

INTERVIEW OF: Scott Ogden

Tuesday, August 30, 2011
Tisbury Police Department
Water Street
Tisbury, MA

APPEARANCES:

Brian Maser, Esq.
Kopelman & Paige, P.C.
101 Arch Street
Boston, MA 02110

JOHN M. BECKER, ESQ.
Sandulli Grace, PC
44 School Street, Suite 1100
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Also Present:

Police Chief, Daniel Hanavan
Town Administrator, John Bugbee

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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1 P R O C E E D I N G S

2 SCOTT OGDEN, having been duly identified
3 and sworn testified as follows:

4 Direct Examination

5 Q. (By Mr. Maser) Good morning, Officer Ogden.

6 A. Good morning.

7 Q. We met before. My name is Brian Maser. I
8 am an attorney with Kopelman & Paige, and I am going
9 to be asking you some questions. Before I get
10 started, just informally do you mind if I call you
11 Scott at some point during the questioning?

12 A. Whatever you would like.

13 Q. Thank you. You're here today pursuant to an
14 order to appear from Chief Hanavan, is that fair to
15 say?

16 A. Yes.

17 Q. You understand that the questions I am going
18 to ask of you today, there is an expectation that you
19 will be providing truthful answers to those
20 questions, is that understood?

21 A. Yes.

22 Q. You understand if your answers are
23 untruthful there could be negative consequences in

1 the form of discipline up to and including discharge
2 of your employment?

3 A. Yes.

4 Q. The questions are going to concern an
5 incident to which you responded in the late evening
6 hours of July 23, 2011, and the incident that spilled
7 over into the early-morning hours of July 24, is that
8 your understanding of why you're here today?

9 A. I believe so, yes.

10 Q. Have you ever been deposed before or been
11 interviewed with a court reporter in the room?

12 A. Not in this manner, no.

13 Q. In another manner?

14 A. Yes.

15 Q. When?

16 A. It was with the former chief.

17 Q. You have been interviewed?

18 A. Not with a stenographer and town
19 administrator and a counselor. It was just the
20 chief. This is new.

21 Q. This is new with respect to the court
22 reporter being in the room?

23 A. And everybody in the room, with you, the

1 counselor and town administrator, absolutely. I've
2 never seen this before.

3 Q. So just a couple of quick ground rules so
4 that the questioning and answers, the entire
5 procedure kind of runs a little bit more smoothly.
6 It would be beneficial or for ease of the questions
7 and answers if you would allow me to finish my
8 question before you provide an answer, is that
9 understood?

10 A. Absolutely.

11 Q. Obviously with the court reporter here
12 taking down everything we say, we cannot have
13 non-verbal responses like shaking your head,
14 everything has to be yes or no, is that fair?

15 A. Yes.

16 Q. If I ask you a question and you answer it, I
17 am going to assume you understood, okay?

18 A. Yes.

19 Q. If at any time you need a break, all you
20 need to do is ask and we will go off the record and
21 you can step outside and speak to your attorney or
22 speak to the union's attorney or anything like that,
23 fair?

1 A. Yes.

2 Q. Mr. Becker is here with you this morning?

3 A. Yes.

4 Q. He is here with your consent, your
5 understanding, your authorization, correct?

6 A. Yes.

7 Q. Scott, could you state your name for the
8 record and spell your last name, please.

9 A. Scott J. Ogden, O-G-D-E-N.

10 Q. Scott, how long have you been with the
11 Tisbury Police Department?

12 A. I think I started as a special for 2001 I
13 believe and then full time 2002, in December of 2002.

14 Q. So you are coming up on nine years in
15 December?

16 A. I believe so, yes.

17 Q. Your current position is?

18 A. Patrolman.

19 Q. How many other patrolmen are employed by the
20 Tisbury Police Department right now?

21 A. Do you mind if I count on my fingers?

22 Q. Go right ahead.

23 A. I believe eight including the detective.

1 He's a patrolman but assigned as a detective. I
2 believe eight.

3 Q. Of those eight where are you in terms of
4 seniority, are you one of the senior patrol officers
5 in the department?

