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COMMONWEALTH OF MASSACHUSETTS

ON-THE-RECORD INTERVIEW OF KEVIN PIERS

Held at: Ashland Police Department
137 Main Street
Ashland, Massachusetts 01721

Taken on: July 15, 2013

Taken by: Amy Marascio, CVR

A P P E A R A N C E S

Lieutenant Alan D. Hunte
Massachusetts State Police Detective
Commonwealth of Massachusetts
Middlesex District Attorney
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Michael Dionne, President Ashland Police Association

P R O C E E D I N G S

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Monday, July 15, 2013

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10:48 a.m.

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KEVIN PIERS, having been satisfactorily identified by the production of his Massachusetts driver's license, was duly sworn by the notary public and testified as follows:

MR. HUNTE: Okay, today's date is Monday, July 15th. The time now is approximately 10:48 a.m. We are in the Sergeant's office of the Ashland Police Department. We are going to be interviewing an Officer Kevin Piers from the Ashland Police Department relative to an incident that occurred on July the 2nd. Right now what I will do is I will go around the room, have everyone introduce themselves. My name is Lieutenant Alan Hunte with the Mass. State Police Middlesex County Detectives Unit. If you could introduce yourself and spell your last name.

MR. PIERS: Officer Kevin Piers, P-i-e-r-s, from the Ashland Police Department.

1 **MR. DIONNE:** Michael Dionne, President
2 Ashland Police Association.

3 **MR. SANDULLI:** Attorney Joseph Sandulli.

4 **MR. HUNTE:** Thank you. Just for the
5 record, you are not compelled to be here right
6 now. You don't have to be here. You have
7 counsel who has indicated that you have spoken
8 with him, and we are going to begin now.

9 Q. (By Mr. Hunte) Can you tell me how long you have
10 been a police officer in Ashland?

11 A. Just over two years.

12 Q. Were you a police officer in any other department
13 before this?

14 A. No.

15 Q. Were you in the military?

16 A. No.

17 Q. What did you do for work prior to becoming a
18 police officer?

19 A. I worked for the University of Massachusetts
20 Amherst Police Department, but not as a officer.

21 Q. Okay, what capacity?

22 A. I was a cadet.

23 Q. Okay, and as a police officer in Ashland, what
24 are your duties?

- 1 A. Primarily patrol.
- 2 Q. Okay. Is that in a marked cruiser?
- 3 A. Yes.
- 4 Q. And do you patrol by yourself, or do you have a
5 partner?
- 6 A. By myself.
- 7 Q. And what shift do you work?
- 8 A. Primarily three to elevens, but with overtime and
9 swaps and everything, pretty much every shift.
- 10 Q. Okay, and do you work a four and two schedule?
- 11 A. Yes.
- 12 Q. Going back to July the 2nd, were you on patrol
13 that day?
- 14 A. I was.
- 15 Q. And what was your shift that day?
- 16 A. I was working seven to three and three to eleven.
17 I was on a double that day.
- 18 Q. Okay, 7 a.m. to 3 p.m. and then 3 p.m. to 11
19 p.m.?
- 20 A. Yes.
- 21 Q. Okay, and at some point during that day explain
22 to me any observations that you might have made.
23 What brought you to the scene?
- 24 A. Around eleven o'clock, probably a little bit

1 before eleven, I was driving down 135 westbound
2 in the area of the Rite Aid Pharmacy by the
3 corner of Summer Street and Union. A vehicle
4 pulled out in front of me, and I had to slow
5 almost to a stop to avoid hitting them. I
6 recognized the operator of that vehicle as Andrew
7 Stigliano.

8 Q. What kind of vehicle was it?

9 A. It was a Volkswagen.

10 Q. Do you remember what color?

11 A. Gray or dark blue.

12 Q. Okay. As a result of that observation, what did
13 you do next?

14 A. I turned my vehicle around to follow him.

15 Q. And did you continue to follow him?

16 A. As I turned around, I observed that he had turned
17 onto Metropolitan Ave., which is where he lives.

18 Q. Was anyone else in the car with him?

19 A. Later on I observed that his girlfriend, [REDACTED]
20 [REDACTED], was getting out of the car. I don't
21 remember if I saw her when I initially saw the
22 vehicle though.

