you in fact
22 assist at least Officer Marfella?

23 A I did.

24 Q And how did you assist him?

25 A By asking people to move further back.

1 Q And was Mr. Peruta one of those people?

2 A He was.

3 Q And at the time that you were asking the people
4 and Mr. Peruta to move back, were you also moving the
5 crime scene tape?

6 A I don't know if that was done concurrently or if
7 it was being done at the same -- or if it was done
8 beforehand. I'm not sure. And the only reason I say
9 that is because a few clips before, you see the other
10 tape in front of the fire truck.

11 Q So it's possible that the people who were being
12 asked to move in Clip 13 were, what, inside crime scene
13 tape that had already been put up?

14 A I have no idea. I wasn't putting up the tape
15 over there.

16 [Video Played and Paused.]

17 BY MS. BAIRD:

18 Q I mean in Clip 13, behind Officer Marfella's
19 head there's crime scene tape; right?

20 A There is.

21 Q Okay. And --

22 A But in Clip 1 or 2 you see additional crime
23 scene tape.

24 Q Okay. We'll go back to that. And in Clip 13,
25 the crime scene tape that appears to move in a -- this

1 crime scene tape on the left side of the trash can
2 portrayed in Clip 13, that's outside the convenience
3 store; right?

4 A Yes.

5 Q And if you go back to -- and we will -- two or
6 three clips that we looked at previously, there were some
7 people that you couldn't identify who were on the west end
8 of the crime scene, near the store, looking towards the
9 dead body. Do you remember that?

10 A I do.

11 Q And do you know if they were inside or outside
12 the crime scene tape?

13 A They were outside the northernmost crime scene
14 tape.

15 [Video Played and Paused.]

16 BY MS. BAIRD:

17 Q Okay. We're on Clip 14. Do you agree that
18 there are law enforcement officers moving crime scene
19 tape?

20 A Yes.

21 Q And in Clip 14, the officer on the left, is that
22 Officer Marfella?

23 A It is.

24 Q And is that you on the right?

25 A In the middle.

1 Q Right. You're --

2 A Yes.

3 Q -- in a uniform on the right side of the screen?

4 A Yes.

5 Q In the middle of the screen.

6 A Yes -- there's another officer on the right.

7 That's why I say that.

8 Q And the officer on the far, far right that
9 you're referring to, you can't see his head, can you?

10 A You know what? It appears to be Officer
11 Romanchuck.

12 Q Oh. How do you know that? By his arm?

13 MS. HARRIS: (Indicating.)

14 A Yeah, the -- part of his face.

15 BY MS. BAIRD:

16 Q Oh, I see.

17 A But the clip before, I thought I heard his
18 voice.

19 Q I see. Okay.

20 So on the far right there is a face that's
21 visible, and you recognize it being Officer Romanchuck?

22 A Yes.

23 Q And then in the middle, in the uniform, is you,
24 Officer Barone?

25 A Yes.

1 Q Then the white shirt is Sergeant Spell?

2 A Yes.

3 Q And then on the far left is Officer Marfella.

4 A Yes.

5 Q And do you have in your hand crime scene tape in
6 Exhibit 14?

7 A I do.

8 Q And is this the first time that the crime scene
9 tape is moved after it was initially erected?

10 A I'm not sure what's happening on the other side
11 of the street. This is the --

12 Q Well, this one. Let's just concentrate --

13 A Okay.

14 Q -- on the west -- I'm sorry -- the west end of
15 the crime scene tape.

16 A This is the first time I'm moving it.

17 Q Okay. And where are you moving it to?

18 A It appears we're moving it west.

19 Q And did you have to move it all the way across
20 the street to attach it to something else?

21 A It's -- yes.

22 Q Okay. Do you know where Officer Marfella is
23 moving the crime scene tape?

24 A I have no idea. I assume we'll find out when we
25 hit "play" here.

1 Q Okay.

2 MS. BAIRD: I think we need the battery --
3 the plug. It seems to have died.

4 Want to take a break while I'm doing this?

5 MS. HARRIS: Yes.

6

7 [Off record: 1:04 p.m. to 1:19 p.m.]

8

9 MS. BAIRD: Back on the record.

10 BY MS. BAIRD:

11 Q Clip 15.

12

13 [Off record: 1:19 p.m. to 1:19 p.m.]

14

15 BY MS. BAIRD:

16 Q Now we're on Clip 15.

17

18 [Off record: 1:19 p.m. to 1:21 p.m.]

19

20 BY MS. BAIRD:

21 Q I'll play that again and I'm going to ask you if
22 that's Sergeant Spell and who he's talking to on the
23 video.

24

[Video Played and Paused.]

25

1 BY MS. BAIRD:

2 Q Is that you talking, Officer Barone?

3 A Yes, ma'am.

4 Q And do you know what you were just saying?

5 Because I didn't understand what you said.

6 A You're encroaching on the line. You have to
7 move back.

8 Q Okay. And do you know who you were talking to?

9 A I believe Mr. Peruta.

10 [Video Played and Paused.]

11 BY MS. BAIRD:

12 Q And is that Sergeant Spell in the white shirt?

13 A That is.

14 Q And did I understand him to say, "Push them that
15 way"?

16 A That's what he said.

17 Q Okay. And do you know who he was referring to
18 to "them"?

19 A I believe the crowd of people that had gathered
20 around the crime scene.

21 Q Okay. And do you know -- do you know why
22 Sergeant Spell was stating at that moment, "Push them that
23 way"?

24 A No.

25 Q Did he say?

1 A I'm not sure, no.

2 Q Okay.

3 [Video Played and Paused.]

4 BY MS. BAIRD:

5 Q And what makes you recall that it was Mr. Peruta
6 that you were saying, "Sir, you're encroaching on the
7 line"?

8 A Because the camera's pointed directly at my
9 head?

10 Q Okay.

11 [Video Played and Paused.]

12 BY MS. BAIRD:

13 Q And the teenagers that -- I think I hear
14 "teenagers." Sergeant Spell's reference to "teenagers,"
15 did I hear that correctly or --

16 A I don't --

17 Q I'll play it again.

18 A -- think I heard that, no.

19 Q Okay.

20 [Video Played and Paused.]

