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COMMONWEALTH OF MASSACHUSETTS

ON-THE-RECORD INTERVIEW OF CHRISTOPHER ALBERINI

Held at: Ashland Town Hall
101 Main Street
Ashland, Massachusetts 01721

Taken on: July 10, 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
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P R O C E E D I N G S

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Wednesday, July 10, 2013

10:23 a.m.

CHRISTOPHER ALBERINI, 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: All right, today's date is July the 10th, 2013. The time now is approximately 10:20 a.m. What I'm going to do is I'm going to go around the room and ask everyone to introduce themselves. My name is Lieutenant Alan Hunte from Mass. State Police Middlesex County Detectives Unit.

MR. SANDULLI: I'm Attorney Joseph Sandulli.

MR. DIONNE: Michael Dionne, Patrolman Ashland Police Department, President Ashland Police Association.

MR. ALBERINI: Officer Alberini,

1 Christopher Alberini, Ashland Police Department.

2 **MR. HUNTE:** We are here today to discuss
3 a police involved shooting that occurred on July
4 the 2nd of 2013. I just want to note that
5 Officer Alberini is not compelled to be here. He
6 is coming in with his attorney who he has
7 conferred with noting that I am going to use a
8 voice recorder, but there is also a stenographer
9 in the room who will also be taking notes.

10 Q. (By Mr. Hunte) So can you just give me your name
11 again, and spell your last name?

12 A. Yeah, first name is Christopher. The last name
13 is Alberini, A-l-b-e-r-i-n-i.

14 Q. And, sir, how are you employed?

15 A. I'm a police officer for the Town of Ashland.

16 Q. And how long have you been a police officer in
17 Ashland?

18 A. I've been with the Ashland Police Department for
19 approximately seven years.

20 Q. Okay. Were you on any other police departments
21 before Ashland?

22 A. No, I was not.

23 Q. Have you ever been in the military?

24 A. Yes, I was in the Marine Corps from 2001 until I

1 believe 2005.

2 Q. And what was your last duty assignment?

3 A. It was Iraq from '04, '05, and I discharged out
4 of Westover Air Force Base.

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

7 A. Right now my primary duty is canine officer, so
8 I'm on patrol and narcotics, canine partner, but
9 I also have all regular patrol duties.

10 Q. Okay, and how long have you been a canine
11 officer?

12 A. Approximately four years.

13 Q. And what type of training did you go through to
14 be a canine officer?

15 A. Canine officer for training, I started with I
16 believe it was a 14-week drug class, then I went
17 back for a 16-week patrol school class, which is
18 -- and then which comes with that is in between
19 and after, I've had to go twice a month, so 16
20 hours a month of in-service training with a
21 trainer. I've also been to MPI's canine handler
22 certification for me, not the dog, and then I
23 just recently came off a week long tactical
24 training with a canine trainer.

1 Q. And approximately how long have you been with
2 this particular dog that you have now?

3 A. The four years, all four years I've had the same
4 dog.

5 Q. All four years, okay. And what are your hours of
6 duty?

7 A. My regular patrol shift is three to eleven on a
8 four and two schedule.

9 Q. Okay, I'm going to bring you to the date of July
10 the 2nd, and we're going to discuss that. Were
11 you working that particular day?

12 A. I was not. I was off duty.

13 Q. And explain to me what you were doing as the day
14 progressed.

15 A. I was at home watching my two children. My wife
16 was out for the day, and I received a call from
17 Ashland PD dispatch requesting a canine
18 deployment.

19 Q. Do you remember what time that was?

20 A. I believe it was approximately around eleven
21 o'clock.

22 Q. And as a result of the phone call, what did you
23 do?

24 A. I arranged childcare with a neighbor and readied

1 myself to get in uniform and my canine.

2 Q. When you received the phone call, what exactly
3 was explained to you?

4 A. What was explained to me was that a party known
5 to me as Andrew Stigliano, they said Stigliano,
6 had warrants and had ran into his home, and they
7 were looking to do a building search.

8 Q. Okay, so after you provided -- when you obtained
9 childcare service, where did you respond to?

10 A. To Metropolitan Ave. where I was familiar to be
11 Stigliano's residence.

12 Q. Okay, and when you responded, did you respond
13 with your canine?

14 A. I did.

15 Q. And when you responded to that address -- and
16 what was the address again, if you know it?

17 A. I don't off the top of my head.

18 Q. You just know it was Metropolitan --

19 A. I know it was the first house on the right on
20 Metropolitan Ave.

21 Q. Okay, that's fine. And how long did it take you
22 to respond to that address?

23 A. It would be a guess, but not more than five
24 minutes and that's getting dressed and it was

1 quick. I don't live too far away.

2 Q. Okay, and once you responded to that area, did
3 you hear any other radio transmissions on your
4 way over to Metropolitan Avenue?

5 A. I first received a call for the deployment at my
6 house. I turned my radio on at my house, and I
7 heard some transmissions that I couldn't really
8 make out because I was trying to get dressed. I
9 then got on the -- that was my first time I got
10 on the radio. I just told the Lieutenant I'll be
11 two seconds -- two minutes I think I said, then
12 on the way down there I heard some radio traffic
13 about the parameter and, you know, nothing --
14 nothing important to the facts of the case.