23 Q. Okay. Now, when you first observed Mr. Stigliano
24 -- have you had prior contact with him?

1 A. Yes.

2 Q. And what contact have you had?

3 A. I've been to that house I'd say at least five
4 times, maybe more, [REDACTED]

5 [REDACTED] His dog has run away a bunch of times.

6 We've got the dog, bring it back there. We know
7 where the dog lives, so I've had a lot of
8 interaction with him.

9 Q. Okay. Have you ever arrested him?

10 A. I have never arrested him, no.

11 Q. Okay. Now, when you made the observations of him
12 and you said that you have had prior contact with
13 him, were you aware at the time of any arrest
14 warrants for him?

15 A. Yes, I believe he had warrants.

16 Q. Okay, and did you have a prior knowledge of the
17 warrants, or did you make any type of radio
18 transmissions, make an inquiry?

19 A. I had seen his name on the warrant list a few
20 days before, and I called on the radio to the
21 station to confirm that those were still active.

22 Q. Okay, and did the station respond?

23 A. They did.

24 Q. What did they say?

1 A. That there were two active arrest warrants.

2 Q. Do you remember what the warrants were for?

3 A. [REDACTED]

4 [REDACTED]

5 Q. Okay. All right, so as Mr. Stigliano turned onto
6 Metropolitan Avenue, what did you do next?

7 A. I followed him onto Metropolitan Avenue, and then
8 I observed his vehicle in the driveway of 13
9 Metropolitan where he lives.

10 Q. Okay, and what did you observe next?

11 A. I observed [REDACTED] getting out of the
12 passenger's side of the vehicle, and she ran
13 alongside the garage toward the backyard.

14 Q. Okay, and as a result of that -- at the time did
15 you see Mr. Stigliano?

16 A. At that time, no.

17 Q. Okay, and as she began to run, what did you do
18 next?

19 A. I drove alongside the garage towards the CVS to
20 see if he had run in front of her and behind the
21 house, and he wasn't back there.

22 Q. And where was she at this time?

23 A. I lost sight of her after she went into the
24 backyard. There is a fence, so I couldn't see

1 into the backyard from where I was. I just went
2 behind the CVS and turned around.

3 Q. Okay, and at this time you were by yourself?

4 A. Yes.

5 Q. What did you do next?

6 A. I believe I called for another car, gave a very
7 brief explanation of what was going on.

8 Q. Okay, and did the station respond, or did a car
9 respond?

10 A. Yes.

11 Q. And who was it that arrived?

12 A. Officer Foster and Lieutenant Briggs both
13 responded at about the same time.

14 Q. Okay, and how long after you requested assistance
15 did they arrive?

16 A. Within a minute or two.

17 Q. Okay, so once all three officers -- the other two
18 officers joined you, what did the three of you do
19 next?

20 A. Officer Foster was in front of the house on the
21 front corner. I was in the breeze way. I was
22 knocking on the door, and Lieutenant Briggs was
23 in the backyard.

24 Q. Okay, and as a result of knocking on the door,

1 did you get a response?

2 A. No.

3 Q. Did you ever get a response?

4 A. No.

5 Q. Okay, so what did you do next?

6 A. I was knocking on the door, calling out Andrew by
7 name, telling him that if he didn't come to the
8 door we were gonna kick it in. Like I said, we
9 got no response. Lieutenant Briggs called for
10 Sergeant Fawkes to respond with the less lethal
11 because we knew that there was dogs in the house.

12 Q. Okay, and can you explain what the less lethal is?

13 A. It's a 40 millimeter, basically a foam or rubber
14 projectile 40 millimeter launcher.

15 Q. And did the Sergeant respond?

16 A. He did.

17 Q. Okay, and after he responded what happened?

18 A. We continued to have a parameter around the
19 house, and then it was determined that we were
20 gonna call for Officer Alberini to respond with
21 Canine Dax.

22 Q. Okay, and who called Officer Alberini?

23 A. I believe it was Lieutenant Briggs.

24 Q. Okay, and eventually did he respond with his

1 canine?