21 BY MS. BAIRD:

22 Q So you don't hear Sergeant Spell say "teenagers"
23 in there?

24 A I don't hear "teenagers," no.

25 Q Let me see if I can play it one more time.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q You didn't hear it?

4 COURT REPORTER: I heard it.

5 THE WITNESS: Did you?

6 MS. BAIRD: Yeah.

7 MR. PERUTA: I heard it.

8 BY MS. BAIRD:

9 Q Okay. I'm going to try again.

10 MS. HARRIS: I don't think it -- well, I'm
11 not the witness.

12 [Video Played and Paused.]

13 A I heard him say "them."

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q Do you know who he was referring to when he said
17 "them"?

18 A I'm not sure. That's -- I mean, I went up to
19 talk to him, so I'm guessing I asked for clarification.

20 Q Okay.

21 [Video Played.]

22 MS. HARRIS: Oh.

23 A Why am I not hearing it?

24 MS. HARRIS: Go off the record for a
25 second.

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[Off record: 1:25 p.m. to 1:25 p.m.]

MS. BAIRD: Okay. We'll play it one more time.

[Video Played and Paused.]

BY MS. BAIRD:

Q So in that clip, Clip No. 15, do you hear Sergeant Spell say, "Push them that way"?

A Yes.

Q And did you take that to mean push them in a northerly or westerly direction away from the crime scene?

A Westerly.

Q Westerly.

A Mm-hmm.

Q Okay. And in response to that, did you actually push people?

A No.

Q Okay.

A It's a figure a speech.

Q Exactly. So what did you do to enact that order of "push them that way"?

A Asked people to move back.

Q Okay. And you made a statement that Mr. Peruta or some -- you said that you told Mr. Peruta he was

1 encroaching on the line; right?

2 A Yes.

3 Q Okay. Where was the line at that point -- the
4 crime scene tape?

5 A Probably right in front of where the video was
6 pointing.

7 Q And after you made that statement to the person
8 you say was Mr. Peruta, did you move the tape further in a
9 westerly direction?

10 A I -- I don't know if I did specifically, but I
11 believe it was moved back one block.

12 Q Okay. I'm going to show you a document that's
13 already been admitted as an exhibit in Mr. Peruta's
14 deposition, but I'm going to mark it again for this
15 because I don't have all of his exhibits.

16

17 [Plaintiff Exhibit 18: Marked for ID.]

18

19 BY MS. BAIRD:

20 Q Do you recognize what this Exhibit 18 portrays?

21 A I do.

22 Q And you don't know whether it's to scale or not
23 to scale; right?

24 A I'm not sure if it's to scale or not.

25 Q Okay. But you're familiar with a street Park

1 Street; right?

2 A Yes.

3 Q And that it intersects with Hungerford Street?

4 A Yes.

5 Q And I'm going to ask you to direct your
6 attention to the middle of Exhibit 18 where it says H&F
7 [verbatim] Appliance in a building?

8 A Okay.

9 Q And the southwest corner of that building in
10 Exhibit 18, is that the northwest of the crime scene from
11 the Park Street incident?

12 A The original crime scene, yes.

13 Q Okay.

14 A Or the initial inner -- whatever we were calling
15 it.

16 Q Okay. And in the video clip that we just looked
17 at where you actually had tape in your hand and were
18 moving it -- do you recall that or do you want me to play
19 it again?

20 A Like two clips ago?

21 Q Yes.

22 A Yes, I recall it.

23 Q Is it fair to say that the tape that you had in
24 your hand that was originally at the southwest corner of
25 that building, H&F Appliance, in Exhibit 18, you were

1 moving that in a westerly direction across Hungerford
2 Street?

3 A Yes.

4 Q And did it end up being attached at the north
5 side of Park Street on the west side of Hungerford Street?

6 A I'm not sure. I only say that because my report
7 indicates that I eventually wound up at 582 Park Street
8 which is probably a block or half a block away.

9 Q Okay. So is 5 -- do you know what business or
10 location is near 582 Park Street?

11 A It's probably right around the edge of the
12 picture.

13 Q Okay. So the edge of the picture has like
14 "Luna's Pay" or something like that?

15 A Yeah. It's probably one of those businesses
16 there.

17 Q Okay. And so when the crime scene tape was
18 moved, are you saying it was moved in a westerly direction
19 down Park Street and ended up being attached somewhere,
20 you know, on the most westerly side of Exhibit 18?

21 A Yes. That's where we wound up at the end.

22 Q At the end.

23 A At the end of the day.

24 Q And then did the tape then come across Park
25 Street, you know, towards the south in a southerly

1 direction to cut off Park Street traffic?

2 A Yes.

3 Q Okay. And then did it go back up Park Street in
4 an easterly direction?

5 A I doubt it.

6 Q So the perimeter -- the final perimeter that was
7 set would have prevented people from approaching Park
8 Street from the north. From the corner of Park and
9 Hungerford up to --

10 A Grand Street is the next street up.

11 Q The next street up in a westerly direction?

12 A The next street north.

13 Q Okay.

14 A On Hungerford Street. So if Hungerford Street
15 went all the way up, it would run into Grand Street.

16 Q Well, was there any tape that was extended
17 beyond the crossway of -- beyond Hungerford Street and
18 Park Street in a northerly direction?

19 A Yes.

20 Q And that went up to Grand Street.

21 A I had no involvement in that. I just recall the
22 supplement here.

23 Q And that was after you had left. It was
24 extended that far up?

25 A I think it was before. Just look at the time.

1 Q Let me find it.

2 A Might be Officer Bradford's.

3 Q Okay. I forget what exhibit number it was.

4 A I think ...

5 Q Are you referring to the -- what Officer
6 Bradford referred to as the "secondary"?

7 A Yes. On the Hartbeat printout it says at 2132
8 hours. Right? They found the gun in the bushes. On
9 this one.

10 Q Right. Right. I was just -- so what you're
11 referring to, is that a separate -- where was the
12 secondary crime scene with regard to the gun set up? Do
13 you know? Looking at Exhibit 18?