15 Q. Okay, and which lieutenant did you communicate
16 with?

17 A. Lieutenant Briggs, Richard Briggs.

18 Q. Okay. Okay, so on your way over you just -- you
19 listened to a few transmissions, and when you
20 arrived on the scene, tell me who you saw.

21 A. As I arrived, I pulled up Metropolitan. I
22 parked, which would be the northeast side of the
23 home. I pulled up. I could see another cruiser
24 out front. I could see Bill Foster in the front

1 yard in a position of cover with a long gun.

2 Q. Okay, explain who Bill Foster is.

3 A. Bill Foster is a police officer who works day
4 shift. He was down the road a little further. I
5 think he was behind his cruiser at that point
6 with a long gun covering the front of the house.
7 I could see in the alleyway -- there is an
8 alleyway on the north side of the house in
9 between the shopper's mall, shopper's mall and
10 the house. There was another cruiser there, and
11 I could see an officer that I knew to be Officer
12 Kasey Oestreicher. I'm not positive what she was
13 -- I remember she was there though.

14 **MR. SANDULLI:** It's O-e-s-t-r-e-i-c-h-e-
15 r.

16 **MR. HUNTE:** Okay, good thing you knew
17 that because I wouldn't have got it myself.

18 A. Also at that point, I saw there was other
19 cruisers in that alleyway that I don't know which
20 cruisers they were, but what I could see at that
21 point was the house. From looking at it from my
22 view there is a garage that is a detached garage
23 that is attached by like a three-season porch.

24 Q. Okay.

1 A. And then the home which is like a ranch. In that
2 area in between I could see a few officers and
3 that's were I made my way to there to Lieutenant
4 Briggs.

5 Q. Okay, and did you have conversation with anyone?

6 A. Yes, that's when I came up. I left my canine in
7 the car at that point. I walked up, just got a
8 quick brief from the officers who -- those
9 officers at that time were Lieutenant Briggs,
10 Sergeant Fawkes, which was the day-shift
11 sergeant.

12 Q. I'm sorry, what's the last, Fawkes?

13 A. Fawkes, it's F-a-w-k-e-s.

14 Q. Okay.

15 A. And then Officer Kevin Piers.

16 Q. Okay.

17 A. At that time I believe both Lieutenant Briggs and
18 Officer Piers had their firearms out and Sergeant
19 Fawkes had a less -- Sergeant's less than lethal.
20 It was a 20 or 30 millimeter baton round. He had
21 that out. I just rolled up and said, "What do
22 you got?" They said -- they gave me the brief
23 description of they saw Andrew Stigliano with
24 warrants. They came to the house. He ran. They

1 believe he ran into the home. The girlfriend was
2 on scene. She was under arrest for disorderly
3 conduct at that point, and they said that at that
4 time they were going to do a canine search of the
5 home.

6 Q. Okay. Did you see the girlfriend in a cruiser?

7 A. No.

8 Q. You never saw her?

9 A. I saw -- because I think I was told that Kasey
10 Oestreicher had her in custody in the car, so I
11 knew where her car was, but I never actually saw
12 her. I saw where the cruiser was.

13 Q. Okay.

14 A. But I never saw her actual body.

15 Q. Okay, and what happened next?

16 A. I just said there was -- we could hear barking
17 inside the house. I was familiar that Andrew
18 Stigliano and his girlfriend had multiple pit
19 bulls in the home that we'd dealt with. The big
20 -- one was a big nasty looking pit bull, but he's
21 actually a pretty good dog, never had -- he's
22 been out. We've, you know, written him up. He's
23 not aggressive, so I said, well, first thing, is
24 we have to take care of these dogs because I

1 can't throw my dog on a building search with
2 these dogs in here.

3 So we came up with a plan. I said,
4 we'll hit this side door. There was a side door
5 that was in between the garage and the home, and
6 I said, then we need to get these dogs out of
7 here and secure before I can do anything with my
8 canine, so the door was locked. Officer Piers
9 passed on to me that they made several
10 announcements at the door knocking, that they
11 wouldn't open, and he believed that the deadbolt
12 was locked, so we came to the decision that we
13 have to kick it down. I kicked the door several
14 times, and don't know the exact number, but I got
15 it where it was almost gone, just the deadbolt
16 was holding it.

17 So then at that point we arranged --
18 shut all the doors so we could get the dogs into
19 the garage and separate them and get them, you
20 know, out of harm's way. When we got that, I did
21 the final kick of the door. The dog came out.
22 The big dog came out. He ended up going in and
23 out a few times. We were finally able to get --
24 I think Lieutenant Briggs got a leash on him, put

1 him in the garage. As you are looking into the
2 home at the point, you walk into the kitchen,
3 which is on your right. The living room is open
4 on your left, and then as you're looking right
5 down the hallway where there is a laundry room, a
6 bathroom, and then two bedrooms. I think there
7 is also a door to a basement, so we're looking
8 straight down.