2 A. He did.

3 Q. And about how long after he was called did he
4 respond? How long were you there?

5 A. Initially when he was called, he said that it
6 would be a few minutes. He had to work out some
7 child care. Once he let us know that he was
8 coming, it was two minutes maybe.

9 Q. Once Officer Alberini arrived, what happened
10 next?

11 A. We briefed him on what had happened, told him
12 that we believe Andrew was in the house.
13 Alberini kicked the door in, and we got the two
14 dogs that were loose in the house. We corralled
15 them into the garage, and then Chris retrieved
16 Dax from the car and made his announcements at
17 the door like he always does and released Dax
18 into the house.

19 Q. Okay, just stop there. Do you remember which
20 door or can you tell me which door he kicked in?

21 A. The breeze way door. There's the garage and then
22 a little like glass sunroom type of thing in the
23 breeze way there.

24 Q. Okay.

1 A. And the door that leads into the kitchen from
2 there.

3 Q. Okay, and when you entered the house, were the
4 dogs loose?

5 A. There was one that was loose, and then there was
6 one that was -- there was like a gate near the
7 laundry area where he was.

8 Q. And do you know what kind of dogs these were?

9 A. They were pit bulls.

10 Q. Okay, so as the door was kicked in, Officer
11 Alberini was able to retrieve the pit bulls or
12 who did?

13 A. I think Lieutenant Briggs got one, Alberini got
14 the other one, put them in the garage.

15 Q. Okay, and can you tell me when you walked inside
16 the house can you tell me the conditions, the
17 physical conditions, of the house?

18 A. I've been in there before. It's the same. It's
19 real dirty. There's trash. Even in the breeze
20 way there was bags of trash that seemed like
21 they'd been there for a while, flies and stuff,
22 just in disarray. It's kind of just a messy,
23 disgusting place.

24 Q. Okay, and what were the lighting conditions?

1 A. It was daylight, so there was some light coming
2 in. I think pretty much all the windows had
3 blinds, but there was some ambient light coming
4 in, and I don't remember if there was any lights
5 on in the house.

6 Q. Okay, so once you entered the house, what
7 happened next?

8 A. Officer Alberini let Dax work in the house, and
9 he didn't make any indication that there was
10 anybody on the first floor. Then we entered and
11 Alberini noticed that the scuttle to the attic
12 was open and there was a stepladder leaning
13 against the wall, and he said, I think he's in
14 the attic. He indicated that he was gonna put
15 the dog in the attic, and then he made
16 announcements at the attic, the hole, calling out
17 Andrew's name and doing his normal canine
18 announcements.

19 Q. Okay, just to stop you there, you said he made
20 announcements when you first went into the house
21 also?

22 A. Yes.

23 Q. Do you remember what he said in terms of
24 announcements?

1 A. I don't remember exactly what he said, but it's
2 something to the effect of, "Ashland Police with
3 a canine, come out. The dog's gonna find you.
4 He'll bite you."

5 Q. Okay, and did you ever get a response from anyone
6 else?

7 A. No.

8 Q. Okay, and then as he was about to put his dog in
9 the attic, he again made announcements?

10 A. Yeah, very similar to the ones that were made at
11 the initial door to the kitchen.

12 Q. Okay, and did you get any type of response after
13 he made those announcements?

14 A. No.

15 Q. Okay, so what happened next?

16 A. Chris picked the dog up on his shoulder, took a
17 few steps up the ladder and kind of tossed the
18 dog into the attic and then he began to follow
19 him up.

20 Q. Okay. Did you hear Officer Alberini make any
21 announcements once the dog was in the attic?

22 A. He said "Fass" when he got in the attic, which is
23 his command for bite.

24 Q. Okay, and what did you hear or see next?

1 A. I heard I -- it was Dax running across the attic,
2 you know, scurrying across the ceiling, and then
3 I heard some screaming and some, you know -- a
4 little bit of a struggle going on.

5 Q. From the attic?

6 A. Yeah, it would have been kind of behind me at
7 that point.

8 Q. Okay.

9 A. But it was coming from the attic.

10 Q. Now, I know you've been to the home before, but
11 have you ever been or observed the interior of
12 the attic before?