14 MS. HARRIS: Do you know? Do you have
15 knowledge?

16 A I have no personal knowledge. Just the
17 interpretation of the report for you.

18 BY MS. BAIRD:

19 Q Okay. So you weren't there when the secondary
20 crime scene was --

21 A No --

22 Q -- set up.

23 A -- I was not there.

24 Q And whose report talks about that? Is that
25 Officer Bradford's?

1 A Officer Bradford's.

2 Q And did you have any interaction with Officer
3 Bradford at the scene that evening?

4 A I did not.

5 Q And did you -- were you involved or did you see
6 the crime scene tape -- and I'm looking at Exhibit 18 --
7 moved any further north than crossing the intersection of
8 Hungerford and Park Street on the north side?

9 A I did not see it, no.

10 Q What is the last position of the crime scene
11 tape that you saw?

12 A The vicinity of Park and Broad Street. So about
13 582 Park. You're asking in terms of the most western?

14 Q Yes.

15 A Okay.

16 Q Yes. Because it's my recollection that you
17 weren't involved in the eastern side of the crime scene,
18 the perimeter.

19 A I had no involvement east, no involvement north
20 on Hungerford.

21 Q Okay. In looking at Exhibit 18, am I correct
22 based on your previous testimony, that your initial
23 encounter with Mr. Peruta occurred at the intersection of
24 Hungerford Street on the southwest corner?

25 A Yes.

1 Q And that's where that metal fencing is that you
2 were talking about?

3 A Yes.

4 Q Okay. And after that initial -- well, the
5 initial contact you had with Mr. Peruta was the short
6 discussion, right --

7 A Brief.

8 Q -- where he introduced himself. Okay. Then the
9 next discussion you had with him was he still at that same
10 location at the southwest corner of Park Street?

11 A I -- the first video one that we saw?

12 Q Right.

13 A Yes, that was the southwest corner then.

14 Q And --

15 A Oh, no. The first interaction, you're ask -- I
16 don't recall if it was in the southwest corner or -- it
17 was somewhere along the western side. It was somewhere
18 in --

19 Q Well, the south --

20 A -- the vicinity.

21 Q What I had asked was the initial encounter with
22 Mr. Peruta in the southeast corner of Park and
23 Hungerford -- southwest. Southwest. I'm sorry.

24 A Somewhere in that vicinity.

25 Q Because it was near that metal fencing that we

1 had discussed earlier, and that's in the southwest.

2 A Yes.

3 Q And between the initial conversation you had
4 with Mr. Peruta and the next time you saw him where you
5 were asking him to move, did he change locations? Had he
6 changed locations?

7 A Between the first video and then --

8 Q No. The first time he spoke to you and said,
9 you know, "I used to be a police officer" --

10 A In the first video interaction?

11 Q Yes.

12 A I'm not -- I'm not sure.

13 Q Okay. Would Clip 1 help?

14 A If any movement, it was minimal. It was in that
15 same vicinity.

16 [Video Played and Paused.]

17 BY MS. BAIRD:

18 Q Okay. That's Clip 1 when you say, Sir, they're
19 pushing the crime scene further back. Where are you --

20 A We're in the southwest corner.

21 MS. HARRIS: Of Park Street?

22 A Of Park Street, at Hungerford Street.

23 BY MS. BAIRD:

24 Q Okay. And did you observe Mr. Peruta from the
25 southwest corner of Park and Hungerford videotaping in a

1 northeasterly direction towards the dead body?

2 A Yes.

3 Q And when you observed him -- when you observed
4 Mr. Peruta doing that, was he inside or outside of that
5 metal fencing we've been discussing?

6 A Initially he was outside of it, on the sidewalk.

7 Q Okay. And then after you asked him to move,
8 what did he do?

9 A He went inside the fencing.

10 Q And what did you say?

11 A That he still had to go back.

12 Q And where was he to go back to?

13 A Wherever the -- I believe further down Park
14 Street, further west.

15 Q Further west. Okay. And at that time when you
16 asked him to do that, had the crime scene tape been moved
17 from the north/south direction on the east side of Park
18 and Hungerford yet?

19 A I have -- I don't think so.

20 Q And did Mr. Peruta move?

21 A When asked to move west?

22 Q Yes.

23 A Yes.

24 Q And do you know where he went? Did you watch to
25 see where he went?

1 A He went north.

2 Q Did he go towards the convenience store?

3 A Yes.

4 Q And were there other people in the vicinity of
5 the convenience store at that time?

6 A Yes.

7 Q And what were those people doing?

8 A I'm not sure what they were doing specifically,
9 but I'm guessing just coming to see what the commotion
10 was about.

11 Q And do you know if the people that Mr. Peruta
12 headed to in the vicinity of the convenience store after
13 you first asked him to move had been asked to move as
14 well?

15 A I have no idea if they were asked to move.

16 Q Did you ask them to move?

17 A At this time or --

18 Q At this time.

19 A Are you asking if I was -- concurrent to my
20 interaction with Mr. Peruta --

21 Q Yes.

22 A -- if somebody was speaking with them?

23 Q Right.

24 A I have no idea.

25 Q Did you say anything to Mr. Peruta when he moved

1 in a north direction instead of a west direction like you
2 had told him to?

3 A No.

4 [Video Played and Paused.]

5 BY MS. BAIRD:

6 Q Okay. And who were you referring to as "my
7 sergeant"?

8 A Sergeant Michel.

9 Q And I'm going to ask you what was said by
10 Sergeant Michel that resulted in you conveying to
11 Mr. Peruta that your sergeant was asking him to move.

12 [Video Played and Paused.]

13 BY MS. BAIRD:

14 Q Can you tell who was saying, "Push him back"?

15 A Said "Push them back"?

16 Q "Push them back."

17 A Sergeant Michel.

18 Q And is that Sergeant Michel's voice?

19 A Yes.

20 MS. HARRIS: Just so we're clear on the
21 transcript, what clip are we on now?

22 MS. BAIRD: We're on No. 1.

23 MS. HARRIS: Thank you.

24 [Video Played and Paused.]