9 In that laundry room was like a puppy
10 pit bull that I wasn't sure how old it was, so I
11 didn't want to leave him in, so I asked them to
12 give me cover, and I said I was just gonna run in
13 and grab the dog. They gave me cover. I ran up
14 and just kind of scruffed the dog by the back of
15 the neck, brought him out. We secured him.

16 At that time we did realize there was a
17 third dog in the home that was locked in the
18 bathroom down the hall to the right, and it
19 sounded very aggressive. It was biting at the
20 door, and so I made the decision at that time, I
21 said, we're not gonna -- it put us at a tactile
22 disadvantage anyways to go all the way into the
23 home to go get this dog. It sounds nasty, I
24 said, and it's locked in the -- in the bathroom.

1 I said, let it stay there. If he's in there,
2 we'll deal with it when the time comes, but let's
3 let it stay there. Everybody, the Sergeant, the
4 Lieutenant, everybody said that's a good plan,
5 let's do it. So at that time they held a
6 parameter at the door. I went back and readied
7 my dog for a building search, which really he
8 does a building search just on his regular
9 collar.

10 Q. So when you say you readied him, explain what
11 that means.

12 A. Just I let him out to go the bathroom, let him
13 know, you know, we -- he knows when we go to a
14 call like that with lights and sirens, he's
15 usually -- he's amped up anyways. He knows what
16 -- actually, I've got to step back. Before I did
17 that, before I got my dog, I made a personalized
18 warning at the door before I got my dog. I
19 yelled through the house. I said, "Andrew," I
20 said, "we're here. You're under arrest." I
21 said, "Give up, because I'm gonna get the dog,
22 and he's gonna find you in the house, and he will
23 bite you. Just give up now." And we got no
24 answer.

1 I then went to the car, retrieved the
2 dog, got him ready, brought him to the door, put
3 him in a down position at the door, and I started
4 my regular canine warnings, which that's -- not
5 only is it to let Andrew know that the dog's
6 coming, but also it's part of the dog's buildup
7 to know what he is doing, so I say -- usually
8 it's some form of, "Police Canine, come out. The
9 dog will find you. He will bite you."

10 Q. Do you remember exactly what you said?

11 A. That's my standard canine warning, so it's
12 something very close to that.

13 Q. Okay.

14 A. Yelling it at the heat of the moment sometimes it
15 -- but the main thing I try to say and how I've
16 been trained to say is that the dog will be
17 released. He will find you, and he will bite
18 you, and make sure that somebody can't say, you
19 know, like, oh, I thought the dog was just gonna
20 bark at me. We let them know the dog is gonna do
21 that, and we give him a few seconds in between
22 too, and then we tell them that it's the last
23 warning, so my last warning would be, "This is
24 your last warning. Come out. The dog will be

1 released. He will bite you," and then we let him
2 out. So I did that at the door. On the third
3 and final warning, I let the dog go. He searched
4 independently through the living room.

5 Q. And just to stop you for one brief second,
6 explain to me what the conditions of the house
7 are at the time that you are making your entry in
8 terms of lighting, in terms of any type of debris
9 that might be in your way, and then just tell me
10 what that is like.

11 A. The lighting was okay because natural light was
12 coming through, it was, you know, midmorning, but
13 it was disgusting. There was a real bad smell
14 coming from the house. The dogs were living in
15 their own feces. Like where that puppy was there
16 was a big pile of feces, and the whole house
17 smelled like dog pee, and there was, you know,
18 bugs in the house and piles of laundry, and it
19 was a pretty gross house, you know.

20 Q. Okay, and just tell me, have you ever arrested
21 Mr. Stigliano yourself?

22 A. I have. I've personally arrested him, I don't
23 want to guess, multiple times, and then I've
24 definitely been involved in other arrests where

1 he was arrested where other officers had arrested
2 him.

3 Q. And explain to me, have any of those arrests ever
4 been confrontational?

5 A. He gets -- he gets mouthy, and I think he
6 struggled a few times, but nothing over the top.
7 He's never been like a big fighter, that's why
8 honestly I left my house, I thought, hey, I'm
9 going to give warnings, and he knows me. I've
10 never given him, you know, a hard time. He's
11 gonna give up. He's gonna know I'm gonna release
12 the dog, why get arrested with a dog bite, and
13 that's why I honestly thought he was gonna give
14 up just on warnings.

15 Q. Okay, and as you were entering with your canine
16 into the house, is that what your thoughts are as
17 you are about to enter? What are you thinking as
18 you are entering?