13 A. No, that's -- this was the first time.

14 Q. And as you're hearing the struggle and you're
15 hearing the screams, could you make out what the
16 person was saying, the person that was screaming?

17 A. I don't think there was any words. It was just
18 kind of screams of pain. I assumed that Dax had
19 made contact with him.

20 Q. Okay, and what happened next?

21 A. I heard Chris walking across or moving quickly
22 across the attic towards where I heard the
23 struggle, and then I heard, "Gun, gun, gun," and
24 then two quick muffled gunshots.

- 1 Q. Okay. Now, as you heard Officer Alberini say,
2 "Gun, gun, gun," where were you standing?
- 3 A. I was at the base of the ladder, and Lieutenant
4 Briggs was either on the ladder or had just
5 entered the attic.
- 6 Q. Okay. Was anyone else in the house with you
7 besides Lieutenant Briggs and yourself and Chris?
- 8 A. Sergeant Fawkes was behind me at that point.
- 9 Q. He was behind you, okay. So was anyone else
10 behind Sergeant Fawkes?
- 11 A. Not at that point.
- 12 Q. Okay.
- 13 A. I think Officer Foster came in at some point. I
14 don't remember when he came in, but at some point
15 he came in, and he was behind Sergeant Fawkes.
- 16 Q. Okay, and what happened next? You hear, "Gun,
17 gun, gun." You hear gunshots.
- 18 A. Yes.
- 19 Q. And, I'm sorry, how many gunshots did you hear?
- 20 A. Two.
- 21 Q. Okay. What happened next?
- 22 A. Like I said, I was in the -- in the hallway. I
23 don't really remember the ladder, but I remember
24 being somehow in the attic. I don't know how I

1 got up there, but it was -- that part I don't
2 remember, but once I got into the attic, I
3 noticed Andrew was laying on his back. Dax was
4 attached to his ankle, I forget which one, but
5 either his right or left ankle, and then Chris
6 was holding Andrew's hands, and Lieutenant Briggs
7 was -- had a -- the shotgun was underneath
8 Andrew's leg, and he was trying to secure that.

9 Q. Okay, so you said at that time you could see the
10 shotgun?

11 A. I saw -- I don't know if I knew it was a shotgun
12 at the time, but Lieutenant Briggs eventually
13 handed it to me, and then it was very clear to me
14 that it was a shotgun.

15 Q. Can you describe it?

16 A. It was older, had a wood stock. I think there
17 was like some electrical tape on the stock and
18 like an elastic shell holder. It was a pump
19 shotgun, fairly long barrel, probably over 20
20 inch barrel.

21 Q. Were there any shells in the shell holder that
22 was --

23 A. Yes, there was I'd say five or six in the -- on
24 the stock.

1 Q. Okay, and as Lieutenant Briggs handed the shotgun
2 to you, were you able to see Mr. Stigliano?

3 A. Yes.

4 Q. What was his condition at that time?

5 A. By that time he -- I noticed that he was gray,
6 and he had -- he had arched his back and he
7 gasped for air one last time. It was pretty
8 clear to me that he was dead.

9 Q. Okay. Have you ever been to any scenes or been
10 involved in any situations or investigations
11 where you observed anyone die or dead before?

12 A. I observed dead people, but not actual them in
13 the process of dying, no.

14 Q. Okay, and can you just tell me what were the
15 lighting conditions in the attic?

16 A. The only light available was flashlights. There
17 was no -- no lights on up there. It was really
18 dark.

19 Q. Okay, and what did you do with the shotgun?

20 A. I turned around and tried to hand it to Sergeant
21 Fawkes, but he didn't have any gloves on, and he
22 didn't want to get any prints on it, so he
23 searched around real quick, and he found like a
24 bag or something and wrapped it around it, and he

1 took it from me.

2 Q. Okay, so at the time you went up tell me who was
3 in the attic with you.

4 A. When I initially went up, Chris was up there,
5 Lieutenant Briggs, Dax, and Stigliano, and then
6 at some point Sergeant Fawkes came up behind me.