25

1 BY MS. BAIRD:

2 Q And do you know where Sergeant Michel was when
3 he said that, "push them back"?

4 A Behind me somewhere. I'm not sure where.

5 Q Okay. And when you spoke to Mr. Peruta in
6 response, on the southwest corner of Park and Hungerford,
7 was anybody with him?

8 A I don't believe so. He was -- I'm not sure. I
9 don't think so.

10 Q Okay. And was Sergeant Michel speaking directly
11 to you when he said, "Push them back"?

12 A Again, I don't know if there was another officer
13 on the north side telling them to move back. I'm not
14 sure.

15 [Video Played and Paused.]

16 BY MS. BAIRD:

17 Q Who was that yelling out your voice -- I mean
18 your name in that video?

19 A Sergeant Michel.

20 Q Okay. And in this video can you tell if you're
21 still at the southwest corner?

22 [Video Played and Paused.]

23 A I have no idea where I -- presumably within
24 earshot, but I don't know if I was going to talk to
25 somebody else to move them back as well.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q And is that at the -- we're on Clip 3. Is that
4 at the southeast -- the southwest corner of the crime
5 scene?

6 A Yes.

7 Q And do you know, when you were speaking to that
8 gentleman in Clip 3, if Mr. Peruta was still there or had
9 moved to the north side?

10 A He was still there.

11 [Video Played and Paused.]

12 BY MS. BAIRD:

13 Q I was going to get out Exhibits 10 and 11. Do
14 you mind sharing?

15 A Sure. Absolutely.

16 Q Okay.

17 A I'll find them first.

18 Q Oh, no. You don't have it yet. I'm sorry. I
19 didn't mean to confuse you. This is from another
20 deposition, Peruta Defendants' Deposition 10, Exhibit 10.

21 A Not the pictures?

22 Q No.

23 MS. HARRIS: No. It's a different --

24 THE WITNESS: Got you.

25 MS. HARRIS: It's the deposition -- it's

1 the exhibits from Mr. Peruta's deposition.

2 BY MS. BAIRD:

3 Q This is Exhibit 10. It was already -- I don't
4 want to confuse the record. It's Defendants' Exhibit 10
5 from a deposition of Mr. Peruta that was taken on
6 September 7th, 2016.

7 I'm going to direct your attention to page two
8 and ask you with regard -- I'm going to ask you if you
9 heard somebody at the scene say -- and again I have to
10 share it because it's the only one I have -- if you heard
11 someone at the scene say --

12 A I stay on page one here?

13 Q Yes. Stay page one. "Unidentified male: The
14 camera, move him back." If you heard anybody say that
15 while you were at the scene?

16 A In this video clip?

17 Q Yes.

18 A I heard "move them back."

19 Q Okay.

20 [Video Played.]

21 BY MS. BAIRD:

22 Q Do you hear the words "the camera"?

23 A I want to hear it again. One more time.

24 [Video Played and Paused.]

25 A One more time. One more time.

1 You just have to hit "play."

2 [Video Played and Paused.]

3 BY MS. BAIRD:

4 Q Do you hear that?

5 A Mm-hmm.

6 Q Do you hear the words "the camera"?

7 A I heard part of that.

8 Q And that voice that you hear, is it your
9 testimony that that is Sergeant Michel?

10 A That voice is Sergeant Michel.

11 Q Okay. And you're confident it's not Sergeant
12 Spell's voice.

13 A Yes.

14 Q Okay.

15 [Video Played.]

16 BY MS. BAIRD:

17 Q And do you know where Sergeant Michel was when
18 he said that?

19 A Somewhere behind me.

20 [Video Paused.]

21 BY MS. BAIRD:

22 Q Over more towards the inner perimeter of the
23 crime scene?

24 A Yes.

25 Q On this map, Exhibit 18, are you able to tell

1 approximately where 159 Hungerford Street is?

2 A Yes.

3 Q And where would that be?

4 A Off the map.

5 Q Off the map. Okay. So it would be towards the
6 top of the map.

7 A Probably right around --

8 Q Off the map.

9 A -- "Google Maps."

10 Q Okay.

11 A Maybe a little further up.

12 Q I think we left off somewhere around 16 or 17,
13 so I'll just make it through these clips. I'm going to go
14 to Clip 17.

15 [Video Played and Paused.]

16 BY MS. BAIRD:

17 Q Officer Barone, do you know who said, "You're --
18 not going to film a dead body"?

19 A Sergeant Spell.

20 I think you skipped No. 16.

21 Q Okay. We'll just go back then.

22 [Video Played and Paused.]

23 BY MS. BAIRD:

24 Q And whose voice was that, "One more time he's
25 going to jail"?

1 A That's Sergeant Spell.

2 Q Okay. And did you hear Sergeant Spell say, "I
3 told the cameraman five times"?

4 A Mm-hmm. Yes.

5 Q And do you recall that night hearing that? Or
6 is it just because you're watching the video and hearing
7 him say it? I mean do you remember that night when he
8 said it?

9 A No. I'm watching the vid --

10 Q Right.

11 A It's all coming back, you know, from watching
12 the video.

13 Q And if I could just -- I'm just going to start
14 Clip 16 from the beginning again since we interrupted it.

15 [Video Played and Paused.]

16 BY MS. BAIRD:

17 Q Who says, "Push him all the way down"?

18 A I have no idea. Can you play that one more
19 time?

20

21 [Mr. Peruta left proceedings.]

22

23 [Video Played and Paused.]

24 BY MS. BAIRD:

25 Q "Push him all the way down." Is that Sergeant

1 Spell saying that?

2 A I don't know if it was him or the other officer
3 there.

4 Q Do you know whose other voice that is that kind
5 of comes --

6 A I need a face.

7 Q -- "secondary crime scene"?

8 A It sounds familiar, but I do need a face.

9 [Video Played.]

10 A Yeah, it's too quick.

11 [Video Paused.]