19 A. I was honestly thinking before like I was waiting
20 because I was waiting for him to say, I give up,
21 you know, let me come out, because I didn't think
22 he was actually gonna let me release the dog into
23 the house and get bit. He usually -- we dealt
24 with him a bunch on prior arrests, even, you

1 know, a search warrant. We had done a search
2 warrant at his house. There was never anything,
3 you know --

4 Q. So you're familiar with him, and he's familiar
5 with most of the guys?

6 A. Yes.

7 Q. Okay, so you can continue on. You let the dog
8 loose.

9 A. So I let the dog go. The dog searched
10 independently the living room, the kitchen. He
11 went straight down the hall. He went into the
12 straight bedroom, came out, went into the other
13 bedroom, came out. He had a lot of interest
14 right in that hallway there, but there was also
15 -- that's where the dog was barking, it was right
16 there, so I didn't know how to take it, so I
17 called him back to me. At that time I knew at
18 least those areas are clean. He's not just in
19 the open anywhere there, and he's not in like a
20 closet or something because the dog, he's a
21 passive alert dog, so if he found him in like a
22 closet or something, he would stay at that point,
23 lay down, put his nose on the door.

24 Q. Okay.

1 A. So and he came back, so I knew he didn't have
2 anything, but he was acting to be an odor in the
3 hallway and just the way -- like I said, I wasn't
4 sure because there was that dog right there
5 trying to rip the -- rip the door apart.

6 Q. Right. So when you say he reacts passively, so
7 if someone was in a closet as you said, he would
8 lay down and would he bark or --

9 A. No, he's a find and bite dog, so if he finds you,
10 he's gonna bite you.

11 Q. Okay.

12 A. But he works with the SWAT team and as part of
13 the -- you know, obviously with the SWAT teams,
14 you don't want people to know you're coming, you
15 know, in that situation, so instead of barking
16 and scratching at a door, there's a guy in there,
17 he'll come around the corner, if he smells that
18 scene and there's a human in it, he'll just lay
19 down on the scene and lay there so when you come
20 around the corner, we can all look at each other
21 as police officers and say, somebody's in that,
22 and then we can get them out of there.

23 Q. Okay.

24 A. But he didn't do that. He came back to me, so I

1 was relatively confident at that point Andrew was
2 not on the first floor, but there was still, you
3 know, a basement and attic that he could get to.

4 Q. And describe the rest of the house. You said
5 there's the first floor. Describe the rest of
6 the house.

7 A. The basement, which we did not go in, I had prior
8 knowledge of that basement because I had been in
9 the house. The basement, the door is on the left
10 in the hallway and it goes down. It's pretty
11 much an unfinished basement. The last time I was
12 down there it was filled with dirty clothes and
13 dog feces. There was also cans of -- empty cans
14 of dog food with human urine in them all covered
15 all over the place when we did the search warrant
16 last time, so I was actually not looking forward
17 to sending the dog down there if I had to because
18 I knew there was -- I didn't want him to get into
19 anything, but we didn't go down there at that
20 point, and I'd never been in the attic until this
21 day, so I didn't have a -- I knew where the
22 scuttle was, but I'd never been up there.

23 Q. Okay, and what is your dog's name?

24 A. Canine Dax, D-a-x.

1 Q. Okay, and you called him back, and what did you
2 do next?

3 A. At that point which is what I usually do is now
4 that he's searched independently and has cleared
5 the main area of danger to us I then go with him
6 and we search again, and I just -- that way if
7 there's anything that needs to be lifted up or I
8 need to direct him, maybe he missed an area, I
9 can go with him.

10 So we went through. I know officers
11 followed me through. I'm not sure exactly which
12 ones. It was -- you know, it was one or all
13 three, which would be Lieutenant Briggs, Officer
14 Piers, or Sergeant Fawkes that were behind me,
15 but I just kind of kept the dog in front of me.
16 We did the kitchen and living room, moved down
17 the hallway, got to the bedrooms.

18 When I got to the point of the hallway
19 is when I noticed that there was a step ladder,
20 and not anything to do with the attic but just a
21 regular ladder up to the scuttle for the attic
22 and that ~~looked~~ ^{brake was} off. As I looked up, I could
23 also see what I thought to be at the time as a
24 fresh like scrape mark.

1 Q. And where's the scrape mark?

2 A. Like so if you're looking at the ladder and it's
3 going up the scuttle, it would be on that front
4 wall, and it looked like maybe like a shoe or
5 something went up, so I think at that time I sent
6 the dog back into the rooms which were right
7 here. They were right off of me, and I looked at
8 those guys pointing up, just like, hey, keep an
9 eye on that, and I just did the rooms real quick
10 with the dog, searched the closets and everything
11 and came up. And I think at that time I came
12 back out and I said to Lieutenant Briggs, "I
13 think he's in the attic," and it was right in the
14 area where the dog was showing some interest at
15 the odor. I mean the other dog was there, but it
16 made -- the whole thing made sense.

17 Q. Okay.

18 A. At that time we did get a radio transmission from
19 a dispatcher saying, the suspect's lawyer is on
20 the phone, and this is -- don't quote me on this.
21 It was something to do -- in the heat of the
22 moment. It was something to do with, the
23 suspect's lawyer is on the phone. He's in
24 contact with him. Use caution.

1 At the time I didn't take it as use
2 caution he's got a gun or -- you know. It was
3 more just use caution, the guy's on the phone
4 with his lawyer, you know, watch what you say to
5 him or, you know, that's how I took it at the
6 time.