7 Q. Okay, all right. Did you ever hear Mr. Stigliano
8 make any kind of statements, or was he ever able
9 to communicate?

10 A. No.

11 Q. And what happened next?

12 A. After I handed the shotgun to Sergeant Fawkes, I
13 then turned back around and Chris was getting Dax
14 off of -- off of Andrew and getting him out of
15 the attic, and so I kind of had to like get up
16 into the eaves or the truss or whatever was up
17 there to get out of the way so he could get by
18 me.

19 Q. Okay.

20 A. And then I went over to where Andrew was, and I
21 searched him real quick just to make sure there
22 was -- I mean, like I said, it was pretty clear
23 that he was dead, but I didn't want to take any
24 chances.

1 Q. Right. Did you find anything on his person?

2 A. He had a cell phone, his ID, and maybe a lighter
3 or a few other things in his pockets, so I took
4 those out, and I put them on a rafter, on the
5 insulation or something up there, and then we
6 couldn't really provide medical aid where we were
7 just because of the way that the ceiling was, so
8 me and Lieutenant Briggs tried to move him over
9 the center beam of the house. There was like a
10 truss in the middle with beams and things coming
11 off of it, so we got him up over that, and then
12 Sergeant Fawkes and I tried to move him towards
13 the scuttle hole. We got him I'd say halfway and
14 then somebody yelled up that the medics were
15 there, and they said just leave him, we'll come
16 up, so they came up, and I just got out of the
17 way and let them do their thing.

18 Q. Okay. When you got out of the way, did you go
19 back downstairs or did you stay --

20 A. Not initially. I went towards the hole. I was
21 standing over the hole with Lieutenant Briggs and
22 Fire Chief Kee was standing on the ladder like
23 kind of in -- making sure everybody was okay. At
24 some point I -- it was probably 150 degrees up

1 there, so at some point I told them, you know,
2 it's too hot up here. I've got to get down.

3 Q. Okay.

4 A. So he got out of the way and I came down.

5 Q. All right. Once you came down, what happened
6 next? What did you do?

7 A. I went outside, and Chris was talking to Chief
8 Doherty, and I tried to separate them, just sort
9 of, you know, he wasn't talking to anybody and
10 helped him clean some blood off his face and then
11 --

12 Q. Can you tell me what you observed about Officer
13 Alberini's appearance in terms of his uniform or
14 --

15 A. His vest and his belt were covered in blood. His
16 face had like spray of blood all over his face.
17 I mean he was obviously sweating. We were in an
18 attic. It was hot.

19 Q. Right. Now, were you able to observe any blood
20 in the attic from Mr. Stigliano?

21 A. I did, not initially. He had some blood on his
22 shirt, but when we started to move him, once we
23 moved him from the place he was, I noticed blood
24 on the rafter and the insulation and stuff.

1 Q. Okay. All right, and what did you do next?

2 A. I helped Chris get some of the blood off his
3 face, and then he -- I just told him to take his
4 vest off because it was covered in blood, so he
5 did that. I think he put it in his car and then
6 he went to take his -- I told him to take his
7 belt off because that had blood all over it too.
8 He took his belt off, and he was gonna put it in
9 his car. I told him just drop it where it is,
10 just leave it, so he did that.

11 And then I took his gun because I knew
12 you guys were gonna want it, so I took that, and
13 I went over to my car where Officer Foster was,
14 and I guess he had already put the shotgun in the
15 trunk of my car, so I had him go through my bag
16 and get an evidence bag, and we put the gun in
17 the bag because it was covered in blood. We
18 sealed it up and put it in the trunk with the
19 shotgun along with I think he had ended up with
20 my rifle, his rifle, the less lethal, everything
21 was in there. The trunk was full of guns, so...

22 Q. All right, now, in your past dealings with Mr.
23 Stigliano have you ever had any incidents where
24 he's been violent?

1 A. Not -- he's usually verbally resisting, but he's
2 never really resisted.

3 Q. Okay, and were you aware of any times where he
4 might have assaulted anyone, [REDACTED]

5 [REDACTED]

6 A. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. Okay, so all of that is in your mind as you're
13 going into the house? Everyone is aware that he
14 has had a history of some type of assault, [REDACTED]

15 [REDACTED]

16 A. Yeah, I mean I know him. [REDACTED]

17 [REDACTED] I

18 didn't really know of any altercations he's had
19 with the police.