12 BY MS. BAIRD:

13 Q How many times did you hear Sergeant Spell tell
14 the cameraman or -- to get out of here?

15 A I didn't hear any. I had three interactions
16 with him, at least.

17

18 [Mr. Peruta rejoined proceedings.]

19

20 [Video Played and Paused.]

21 BY MS. BAIRD:

22 Q Was it only Mr. Peruta that was there that --

23 A That was being uncompliant and wasn't listening
24 every time we asked him to leave? Yes. Just Mr. Peruta.

25 Q Well, but there were other people there when

1 Sergeant Spell was yelling, "Push him back, push him
2 back."

3 A Yes. They all complied with our lawful orders
4 to move back.

5 Q Okay. But had they already been told to move
6 back? I mean when they -- in that video clip, No. 16 --

7 A Yeah.

8 Q -- when Sergeant Spell is yelling, "Push him
9 back, push him back," had they already been told to be
10 pushed back?

11 A I'm not sure. I was on the other side of the
12 crime scene for the previous few videos.

13 Q Okay. So how do you know that Mr. Peruta wasn't
14 being compliant, if you were on the other side?

15 A My three times asking him to move back and him
16 continuously being asked by every other officer and
17 detective and sergeant there to move back.

18 Q And who else asked him? Who else?

19 A Whatever other officer's talking to him there.
20 Sergeant Spell --

21 Q Okay. We're going to focus on Clip 16.

22 A Okay.

23 [Video Played and Paused.]

24 BY MS. BAIRD:

25 Q Were you there when this was being said in Clip

1 16, or not?

2 A I believe I was coming over. I might be seen in
3 the latter part of this video.

4 Q Well, do you hear somebody in law enforcement in
5 that video say, "Push him back"?

6 A Yes.

7 Q Or was he just referring to Mr. Peruta? Was
8 Mr. Peruta the only one there when he says, "Push him
9 back"?

10 A I don't think so, no.

11 Q There was a crowd of people there; right?

12 A Mm-hmm.

13 Q Yes?

14 A Yes.

15 Q Okay. And so had that crowd of people already
16 been told to move back?

17 A I don't know.

18 Q Well, if they had and they hadn't moved back,
19 they'd be noncompliant; right?

20 A Yes.

21 Q So do you know if they had already been told to
22 move back and they refused?

23 A I don't know.

24 Q Okay. So maybe Mr. Peruta wasn't the only
25 noncompliant one there that night. Maybe they were too?

1 A The only one I was having an interaction with, I
2 guess you could say.

3 Q Okay. And then there's more.

4 [Video Played and Paused.]

5 BY MS. BAIRD:

6 Q So do you know how many people in Clip 16 were
7 involved in that pushback?

8 A I have no idea. If we replay we can count.

9 [Video Played and Paused.]

10 BY MS. BAIRD:

11 Q That's a lot of attention. Let's just -- do you
12 know if it was -- you don't know if it was just Mr. Peruta
13 there or not; right?

14 A I don't think so, yeah. I think there were more
15 people.

16 Q Okay. But you recall Mr. Peruta being
17 noncompliant.

18 A The first few times I interacted with him, yes.

19 Q Okay. Well, the first time that you interacted
20 with him he just introduced himself; right? So you're --

21 A Yes.

22 Q -- not referring to that. Right?

23 A No.

24 Q Okay.

25 A No. The first time on camera.

1 Q Okay. Now, the second time, if you look
2 at Exhibit 18, we've been talking about the southwest
3 corner of Park and Hungerford, and we agree that's the
4 second interaction you had with Mr. Peruta --

5 A Yes.

6 Q -- right? Okay. And you asked him to move in a
7 westward direction.

8 A Yes.

9 Q And he was outside the yellow tape; correct?

10 A Yes.

11 Q Had you already asked him to move?

12 A No. That was my first interaction, and his
13 response was, "Well, I'm just going to stand here."

14 Q Okay. And you consider that noncompliance when
15 he said, "I'm just going to stand there"; right?

16 A Argumentative. Absolutely distracting me from
17 the actual job of police work. Yes, I would consider it
18 distracting. I wouldn't consider it noncompliance.

19 Q Okay. Not so distracting that you included it
20 in your police report; right?

21 A It has no criminal matter.

22 Q Oh. Well, interfering with a police officer,
23 you know, I mean that's a crime; right?

24 A He wasn't arrested for interfering with a police
25 officer.

1 Q Okay. But that's not what I asked you. You
2 said it didn't -- somebody doesn't have to be arrested
3 just because something has a criminal nature to it; right?
4 I mean it could be important enough to put in your report,
5 but not arrest somebody; right?

6 A It had no bearing on the murder investigation
7 that we were at.

8 Q Okay. And so his noncompliance at the southwest
9 corner of Park and Hungerford when you told him to move
10 westward was that he didn't move right away.

11 A He was being defiant.

12 Q Okay. In what way? I mean he didn't touch you
13 or anything; right? I just want to make that clear.

14 A No. Absolutely not.

15 Q Okay.

16 A There was no physical.

17 Q What was defiant about it?

18 A It's almost the equivalent of somebody -- you're
19 telling your child, "Can you stop doing that?" and then
20 them just doing it over here. It was not -- it's
21 probably the best way to describe it.

22 Q Okay. And so what were you telling him to stop
23 doing?

24 A To move outside the crime scene.

25 Q Okay. And --

1 A Because at this point police services are being
2 tied up addressing him.

3 Q Okay. And where exactly was he supposed to
4 move, in your estimation? How far west was he supposed to
5 go? Because he was outside the yellow tape; right?