7 Q. Okay, and also can you describe what the
8 conditions were in the house in terms of was it
9 hot? Was it cold?

10 A. It was pretty hot at that time. I mean I was
11 wearing my vest, but I was still -- I was
12 sweating pretty good at that point just in the
13 regular home, and the conditions still were --
14 the bedrooms and the hallways were just in as
15 much disarray as the kitchen and the living room.
16 It was pretty disgusting the whole way through.

17 Q. Okay, and at this time you made an indication to
18 Lieutenant Briggs you think he's up there?

19 A. Yeah.

20 Q. Do you remember who else was with Lieutenant
21 Briggs, if anyone?

22 A. I think at that point by the time we were at the
23 attic it was Lieutenant Briggs, Sergeant Fawkes,
24 and Kevin Piers, Officer Piers, all in the

1 hallway with me.

2 Q. Okay.

3 A. And that would mean Billy Foster and Officer
4 Oestreicher were still outside on parameter.

5 Q. Okay. All right, so what happened next?

6 A. At that time I again -- I made the decision I was
7 going to put the dog in the attic. I again gave
8 warnings, so the first one I actually did was a
9 personalized warning. I said, "Andrew," I said,
10 "it's Alberini. I know you're in the attic." I
11 said, "Come on out. I'm gonna send the dog up
12 there. He's gonna bite you and it's gonna hurt."
13 Nothing. Then I actually said to him, I think I
14 said, "Andrew, you're under arrest. The only
15 difference is you're gonna get arrested or you're
16 gonna get arrested with a dog bite. Just come
17 down." Nothing. So then I did my regular, you
18 know, "Police Canine, come out. The dog will
19 find you and bite you," once just to get the dog
20 ready. I lifted my dog onto my shoulder.

21 Q. What type of dog is it?

22 A. German Shepherd. Lifted him onto my shoulder
23 holding him -- holding his collar with my right
24 hand, and I climbed most of the way up the ladder

1 without exposing my own head to the attic. I
2 could see the attic was very dark, which was, you
3 know, I thought an advantage. My dog's black, so
4 you won't be able to see him when he's running
5 around, so what I did is I -- I believe I had
6 somebody behind me. I said, just hold me.
7 Somebody was giving me a little pressure from
8 behind. I switched my right hand to my dog's
9 rear end and pushed him up through.

10 As soon as he got up there -- it was an
11 unfinished attic, so there was just the joists
12 and the -- and the insulation, so he kind of --
13 he gave that quick look like I don't want to be
14 up here, you know, the dog, and then he -- I
15 could tell by his body language at that time he
16 got into odor because that whole attic is
17 probably, you know, 40 degrees hotter than the
18 house, and how odor works is it builds up and
19 builds and he's been up there, so the dog, I
20 could just tell by the way he snapped his head,
21 it's what we call a change in behavior. There
22 was a clear change in behavior and he took off.

23 And what happened is he ran from that
24 scuttle location. He ran north down the house

1 down the west side of the house. How that attic
2 was set up, and I didn't know at the time, but it
3 had I don't know if they were joists or beams
4 crossed in the middle, so it separated the two
5 sides. The dog ran down the side, and I could
6 tell by the way he was moving he was into odor,
7 that he was -- he had a little kick to his step
8 just on the sound.

9 At some point very quick I heard what I
10 thought was the dog struggle a little bit. I
11 wasn't sure if maybe he made contact with him,
12 with Andrew or what, or if he was stuck or
13 whatever, and I just peeked my head up a little
14 bit, and I noticed he was trying to jump over
15 through those things. I gave him the bite
16 command again real loud, and as soon as that
17 happened, he made contact with Andrew because I
18 heard Andrew yell and --

19 Q. And describe this attic area in terms of length
20 and width, and it can be just an approximation.

21 A. It was the length of the house. A guess would
22 be maybe close to 40 feet total lengthwise. The
23 scuttle would be maybe 10 to 15 feet off the
24 south side of the house, you know, and then -- so

1 then we were looking at -- and we were looking at
2 maybe 25, 30 feet from the scuttle to the north
3 side of the house.

4 Q. Okay, and what are the lighting conditions at --

5 A. It was pitch black. From what I can remember, I
6 couldn't see anything unless I was using my
7 flashlight.

8 Q. Okay. Did you have your flashlight with --

9 A. I had my flashlight in my left hand from that
10 point on.

11 Q. Okay, so and describe what else is -- is there
12 any furniture? Describe what else is in this
13 attic area. Is it just --

14 A. As far as -- because as I came up and looked and
15 I was just focused on what was going on, I
16 couldn't tell you one thing that was in that
17 attic besides me, that dog, and Andrew.

18 Q. Okay, and so what happened next?

19 A. As I heard the contact being made, I hit my
20 light, poked my head up and put my light towards
21 the noise. It would be on the northeast side
22 corner I saw Andrew sit up and grab my dog. I
23 had the light right on him so his back was now to
24 me. He had the dog by the face and the jowls,

1 and I could see he was trying to lift his jowls
2 off of him, and he yelled once, "Get the fucking
3 dog off me." At that point all I was thinking
4 was let's go get my -- let's go get this guy,
5 stop him from hitting my dog, and place him under
6 arrest. The dog's had other bites before.
7 Usually this is -- this is the end of the
8 situation. It's dog got him. Let's place him in
9 handcuffs. Let's bring him to jail.