6 A. I guess I am third from the top or from the
7 top patrolman. There's Gately, the detective, and
8 then me.

9 Q. What is the Detective's name?

10 A. Mark Santon.

11 Q. Can you spell that, please?

12 A. S-A-N-T-O-N.

13 THE WITNESS: Is it T-O-N or T-A-N.

14 CHIEF HANAVAN: T-O-N.

15 Q. What shift are you currently on?

16 A. 4:00 to 12:00.

17 Q. On the evening in question, July 23, from
18 your report it reads as if you were on the police
19 department's motorcycle.

20 A. Yes.

21 Q. Are you always on the bike?

22 A. Not always.

23 Q. Is it fair to say the department has

1 policies and procedures in place that govern what is
2 expected of officers when they respond to certain
3 calls?

4 A. Yes.

5 Q. Are you aware of those policies and
6 procedures?

7 A. Yes.

8 Q. Have you read them?

9 A. Yes.

10 Q. You've understood them?

11 A. Yes.

12 Q. Do you have any understanding about who
13 prepared them or how they went about being prepared
14 and published?

15 A. No. They came from administration.

16 Q. And these policies and procedures, they
17 cover child abuse instances, correct?

18 A. Yes.

19 Q. And sexual assault investigations and
20 incidences, is that fair to say?

21 A. Yes.

22 Q. And domestic violence incidences as well?

23 A. Yes.

1 Q. It would be fair to say there's a general
2 expectation from the department that the officers who
3 are employed within the department follow those
4 policies and procedures when they respond to calls
5 for service?

6 A. Yes.

7 Q. To the best of your ability you attempt to
8 follow those policies and procedures when you respond
9 to calls, is that fair to say?

10 A. Absolutely.

11 Q. Now, since August 1, 2011, have you had any
12 conversations with Sergeant Fiske concerning this
13 matter?

14 A. No.

15 Q. You never had any telephone calls or e-mail
16 communications with him of any kind concerning the
17 town's investigation of this incident?

18 A. No.

19 Q. The incident itself on July 23, 2011,
20 spilling over to July 24 -- if at any point you need
21 to refer to the report that you prepared that
22 evening, simply ask and we will use it to refresh
23 your memory.

1 A. Okay.

2 Q. When was the last time you reviewed that
3 report?

4 A. I don't know. After I wrote it.

5 Q. Not within the last week?

6 A. No.

7 Q. Nothing this morning?

8 A. No. I don't think I can gain access to it
9 anymore.

10 Q. Why is that your understanding?

11 A. Because it's a rape case now and it's been
12 taken out of the system as far as I know. The files
13 have been secured.

14 Q. Have you attempted to look at it since you
15 wrote it?

16 A. After but it wasn't there.

17 Q. When after?

18 A. I don't know. A day, the day after. I
19 don't know. Within a week or so, around there.

20 Q. Since that time you have not made a
21 subsequent effort to see if it was in the system
22 because when you looked it wasn't there at that time?

23 A. It wasn't there.

1 Q. Do you recall, do you have a recollection
2 today of the events surrounding that incident?

3 A. Yes.

4 Q. Do you recall what time the call for
5 service, the initial call for service came into the
6 police department?

7 A. Around ten sometime, ten or eleven,
8 somewhere around there.

9 Q. Were you on active patrol at that time, were
10 you at the station?

11 A. I don't recall.

12 Q. Do you recall responding to the scene?

13 A. Yes.

14 Q. Why don't you take me through your
15 recollection and if at some point I need to stop you,
16 I will stop you but I'll do my best not to do that
17 while you're giving me your recollection. Go ahead.

18 A. I responded on the bike, had a little bit of
19 trouble finding the house at first because it's set
20 back. I located the house and pulled in.