6 A He was.

7 Q Okay. So was he just supposed to disappear from
8 Hartford? How far west should he have gone?

9 A Outside the yellow tape.

10 Q He was outside the yellow tape.

11 A And the yellow tape was being moved.

12 Q But it hadn't been moved yet, had it?

13 A Well, I have to move him back before I can move
14 the tape. Otherwise I have to move the tape and have him
15 go under the tape and --

16 Q So you were asking him to move back westward so
17 you could put up the tape.

18 A Yes.

19 Q Did you have the tape in your hand already and
20 you were --

21 A No.

22 Q Okay. And so he didn't listen to you right
23 away. What did he say? Did he ask any questions?

24 A Yes.

25 Q Did he have concerns about filming?

1 A I don't know what his questions were, but he
2 was -- he had several questions.

3 Q And you don't know what the questions were?

4 A I just -- I didn't have the time to engage in a
5 constitutional debate with somebody while on a murder
6 scene.

7 Q Okay. And other than what's in Exhibit 2, your
8 report -- I believe your report's in Exhibit 2 -- I
9 thought we had gone over everything you did in the
10 investigation. Did we miss anything that you did at the
11 murder scene and the investigation?

12 A As far as my involvement?

13 Q Yes.

14 A Establishing a perimeter.

15 Q Okay. Yes.

16 A That was my involvement.

17 Q Okay. And establishing the perimeter is -- part
18 of that's crowd control; right?

19 A Yes.

20 Q Part of it's media control.

21 A Yes.

22 Q Okay. And so that was your job. That's what
23 you were there for that night.

24 A Yes.

25 Q Okay. And Mr. Peruta asking you or -- or moving

1 or staying outside the yellow tape before you had moved
2 it, that was being defiant towards you; is that your
3 testimony?

4 A I'd call it argumentative. Absolutely.

5 Q And what was he arguing about?

6 A If we were to ask the color of the sky, I'm sure
7 he would say a different color than blue, and he would
8 argue if I said whatever he said.

9 Q Okay. Well, you didn't know him at that time
10 and --

11 A I did not.

12 Q -- you only had 30 minutes with him. You
13 gathered all that from that short interchange that he
14 would disagree with you about the color of the sky?

15 A Yes.

16 Q Okay. And why is that?

17 A I have no idea. I don't know him.

18 Q Excuse me?

19 A I do not know him. I have no idea.

20 Q Okay. But you ascertained --

21 MS. HARRIS: Can we take a break for a
22 second?

23

24 [Off record: 2:02 p.m. to 2:06 p.m.]

25

1 MS. BAIRD: Back on the record.

2 BY MS. BAIRD:

3 Q So what kind of Constitution -- you mentioned
4 you weren't there to argue about the Constitution. What
5 indication did Mr. Peruta give you that he was raising
6 constitutional issues?

7 A Probably something I got from one of the other
8 clips that I watched earlier.

9 Q Okay. And did that make you recall what
10 happened that night, or you just know what happened that
11 night from watching the video?

12 A From watching the video.

13 Q Okay. And from watching the video, what were
14 concerns that you characterized as "constitutional"
15 concerns that Mr. Peruta was raising that night?

16 A After -- it wasn't with me. There was a
17 question with him and one of the other officers. I saw
18 them debating it.

19 Q Okay.

20

21 [Off record: 2:07 p.m. to 2:09 p.m.]

22

23 [Video Played and Paused.]

24 MS. BAIRD: This is Clip 17. I'll start it
25 over.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q Do you know whose voice that is, "You're not
4 going to film a dead body"?

5 A Sergeant Spell.

6 Q And did you hear Sergeant Spell say that that
7 night?

8 A Yes.

9 [Video Played and Paused.]

10 BY MS. BAIRD:

11 Q Who is it that's asking Mr. Peruta what his name
12 is? Because you knew it already; right?

13 A That's Lieutenant Pleasant.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q And when this interaction in Clip 17 was going
17 on, are we on the northwest corner of Park and Hungerford
18 near the convenience store?

19 A I'm not sure whether -- if we were on the north
20 or south side of the street, but we were definitely on
21 the west side of the perimeter.

22 Q Right.

23 [Video Played.]

24 A Looks like we're in the middle of the street.

25 [Video Paused.]

1 BY MS. BAIRD:

2 Q I'm stopping this at 1 minute and 43, in Clip
3 No. 17. Do you recognize that voice who's responding to
4 Mr. Peruta?

5 A That's Lieutenant Pleasant.

6 Q And were you present for that conversation?

7 A No.

8 [Video Played and Paused.]

9 BY MS. BAIRD:

10 Q Do you still recognize that as Lieutenant
11 Pleasant's voice, the person engaged in conversation with
12 Mr. Peruta in Clip 17?

13 A Yes.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q We just watched Clip 17, and you identified an
17 individual in a conversation with Mr. Peruta as Lieutenant
18 Pleasant. Were you in the presence of Mr. Peruta and
19 Lieutenant Pleasant at all during the conversation in Clip
20 17?

21 A I was in the vicinity. I don't -- I recall them
22 talking. I don't recall the exact conversation except
23 having to watch them.

24 Q Do you know what Lieutenant Pleasant was doing
25 before he came to interact with Mr. Peruta?

1 A Lieutenant Pleasant was the commanding officer
2 of the Patrol Division that night.

3 Q Okay. And --

4 A So we were responding to that at the crime
5 scene.

6 Q Did you seek assistance? You know, "I need a
7 supervisor" or something like that?

8 A No.

9 Q In response to Mr. Peruta?

10 A No.

11 Q Do you know who, if anyone, notified Lieutenant
12 Pleasant of Mr. Peruta so that Lieutenant Pleasant came
13 over and spoke to him?

14 A No.

15 Q So you don't know how Lieutenant Pleasant came
16 to be with Mr. Peruta at that moment.

17 A I have no idea.

18 Q Did you see Mr. Peruta talking to Deputy
19 Chief -- now Deputy Chief Foley at the scene?

20 A No.

21 Q Move on to Clip 18.

22 [Video Played and Paused.]

23 BY MS. BAIRD:

24 Q Okay. In Clip 18 -- and I'll start playing it
25 again because when I stop playing it it's difficult to

1 see -- does it appear to you that through the middle --
2 through the horizontal middle of the screen there's a
3 crime scene tape?

4 A Yes.

5 Q And do you know what area of either Park Street
6 or Hungerford Street that crime scene tape is placed, just
7 by looking at that?

8 A Just play it again. I'll give it a good look.

9 [Video Played and Paused.]