10 Q. Okay, so as Andrew is struggling with the dog,
11 are you still -- where are you physically? Have
12 you started to gain -- get inside?

13 A. As soon as I saw him grab my dog like that, I
14 instantly tried getting myself into the attic,
15 got up there, and very clumsily made my way from
16 point A to point B. I crossed over and came up
17 right from behind Andrew, so I was actually
18 surprised I didn't fall through the ceiling
19 because I was in between the joists onto the
20 ceiling and the insulation.

21 As I got -- as I approached, I
22 approached directly, Andrew was in a seating
23 position -- seated position with his back to me
24 with the dog was on his left leg, lower leg. I'm

1 not sure, I still never saw exactly where he bit
2 him, but it was the lower leg, and he had him by
3 the face, by both sides of the face.

4 Q. Okay, and was he saying anything? He just said
5 that one --

6 A. Nothing at that point. He was just fighting the
7 dog. So as I approached, he was fighting the dog
8 pretty good. All I was thinking at that point is
9 I need to stop the fight with the dog, him and
10 the dog, and as I approached, I wound up to hit
11 him on the side of the face. As I wound up to
12 hit him, it was -- and I had my light on them
13 with my left hand. I went to hit him, and it was
14 like slow motion in mid swing as I approached it
15 was when I saw his left hand was now off the dog
16 and he was down, and as I came around to him, I
17 noticed he was pulling his arm up and instantly
18 recognized in his hand was a pump shotgun. I
19 could see the barrel come up first, and what I --
20 all I could remember of the gun is that it was a
21 pump, and I could clearly see rounds on the butt
22 stock, and instantly I just got that fear of, oh,
23 my God, you know, I could be shot.

24 I honestly wasn't thinking this kid's

1 got a gun at this point. I was just thinking
2 I've got to stop him from hurting my dog, he was
3 gonna fight with the dog, but as soon as I saw
4 that gun, all I could think of was I'm gonna get
5 shot.

6 Q. So just so I can make it clear, you have your
7 flashlight in your left hand?

8 A. Left hand.

9 Q. And you went to swing with your right hand?

10 A. Yes.

11 Q. And did you ever make contact with the swing?

12 A. Yes, I came and actually hit him with like this
13 part of my arm here like because I was trying to
14 wrap around, so I hit him like this, and it hit
15 him on the right side of his face, so probably
16 the right front of his face wrapped around. As I
17 hit him, I just followed through with it and kind
18 of like dove on him towards the gun, and I just
19 pressed my left hand with that flashlight, so now
20 the flashlight is kind of like on the gun, and I
21 pushed my left forearm into the back of his neck
22 and like over to his side and towards the gun
23 just trying to get -- and I instantly started
24 yelling, "Gun, gun, gun, drop the gun," as I was

1 pushing him away from the gun, and he still had
2 the dog at that point and the gun now with the
3 barrel up in the air.

4 Q. So he had the dog. He's struggling with the dog
5 with his left hand and he's --

6 A. His right hand.

7 Q. His right hand.

8 A. Left hand with the gun.

9 Q. And the left hand with the gun. I'm just trying
10 to get it straight in my own mind. Okay, and
11 before you indicated you did make contact with
12 your right hand and you pointed it was almost
13 like toward your wrist area?

14 A. Yeah, it was I would say like my inside of my
15 forearm because it was kind of wrapped around. I
16 wanted to make sure I hit him in the side of the
17 face and not his skull.

18 Q. Okay, and what happened next?

19 A. Like I said, as I pushed him over and I was
20 yelling, "Gun, gun, gun, drop the gun," I was
21 pushing him and he wasn't dropping the gun. It
22 was still there, and I started the sequence
23 again, "Gun, gun, gun, drop" -- and at that point
24 I think when I started that sequence, I started

1 to draw my firearm from my holster. As I did, I
2 drew it instantly pressed it into or close to his
3 body, which would be his ribs, it was like the
4 side of his ribs.

5 Q. Do you remember which side?

6 A. It would be his right side, and like I said, I
7 was just trying to push him towards the gun and
8 that's what was available, and I drew, fired two
9 quick shots almost like bang, bang. As soon as I
10 stopped, he dropped both the gun and the -- and
11 the dog, and the dog then just like started
12 pulling his leg back in, and I holstered quickly
13 and just at that point just started -- I pushed
14 his hands from where they were towards the dog to
15 the side and just kept -- and just at that point
16 just pushed his hands away from both the dog and
17 the gun.

18 Q. Okay, so just to bring you back from the
19 beginning, when you were issuing your warnings to
20 him to drop the weapon or drop the gun, he never
21 once complied with any of your demands? He never
22 let go of the dog, still struggled with the dog,
23 still made an attempt to access the shotgun?

24 A. He never released either one of the two until the

1 shots were actually fired.