21 Q. From which direction did you approach the
22 house, when you drove up was the house on your
23 left-hand side or your right-hand side?

1 A. Left.

2 Q. Is it fair to say you proceeded past the
3 house to the corner of MV Times Redaction

4 A. Yes.

5 Q. Did you then realize, okay, I passed the
6 house or did an officer advise you of that?

7 A. No.

8 Q. No?

9 A. No.

10 Q. You realized you passed the house and saw
11 the location?

12 A. No, I didn't pass the house.

13 Q. You didn't pass the house?

14 A. No.

15 Q. Did you arrive by yourself or with other
16 officers?

17 A. With other officers.

18 Q. Would it be fair to say you all arrived
19 essentially at the same time?

20 A. Yes.

21 Q. The other officers or personnel would have
22 been Sergeant Fiske and Officer Gately?

23 A. Correct.

1 Q. When you arrived at the scene, where do you
2 travel, where do you go on your bike?

3 A. [MV Times Redaction] driveway.

4 Q. So is it fair to say -- is there an exit way
5 from the property onto [MV Times Redaction]

6 A. Yes.

7 Q. And you position your bike at the end of
8 that driveway?

9 A. Yes.

10 Q. Do you see anything when you arrive?

11 A. Yes.

12 Q. What do you see?

13 A. A shirtless man running from like the
14 neighbor's house, behind their house.

15 Q. You see a shirtless man. Is he running away
16 from the property, from the residence that is at the
17 rear of the property?

18 A. Yes, he's running like in between the two. I
19 pulled in on the bike and shined my headlight and
20 there's a shirtless man.

21 Q. In that yard?

22 A. In that area, yes.

23 Q. Is there a swing set or jungle gym in the

1 general vicinity?

2 A. I don't recall.

3 Q. So you pull up and you shine your spotlight
4 into the backyard of this property?

5 A. It wasn't my spotlight. It was the
6 motorcycle headlight.

7 Q. Sorry, the motorcycle headlight, my
8 misunderstanding. You pull in and the spotlight
9 actually flashes on the backyard and you see a man
10 with no shirt on running away from the property?

11 A. Yes.

12 Q. Running from the house?

13 A. Running from the property. I didn't see him
14 exit the house.

15 Q. He was already outside?

16 A. He was already outside.

17 Q. The direction he is running, is he running
18 away from you towards the left side of the house or
19 towards -- like would it be a situation where he was
20 like almost running up

MV Times Redaction

21 A. No, he wasn't running up

MV Times Redaction

The

22 other way. I think I stayed east which is -- if I'm

23 looking at the house, it would be my left.

MV Times Redaction

1 would be to my right, the house is directly in front
2 of me and then he is behind running left.

3 Q. Is there another residential development or
4 house that is behind that house?

5 A. Yes.

6 Q. Was he running in that direction?

7 A. Yes. I would say more like in between his
8 residence, what I found out later was his residence
9 and the other house.

10 Q. When you see this individual running away
11 from the house, what happens next? Actually strike
12 that. You have to report your arrival on the scene I
13 would imagine, right, to the dispatcher?

14 A. I didn't.

15 Q. Who did?

16 A. I don't know.

17 Q. But it's standard that one officer could
18 advise dispatch of the arrival of any number of
19 personnel at the scene of a call?

20 A. Yes.

21 Q. So you arrive and you see the shirtless man
22 running from the property. What do you do next?

23 A. I approach the house.

1 Q. And when you approach the house, are you
2 with either Sergeant Fiske or Officer Gately?

3 A. I'm with Officer Gately.

4 Q. What are you and Officer Gately talking
5 about at that point in time, anything?

6 A. Nothing, not that I recall, having any
7 conversation.

8 Q. No conversation with Officer Gately as you
9 approach the house?

10 A. No.

11 Q. When you get to the house, what do you do?

12 A. I believe I knocked on the door. There was
13 no answer, and I started walking around the other
14 side of the house.