10 A The street in the video is Park Street. I'm not
11 sure, quite frankly, if we're on the west side of the
12 street or the east side of the street. Just -- I'm
13 trying to get my bearings here. It's kind of tough to
14 see the buildings.

15 Q I'm going to move on to 19, Clip 19.

16 [Video Played and Paused.]

17 BY MS. BAIRD:

18 Q Do you recognize any of the officers in Clip 19?

19 A Yes.

20 Q Okay. I'll keep replaying it.

21 [Video Played and Paused.]

22 BY MS. BAIRD:

23 Q I don't know why it won't stop. Okay.

24 A That's all right. On the right is Officer Cote,
25 and the gentleman walking away is Officer Suchecki.

1 [Video Played.]

2 BY MS. BAIRD:

3 Q Okay. It looks like there's three people in the
4 video. To the right, is that -- do you know who that is?

5 [Video Paused and Played.]

6 A The individual on the bicycle?

7 BY MS. BAIRD:

8 Q There is an --

9 A Is that who you're referring to?

10 Q Yes. Yes.

11 A He's not a police officer. I have no idea who
12 he is.

13 Q Do you know who is saying those words, "a very
14 heavy police presence"? Do you recognize that voice?

15 [Video Paused.]

16 A It sounds like one of the other news channels.

17 [Video Played.]

18 BY MS. BAIRD:

19 Q And can you tell by looking at Clip 19, maybe by
20 the storefront on the right-hand side, what street that is
21 and what direction it's looking?

22 [Video Paused.]

23 A It's Park Street. I cannot give you any more
24 with that look there. I'm not too sure.

25

1 BY MS. BAIRD:

2 Q When you heard over the radio that a gun had
3 been found -- you did hear that?

4 A Mm-hmm. Yes.

5 Q Did you at that time or in the 30 --
6 approximately 30 minutes you were there, find out or were
7 you notified where the gun was found?

8 A On Hungerford Street.

9 Q Okay. Did you hear any radio transmissions or
10 receive any information of any evidence found between the
11 intersection of Park Street and Hungerford Street, moving
12 westward down Park Street towards Grand?

13 A Towards Broad Street?

14 Q Oh, yes. Yeah, Broad. Yeah. Towards Broad.

15 A No.

16 Q And do you have any knowledge of why the crime
17 scene was expanded westward from the intersection of Park
18 Street and Hungerford Street down to the area of Broad?

19 A No.

20 Q With regard to the east side of the crime scene,
21 do you have any knowledge of the extent towards which the
22 crime scene was expanded eastward on Park Street, if it
23 was expanded?

24 A I have no idea.

25 Q Did you see any other media -- well, let me put

1 it this way. Did you see any other -- anybody else taking
2 pictures or video at the scene of the Park Street
3 incident?

4 A Yes.

5 Q Okay. And did any of them have media -- obvious
6 media credentials around their neck or --

7 A No.

8 Q -- a hat or anything like that?

9 A No.

10 Q Did the individuals that you observed have
11 anything other than a camera film?

12 A No.

13 Q So the people that you observed had cameras or
14 cell phones that they were using to record or videotape;
15 correct?

16 A Yes.

17 Q And when Sergeant Spell refers to "the
18 cameraman" in one of the clips that we looked at --

19 A Mm-hmm.

20 Q Do you --

21 A Yes. Sorry.

22 Q No, I just didn't know if you remembered; if I
23 had to play it back or not.

24 When Sergeant Spell referred to a "cameraman,"
25 how did you know, or did you know, whether he was

1 referring to Mr. Peruta or somebody else with a camera
2 phone or camera?

3 A The camera is what distinguished Mr. Peruta.
4 That's what he was carrying.

5 Q And the clip that we just watched where there
6 was the extended conversation between Mr. Peruta and
7 Lieutenant Pleasant, is that the clip or one of the clips
8 you watched where you got the impression that Mr. Peruta
9 wanted to discuss constitutional issues?

10 A Yes.

11 Q Did Mr. Peruta discuss any constitutional issues
12 with you?

13 A I don't remember.

14 Q And the interaction that you had with Mr. Peruta
15 on the southeastern -- the southwestern part of the
16 intersection of Hunger -- oh, God. It's actually the
17 southeastern corner of the intersection of Park and
18 Hungerford where you had the second --

19 A I --

20 Q Yes.

21 A -- get what you're implying. Yes.

22 Q Oh, boy.

23 This interaction that you had with Mr. Peruta at
24 what really is the southeastern corner of the
25 intersection of Hungerford and Park Street --

1 A Outside 531 Park. That's the business there.

2 Q Okay. Then unfortunately I have referred to a
3 couple of times, or more than a couple in this deposition
4 as the "southwestern" corner, and I apologize.

5 But the southeastern corner of Hungerford and
6 Park in the vicinity of 531 Park Street, when you asked
7 him to move and he was defiant --

8 A Mm-hmm.

9 Q -- did he eventually move in a certain
10 direction?

11 A Yes.

12 Q Okay. And one -- and the initial direction that
13 he moved was within the parking lot or parking area
14 enclosed by a metal fence.

15 A He was asked to move west, and he moved south
16 initially.

17 Q And when he moved south, what did you tell him
18 to do, if anything?

19 A That he had to leave the property there and move
20 further west.

21 Q Okay. Did you notify Sergeant Spell in any way
22 that you had asked Mr. Peruta twice at that point to move?

23 A I don't remember, because I did see a video clip
24 of us chatting. I don't remember, though, if that was
25 what ...

1 Q Do you recall if you told anybody else at the
2 scene that you had asked Mr. Peruta twice to move at that
3 southeast corner of Hungerford and Park?

4 A Sergeant Michel's been -- was observing most of
5 my interactions, so -- but I didn't have to indicate that
6 to anybody.

7 Q Okay. And after -- when Mr. Peruta moved south
8 instead of west, and you asked him to move west, what did
9 Mr. Peruta then do?

10 A He went north.

11 Q And did Mr. Peruta head towards the corner area
12 of the convenience store?

13 A That's what the video shows. But I don't -- I
14 didn't really pay him much mind after he left my little
15 quadrant.