20 Q. Okay. Is there anything else that you can think
21 of that you want to get on tape about the
22 incident that day, anything you might have
23 observed, anything else that you might have
24 heard, any conversations? Did you ever see his

1 girlfriend ██████ again?

2 A. Um, what do --

3 Q. That day.

4 A. That day? No, after she was -- I don't know if I
5 said it at the beginning when I was -- at some
6 point I was in the backyard with Lieutenant
7 Briggs before we went in the house, and she was
8 on the other side of the fence in the parking lot
9 area. She started screaming at us, you know,
10 "Get the fuck off my property. Fuck you guys.
11 You guys don't have any right to do this." You
12 know, she was causing a pretty big scene, and
13 then she came around to the front in the
14 driveway, and Lieutenant Briggs came around and
15 put her in custody. After that Officer
16 Oestreicher showed up, and she put her in her car
17 which was parked like right on the corner of the
18 driveway that goes in behind Papa Gino's and
19 Metropolitan.

20 Q. Okay.

21 A. So she was like right on the corner there, and I
22 believe when I came out of the house she might
23 have still been there. I don't remember, but
24 after -- after we got in the house I don't really

1 remember seeing her.

2 Q. Okay, so from [REDACTED]'s vantage point she
3 wouldn't have been able to see inside the house?

4 A. No, we were in the attic. There's no windows.

5 Q. And there's no way she would have been able to
6 see anything that happened inside the house from
7 where you guys were?

8 A. No, absolutely not.

9 MR. HUNTE: Okay. I don't have anything
10 else, unless you guys have --

11 MR. SANDULLI: I do have a couple of
12 questions, Lieutenant.

13 MR. HUNTE: Sure.

14 MR. SANDULLI: Thank you. Kevin,
15 Lieutenant asked you what you heard up in the
16 attic. You said that you had heard Dax
17 scurrying. You heard a scream of pain, and you
18 heard a struggle, and then you heard some words.
19 You heard, "Gun, gun, gun." Now, was there any
20 more to that statement from -- this is from
21 Alberini. Was there anything more that he said
22 than, "Gun, gun, gun"?

23 WITNESS: Not that I can recall, no.

24 MR. SANDULLI: Okay.

1 **WITNESS:** He may have said it more or
2 less times than "Gun, gun, gun," but I don't --
3 that's all I can recall. I don't know if he said
4 anything else.

5 **MR. SANDULLI:** Okay. You were down
6 below?

7 **WITNESS:** Yes, I was in the hallway at
8 that point.

9 **MR. SANDULLI:** Okay. Can you describe
10 the tone and volume of this, those words "Gun,
11 gun, gun"?

12 **WITNESS:** It was loud -- he was saying
13 it loud enough so that we could hear downstairs,
14 and it was I don't want to say frantic, but it
15 was urgent. It was very clear that he wasn't
16 joking or anything. It was serious, you know
17 what I mean. I could tell the tone of his voice
18 that it was a serious situation.

19 **MR. SANDULLI:** Okay.

20 **MR. HUNTE:** Okay, at this time we are
21 going to conclude this interview. It's
22 approximately 11:14, 11:15 a.m.

23 (WHEREUPON, on-the-record interview was
24 concluded at 11:15 a.m.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK, SS

I, AMY MARASCIO, a Certified Verbatim Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing on-the-record interview of Kevin Piers was taken before me on July 15, 2013. The witness was duly sworn before the commencement of his testimony. The said testimony was taken audiographically by myself and then transcribed under my direction. To the best of my knowledge, the within transcript is a complete, true and accurate record of said on-the-record interview.

I am not connected by blood or marriage with any of the said parties, nor interested directly or indirectly in the matter in controversy.

In witness whereof, I have hereunto set my hand and Notary Seal this 24th day of July, 2013.

Amy Marascio, Notary Public

My Commission Expires:

June 24, 2016

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