15 Q. The side from which you came?

16 A. No, the other side.

17 Q. Where is Officer Gately around this time?

18 A. At the door knocking.

19 Q. So you knock, no answer. You walk around
20 the other side of the house and Officer Gately stays
21 at the front?

22 A. Yes.

23 Q. What is the purpose of you walking around

1 the other side of the house?

2 A. To see where that shirtless man went.

3 Q. How do you go about doing that?

4 A. I walked around the house to the last area
5 that I saw him.

6 Q. Do you use any type of department-issued
7 equipment to assist you in the search, a flashlight,
8 anything?

9 A. Yes.

10 Q. So yes would be you used your flashlight?

11 A. Yes.

12 Q. Do you recall how long you searched that
13 area?

14 A. It was a while. I don't know. It was from
15 then until the ambulance arrived. I don't know how
16 long that was.

17 Q. Would it be five to ten minutes, longer than
18 that?

19 A. Longer than that.

20 Q. Longer than ten minutes?

21 A. Yes.

22 Q. Longer than twenty minutes?

23 A. Possibly.

1 Q. During this initial say twenty-minute search
2 or up to twenty-minute search, any conversation
3 between you and Officer Gately at the scene?

4 A. No.

5 Q. Any conversation between you and Sergeant
6 Fiske at the scene?

7 A. No.

8 Q. During this twenty-minute search or to the
9 best of your memory this twenty-minute search
10 Sergeant Fiske is in that same general area in the
11 back of house looking for this man, is that fair to
12 say?

13 A. I don't know.

14 Q. You never saw him?

15 A. No.

16 Q. So you don't have any recollection of the
17 two of you talking in the backyard about where the
18 men went, his location, what he was wearing, anything
19 like that?

20 A. No.

21 Q. Do you have any recollection of where
22 Sergeant Fiske was at the time you were looking for
23 this man for twenty minutes?

1 A. No.

2 Q. Did you ever communicate to your sergeant
3 that you observed a shirtless man running from the
4 residence?

5 A. No, I didn't.

6 Q. After you're done, after this possible
7 twenty-minute period in which you're looking for this
8 individual who runs off into the woods, what do you
9 do next?

10 A. After it?

11 Q. Well, at some point you stopped searching
12 for this individual in the backyard, is that fair to
13 say?

14 A. Yes.

15 Q. What do you do from there?

16 A. Returned to the house.

17 Q. You returned to the house?

18 A. Oh, to the driveway where the ambulance had
19 shown up.

20 Q. So you reported or you returned back to the
21 driveway and when you get there the ambulance is
22 there?

23 A. Yes.

1 Q. While you are walking back from the yard to
2 the ambulance, where is Officer Gately?

3 A. I don't recall when I first got back where
4 he was.

5 Q. What about Sergeant Fiske?

6 A. I don't recall either.

7 Q. So you have no recollection, present
8 recollection of where Sergeant Fiske or Officer
9 Gately are when you finish your search and go back to
10 the driveway?

11 A. No.

12 Q. When you get to the driveway, there's an
13 ambulance there?

14 A. There's an ambulance, yes.

15 Q. Where is Sergeant Fiske then?

16 A. They're there. I mean I can't say standing
17 right to the right of me or to the left of me. They
18 are there where the ambulance and house is. I don't
19 know specifically where they were.

20 Q. At this time do you have any conversations
21 with Sergeant Fiske at all concerning the incident?

22 A. No.

23 Q. So even at this point you don't tell your

1 sergeant, "Hey, I rolled up, I saw a shirtless man
2 running away from the property"?

3 A. No.

4 Q. Did you tell anybody that?

5 A. I don't recall telling anybody that, no.

6 Q. There are occasions where you work and in
7 spite of your being a patrol officer you're
8 considered to be the officer in charge of the shift?