16 Q And am I correct that the next time that you saw
17 Mr. Peruta or had any interaction with him was at that
18 convenience store corner where Sergeant Spell was saying,
19 "Push him back, push him back"?

20 A Yes. When he indicated to move the crowd back,
21 yes.

22 Q And at that point Mr. Peruta was standing with
23 the crowd.

24 A Yes.

25 Q Well, was there anything defiant about

1 Mr. Peruta going to stand with the crowd of people rather
2 than moving westward as you had told him to do?

3 A Defiant?

4 Q Right.

5 A No.

6 Q In other words, other people were standing in
7 front of the convenience store --

8 A Yes.

9 Q -- why couldn't he?

10 A Absolutely.

11 Q And when he was told to, along with everybody
12 else from that corner where the convenience store was
13 to -- as Sergeant Spell -- "Push him back, push him back,"
14 what was Mr. Peruta's response?

15 A I don't recall what his response was to that.

16 Q Okay. And following that interaction at the
17 corner -- at the convenience store corner, which is
18 actually the northeastern side of Park and Hungerford, did
19 you have any further interaction with Mr. Peruta that
20 night?

21 A After that northeastern interaction?

22 Q Yes.

23 A No.

24 Q Do you know where he went?

25 A Just by the video. He was talking to Lieutenant

1 Pleasant. I have no idea what happened after that.

2 Q And in the video you weren't able to tell where
3 that conversation was, were you?

4 A I think I could.

5 Q Okay. Let me go back to it then.

6 [Video Played and Paused.]

7 A I think it was the next clip, the 4-minute clip.

8 [Video Played.]

9 A You want to know where this conversation --

10 BY MS. BAIRD:

11 Q Yes.

12 A -- took place?

13 [Video Paused.]

14 BY MS. BAIRD:

15 Q Yes. And we're on Clip 17 now.

16 A That's 560 Park Street that is in the video.

17 That's the church just west of Hungerford Street. So he
18 is south of the church and just a little west of it.

19 If you would like me to indicate with a marker
20 or something, I can happily do so for you.

21 Q Well, on Exhibit 18 there's a couple of things
22 written out. Is the church written out? "Shelter" -- I
23 see --

24 A It's the Immaculate Conception Shelter. Yes.

25 Q Yes. Okay. So there's two white cars on Park

1 Street --

2 A Yes.

3 Q -- in front of the church you're talking about.
4 That's the area where you believe the conversation in Clip
5 No. 17 took place?

6 A Yes.

7 Q Okay. What are the -- well, let me ask this.
8 There's a statement on the video, and you've identified it
9 as coming from Sergeant Spell: "You're not going to film a
10 dead body."

11 A Mm-hmm.

12 Q Is that a policy with the Hartford Police
13 Department that you know of, not to allow individuals to
14 film dead bodies?

15 A No, it's not a policy.

16 Q Okay. Was there anything in particular that you
17 know about this investigation where there was some kind of
18 prohibition on anybody filming the dead body?

19 A No.

20 Q Do you have any -- do you know why Sergeant
21 Spell said, "You're not going to film a dead body"?

22 A I cannot speak for Sergeant Spell.

23 Q Okay. Right. Had you ever discussed with
24 Sergeant Spell his position on filming dead bodies?

25 A No.

1 MS. BAIRD: I think I may be almost done.
2 Just give me one second.

3
4 [Off record: 2:31 p.m. to 2:33 p.m.]

5
6 MS. BAIRD: 19. Okay. Here we go.

7
8 [Plaintiff Exhibit 19: Marked for ID.]

9
10 BY MS. BAIRD:

11 Q This is Exhibit 19. Do you recognize that as
12 Park Street --

13 A I do.

14 Q -- portrayed in Exhibit -- and it's the vicinity
15 of where the Park Street incident, the homicide, occurred
16 on September 12, 2014?

17 A Yes.

18 Q And do you recognize what those black structures
19 are on the sidewalk?

20 A I have no idea what they are.

21 Q Okay. And you've never seen those kind of
22 structures used to provide privacy at a crime scene for
23 either an injured person or a deceased person?

24 A No.

25 MS. BAIRD: Okay. My questions are done.

1 MS. HARRIS: I'm all set.

2 MS. BAIRD: Thank you, Officer.

3 MS. HARRIS: Oh, let's put on the record
4 what you want to do with the exhibits. Do you
5 want to keep the originals?

6 MS. BAIRD: I will keep them. That's what
7 I do.

8 MS. HARRIS: I just like having it on the
9 transcript because otherwise I end up looking,
10 going, "Where are the exhibits? Am I supposed
11 to have them?"

12

13 [Deposition adjourned: 2:34 p.m.]

14

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1 STATE OF CONNECTICUT :
2 COUNTY OF HARTFORD :
3

4 I, PATRICIA TYSZKA, a Registered Merit Reporter and
5 Notary Public duly commissioned and qualified in and for
6 the State of Connecticut, do hereby certify that pursuant
7 to notice there came before me on December 16, 2016, the
8 following-named person to wit: OFFICER STEPHEN BARONE, who
9 was by me duly sworn to testify to the truth and nothing
10 but the truth; that he was thereupon carefully examined
11 upon his oath and his examination reduced to writing under
12 my supervision; that this transcript is a true record of
13 the testimony given by the witness.

14 I further certify that I am neither attorney nor
15 counsel for nor related to nor employed by any of the
16 parties to the action in which this deposition is taken;
17 and further, I am not a relative or employee of any
18 attorney or counsel employed by the parties hereto, or
19 financially interested in this action.
20
21

22 _____
23 Patricia Tyszka
24 LSR, RMR and Notary Public
25 CT Lic. #0046

DATE

24 My Commission Expires:
25 May 31, 2020

BY MS. BAIRD: [134] 7/10 10/10 13/7
25/25 30/15 34/12 38/25 39/17 40/1
42/3 43/7 44/1 45/4 49/4 54/4 55/17
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100/11 101/14 102/2 102/12 103/3
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