2 Q. Okay.

3 A. And I believe -- like I said, I believe it was
4 two volleys of "Gun, gun, gun, drop the gun.
5 Gun, gun, gun, drop the gun," before I shot.

6 Q. Okay, and explain your thought. What's going
7 through your mind as he has your dog, struggling
8 with it, and he's going for a shotgun?

9 A. All I could think of was the gun and I've got two
10 little kids, and I was just thinking I'm gonna
11 get shot in this attic, you know, that was --
12 that's all I could think about was I'm gonna get
13 shot, and, you know, I'm a police officer for
14 seven years. I'm an avid hunter. Like I know --
15 I know what a shotgun can do. There's no -- you
16 know, you're not gonna get wounded by that.
17 You're gonna be dead, and all I could think of
18 was I can't believe from a dog call that I told
19 my neighbor that I was gonna be gone in ten --
20 you know, I'll be back in ten minutes to I'm in
21 this situation now where I'm gonna get shot.

22 Q. So is it fair to say that as this is going on you
23 feared for your safety?

24 A. Yes.

1 Q. And you feared for the safety of the officers
2 that are also in the house?

3 A. Yes.

4 Q. Now could you tell at this time were any other
5 officers in the attic with you, or do you even
6 know where they were?

7 A. At this time I know they were coming up behind
8 me, but at this time all I knew was that it was
9 just me and the dog and Andrew in the attic and
10 that's what was -- I had tunnel vision at that
11 point. I was just fixated on that gun that I
12 could see what I was doing.

13 Q. Okay, so you fired two rounds, and then you
14 reholstered?

15 A. I reholstered.

16 Q. And then what did you do next?

17 A. Like I said, I just held his arms. I pushed his
18 arms over the side and was just holding his arms
19 down. I think I had a hand on both of his arms
20 as I pushed him down and just waited. As I did
21 that, I just waited for somebody else to show up.

22 Q. Okay. Did you put any handcuffs on him or
23 anything like that?

24 A. No.

1 Q. Okay, and who is the first person you remember
2 coming upstairs?

3 A. Lieutenant Briggs.

4 Q. Okay, and during this time, did Mr. Stigliano
5 ever make any other statements?

6 A. No.

7 Q. Okay. Did he respond to any of -- did you try to
8 do first aid or CPR or anything?

9 A. I just secured his arms until I could get
10 somebody there because the firearm was still
11 right at his feet.

12 Q. Okay, and, again, now you have dropped your
13 flashlight?

14 A. I believe so. I don't even --

15 Q. Okay.

16 A. I really don't know at this point. I know I just
17 -- I held onto him as hard as I could until
18 somebody else showed up.

19 Q. Okay, and what was your dog doing at this time?

20 A. He was still on his bite, on his leg bite, what
21 would be what we call short stroking, so he was
22 just pulling, pulling, pulling on the leg.

23 Q. Okay, and once Lieutenant Briggs came into the
24 attic, then what did the two of you do?

1 A. He shined the light on me and said, "Are you
2 okay?" And I said, "Yeah, I'm okay." I said,
3 "Get the gun, get the gun." He grabbed the gun
4 and just turned around and gave it to somebody
5 else. Who he gave it to, I --

6 Q. This is the shotgun?

7 A. It's a shotgun. It was -- I don't know who he
8 gave it to, but then I said, "We need to secure
9 him and search him," and at that point Lieutenant
10 Briggs took over. He grabbed him, and I don't
11 know where he grabbed him, but he just -- I then
12 let go, and Lieutenant Briggs said, "Take care of
13 the dog. Get the dog off the bite. We don't
14 need him biting him anymore." And at that point
15 I just went -- and now there was three people,
16 three other people in the attic. It was
17 Lieutenant Briggs, Officer Piers, Sergeant Fawkes
18 then took over, you know. I took the dog off the
19 bite and instantly exited the attic.

20 Q. Okay, and what did you do next?

21 A. I got him down from the attic, walked him through
22 the house back out to the cruiser, put the dog --
23 I just looked him over, made sure he wasn't hurt.
24 He looked to be fine. I put him in the cruiser

1 and then just kind of took a breath, like, okay,
2 I'm out. I was kind of just relieved I made it
3 out of that situation.

4 Q. Do you remember who called for an ambulance?

5 A. I know at one point I think I did. I know the
6 Lieutenant did, and I know when I got outside I
7 remember -- I came outside when I put the dog out
8 and took that breath I remember not hearing --
9 not hearing sirens, and I got on the radio and I
10 was like, "Hey, step that ambulance up. Step it
11 up."

