

PLAINTIFF'S MOTION  
EXHIBIT 7

1 M. Marino

2 MS. PUBLICKER METTHAM:

3 Objection.

4 You can answer.

5 A. That's one of the procedures  
6 that might allow you, yes.

7 Q. Well, at the time that you  
8 made that plan for that course of  
9 action that you've already testified  
10 about, did you understand that you had  
11 the authority to do that based on the  
12 patrol guide governing emotionally  
13 disturbed people?

14 A. I wasn't thinking about the  
15 patrol guide. I was thinking about  
16 Schoolcraft's safety.

17 Q. So when you testified about  
18 the patrol guide procedure for  
19 emotionally disturbed people for  
20 warrantless entry for exigent  
21 circumstances and to protect life,  
22 those were considerations that came  
23 into your mind after the event; is that  
24 fair to say?

25 MS. PUBLICKER METTHAM:

1 M. Marino

2 Objection.

3 You can answer.

4 A. That's only an answer to your  
5 question as to what authority I can go  
6 into an apartment like that.

7 At that time, none of that  
8 was on my mind.

9 Q. At the time that you entered  
10 into that plan, did you believe that  
11 Schoolcraft was an EDP?

12 A. Yes, I did. I believe it was  
13 a possibility of it. And I believe it  
14 was a possibility that he may have  
15 already harmed himself.

16 Q. What is an EDP?

17 A. An emotionally disturbed  
18 person.

19 Q. And how is an emotionally  
20 disturbed person defined in your mind?  
21 How do you know you've got one?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 You can answer.

25 A. By my experience are you

1 M. Marino

2 asking, sir?

3 Q. Yes.

4 A. By a person who is acting  
5 irrational to the point where they may  
6 cause damage to themselves or someone  
7 else?

8 Q. And in what way did you  
9 believe that Schoolcraft was an EDP  
10 while you were on the landing outside  
11 of his apartment?

12 A. Based upon what I had been  
13 told in the lot. The previous  
14 psychological history. Based upon the  
15 way he left the precinct against  
16 orders, which would be an irrational  
17 act, based upon the fact that he was  
18 answering his phone and refused to  
19 answer. Based upon the fact that there  
20 were police officers all around his  
21 house and on his stairs knocking, and  
22 there had been no movement heard in the  
23 last hour.

24 Q. Anything else?

25 A. No.

1 M. Marino

2 Q. What made you think that he  
3 was a danger to himself or others?

4 A. From what I just told you.

5 Q. Did you have any information  
6 that he had threatened to hurt himself?

7 A. No.

8 Q. Did you have information that  
9 he threatened to hurt anybody else?

10 A. No.

11 Q. What information about his  
12 previous psychological history did you  
13 have?

14 A. None, just that he had been  
15 to -- sent to psych services and that  
16 apparently he had some type of problem.

17 Q. Who told you he was sent to  
18 psych services?

19 A. One of the gentleman in the  
20 house.

21 Q. Did you they tell you when he  
22 was sent to psych services?

23 A. No, just that it had been  
24 previous to this.

25 Q. Did anybody tell you that