9 A. There are times that I don't think that is
10 even accurate anymore.

11 Q. What does that mean?

12 A. It means I don't think -- because there has
13 been talk that there's no OIC pay or something
14 so there's no OIC but there is an OIC, I don't know.

15 Q. In spite of pay if you're the senior patrol
16 officer on shift and there is no sergeant on the
17 shift, you would be designated officer in charge of
18 the shift, right?

19 A. Yes.

20 Q. With that designation comes certain
21 responsibilities I would think?

22 A. I guess.

23 Q. You don't think so?

1 A. Yes, I'd say so but --

2 Q. Would you expect that maybe your patrol
3 officers to keep you informed of a situation or the
4 events surrounding a situation?

5 A. Yes.

6 Q. Would it be fair to say that it would be
7 somewhat relevant to tell your sergeant that, "Hey, I
8 pulled up and saw a guy running from the property,"
9 do you think that would be important?

10 A. I assumed everyone else saw it as well.

11 Q. I am not asking what you assume. Well, do
12 you think it would be important for you to learn that
13 as the officer in charge when you respond to a scene?

14 A. Yes.

15 Q. Now, at the time that you were at the
16 ambulance here and you have not informed Sergeant
17 Fiske that you saw this individual running from the
18 property, do you have any understanding whether or
19 not Sergeant Fiske even knows that this man, that
20 there was an individual running from the property?

21 A. Do you want me to speculate what Sergeant
22 Fiske knows?

23 Q. I'm asking if anybody else may have said

1 anything in your presence in which Sergeant Fiske
2 became aware of this.

3 A. I don't recall.

4 Q. Do you have any conversations when you're at
5 the ambulance with the female victim being
6 transported to the hospital?

7 A. No.

8 Q. Do you have any conversations with any of
9 the minor children or the babysitter in the residence
10 in and around the time that the mother is being
11 transported to the hospital?

12 A. No.

13 Q. At any point while you're there do you have
14 any conversations with anybody?

15 A. Throughout the entire call?

16 Q. Yes.

17 A. Yes.

18 Q. Who did you talk with? Did you talk at any
19 point to any of the minor children or the nanny in
20 the residence at any point you were there?

21 A. Any time?

22 Q. Any time.

23 A. Yes.

1 Q. When was that?

2 A. The second time we got called back.

3 Q. So you don't talk to anybody in the house
4 until after you guys return to the police station and
5 the second call for service comes in?

6 A. Yes.

7 Q. Did you have an understanding before you
8 left that there was an allegation that a minor had
9 been sexually assaulted in the residence?

10 A. Not sexually assaulted.

11 Q. What?

12 A. Hovering. It's something I overheard.

13 Q. Now, when you're on scene you have a
14 shoulder mike on your uniform?

15 A. No.

16 Q. Did you have like a walkie-talkie or two-way
17 on your waist?

18 A. A radio on my belt, yes.

19 Q. On your belt, okay. The radio
20 communications, can you hear other officers from
21 Tisbury speaking with one another?

22 A. Can I hear the officers?

23 Q. Yes.

1 A. Yes, I can hear other officers.

2 Q. You obviously hear calls for service from
3 the communication center through that two-way radio
4 that is on your belt, would that be fair to say?

5 A. Yes.

6 Q. Would it be your testimony that while you
7 were at this residence on MV Times Redaction that you
8 never heard the communications center report that
9 there was an allegation of a rape at that residence,
10 you didn't hear that?

11 A. No.

12 Q. Would it be your statement today that
13 neither Officer Gately nor Sergeant Fiske told you at
14 the scene there was an allegation of a sexual assault
15 or that a minor female had been sexually assaulted?

16 A. Is it my -- explain again.

17 Q. Would it be your statement today that
18 Sergeant Fiske and Officer Gately, neither one of
19 them told you that this minor female who was at the
20 residence was sexually assaulted?