12 Q. Okay. Now at the time you don't know whether
13 he's dead or alive?

14 A. I know he didn't look good. I knew it was not
15 hopeful, but I didn't know he was -- if he was
16 alive or dead.

17 Q. What did he look like?

18 A. As -- when I was leaving the attic, his skin tone
19 was completely gray and he was, you know, very --
20 troubled breathing almost like he --

21 Q. But he was still -- it was labored breathing, but
22 he was still --

23 A. Yeah, there was noises, but it was -- I knew it
24 wasn't good for him.

- 1 Q. And he didn't make any statements?
- 2 A. No, nothing.
- 3 Q. What did you do next?
- 4 A. At that point I was covered in blood. I had
5 blood on both my face, my vest. My pants were
6 soaked through my legs with blood, my duty belt,
7 so as the fire and other cops were around, they
8 started just trying to like, hey, let's clean you
9 up. They started handing me like towels with
10 water on them to clean myself off.
- 11 Q. Okay. Did you sustain any injuries?
- 12 A. Just I had minor -- minor wounds on my shins from
13 the joists, but that was it, just scuffs.
- 14 Q. Okay. What type of firearm do you carry?
- 15 A. Glock 22 40 calliper.
- 16 Q. And how many rounds does it hold?
- 17 A. The magazines are 15 rounds, so you can put 16 in
18 the weapon if you put an extra one.
- 19 Q. Okay, and tell me about your training.
- 20 A. Firearms training?
- 21 Q. Yeah. Do you guys get -- does Ashland PD get
22 certified once a year, twice a year?
- 23 A. We usually -- I think the new policy is twice a
24 year. We try to do a qual once a year, and then

1 we try to do like some kind of other like tactile
2 training once a year like a low-light training or
3 something like that, but we do the MPTC qual at
4 least once a year.

5 Q. And you said earlier you were familiar with Mr.
6 Stigliano, and you received communication as you
7 were entering the attic that his attorney had
8 called the station to use caution was it?

9 A. I believe that's what I heard, yes.

10 Q. So just all the factors that are going through
11 your mind in terms of you have had a history with
12 him, has he ever had any -- did you know that he
13 had weapons in the house?

14 A. I did. We had -- during a search warrant, they
15 took a shotgun out of the house, and then after
16 that, actually just a few months ago, I believe
17 it was the same warrants that we were trying to
18 arrest him on, Officer Piers was in the home
19 looking for him and found a -- I think it was a
20 16 gauge shotgun shell in the home. But honestly
21 like at this point, I'm thinking back on the
22 whole thing, I feel it's a mistake that I never
23 was thinking that he could be armed up there
24 because I think I put myself at a tactile

1 disadvantage where I could have been hurt, you
2 know, I would have been hurt worse, you know,
3 than anybody that -- just the situation I put
4 myself in. If I was thinking gun, I wouldn't
5 have put my dog in the attic. We would have done
6 like a SWAT call out, got the SWAT team, but I
7 was never -- I should have been thinking he could
8 be armed, but I didn't, you know. I don't think
9 any of us were at the time.

10 Q. Okay. Is there anything else that you can think
11 of or is there anything that I haven't asked you?
12 And your attorney can ask some questions that I
13 might have left out. Anything that you can
14 remember that you want to get on the record?

15 A. I'm trying to think.

16 **MR. SANDULLI:** The breed of the dog?

17 **WITNESS:** The breed of the dog is a
18 German shepherd. He's a dual purpose dog, so he
19 does both drugs and patrol work, and he works
20 with the SWAT team.

21 Q. Has he had any bites before?

22 A. Yes.

23 Q. About how many approximate bites has he had?

24 A. I think approximately eight, eight or nine, or

1 this is the eighth or ninth.

2 Q. Okay.

3 **MR. SANDULLI:** The other thing was I
4 want to make sure we had all, everything that
5 Stigliano said. I heard you saying that he said
6 get -- he said, "Get the fucking dog off me."

7 **WITNESS:** That's the only words I ever
8 heard him say.

9 **MR. SANDULLI:** The only words you heard
10 from him at any point?

11 **WITNESS:** And that was right as I
12 believe the dog bit him or shortly after, but
13 that's it, that's all I heard. Like I said, he
14 -- you know, as long as it took me to get over
15 there, which I assume I made it over to his
16 location pretty fast, but I mean it took me a
17 while to negotiate the rafters and the
18 insulation, he was still fighting with the dog,
19 and I never heard another word from him until he
20 -- even when he knew I was there when I was
21 physically struggling with him and he was going
22 for the gun, he never said anything. Even when I
23 was yelling, "Gun, gun, gun, drop the gun," he
24 never made another word.

1 Q. Okay. How long did you stay at the scene after
2 the incident happened?

3 A. Not too long, just long enough to -- the guys on
4 scene and fire department helped me get some of
5 my bloody -- like my vest, my duty belt off. You
6 know, they went through the procedure of taking
7 my firearm that was involved, and then they -- I
8 was quickly transported to the hospital.

9 MR. HUNTE: Okay. Do you have any other
10 questions?

11 MR. SANDULLI: I'm all set. I had notes
12 here of what needed to be covered and then they
13 all got covered.

14 MR. HUNTE: Okay, great. All right,
15 we're going to conclude this interview right now.
16 The time is approximately 11 a.m.

17

18 (WHEREUPON, on-the-record interview was
19 concluded at 11:04 a.m.)

20

21

22

23

24

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 Christopher Alberini was taken before me on July 10, 2013. The said 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 20th day of July, 2013.

Amy Marascio, Notary Public

My Commission Expires:
June 24, 2016

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