21 A. Yes.

22 Q. They didn't say that?

23 A. No.

1 Q. Not to you?

2 A. Not to me.

3 Q. So while you are there at the residence do
4 you ever come to an understanding of what occurred at
5 the residence that resulted in your guys being called
6 to that residence?

7 A. Yes.

8 Q. What is that?

9 A. It was that the wife got beat up by the
10 husband.

11 Q. So during the time that you're there, the
12 entire time that you're there your understanding is
13 it's a domestic incident between a husband and a
14 wife?

15 A. Yes.

16 Q. And there are policies within the department
17 that apply to that type of situation, would that be
18 fair to say?

19 A. To a domestic?

20 Q. Yes.

21 A. Yes.

22 Q. Would you agree with me that at that point
23 in time when you arrived there there is a domestic

1 incident or, excuse me, a domestic incident report
2 that the wife is beat up by her husband, you're
3 there, there is a crime scene at that point in time
4 at that residence, would that be fair to say?

5 A. Crime scene? Yes, I guess.

6 Q. Do you do anything while you're at the
7 residence to secure it? Do you take any photos, do
8 you recover any evidence, do you conduct any
9 interviews?

10 A. I don't understand what time frame you're
11 talking about here. Any time I was there or --

12 Q. For now obviously we are talking about prior
13 to being called back.

14 A. Prior to being called back.

15 Q. Yes. The first response, after you get done
16 searching, go around to the ambulance, at any point
17 in time did you enter the house to take photographs
18 or interview any potential witnesses or secure any
19 evidence after you understood there was a domestic
20 incident?

21 A. No. I mean I entered the house, but I
22 didn't photograph -- you said photograph and what
23 else?

1 Q. Photograph --

2 A. Talk to anybody?

3 Q. Yes.

4 A. I entered the house, but I didn't talk to
5 anybody.

6 Q. You entered the house to do what?

7 A. Secure the rear door, make sure the doors
8 were functioning.

9 Q. Do you see anybody while you do this?

10 A. I don't -- I can't recall right at this time
11 if I did.

12 Q. You don't recall seeing the minor female,
13 nanny, babysitter or any of the kids?

14 A. No.

15 Q. While you do this, this is before or after
16 the ambulance departs with the wife?

17 A. I don't recall if the ambulance was there or
18 not.

19 Q. Did you overhear any comments that the wife
20 made before being transported in the ambulance to the
21 hospital?

22 A. No.

23 Q. What was the purpose of entering the

1 residence to see if the rear door was secured?

2 A. Because the guy was still out there.

3 Q. So you had a man fleeing from the residence,
4 you had not been able to locate him at this point in
5 time, correct?

6 A. Yes.

7 Q. Would it be fair to say you considered the
8 individual a threat, is that why you checked the rear
9 door to see if it was secure?

10 A. No.

11 Q. No. Why check the lock?

12 A. Because that leaves him one access back to
13 the house. If the doors are not open in the back, he
14 has to come around the front. I'm trying to limit
15 his -- if he comes back. Who knows.

16 Q. You never had any individual conversations
17 with the mother before she was transported to the
18 hospital?

19 A. No.

20 Q. You never overheard her saying anything? I
21 think we covered that, but I want to make sure.

22 A. No.

23 Q. Do you know if anybody spoke with her?

1 A. Do I personally?

2 Q. Yes.

3 A. No.

4 Q. Did you ever hear Sergeant Fiske or Officer
5 Gately say to the mother that they were not going to
6 leave the children unattended?

7 A. No.

8 Q. Did you say it?

9 A. No.

10 Q. Did you overhear any comments about not
11 leaving the children unattended?

12 A. No.

13 Q. So after you check the locks in the
14 residence, you come back outside, would that be fair
15 to say?

16 A. Yes.

17 Q. When you come back outside, has the
18 ambulance departed or is it still in the driveway?

19 A. I don't recall.

20 Q. At any point prior to the ambulance leaving
21 did you get a physical view of the wife, did you see
22 her condition?

23 A. No.

1 Q. Did you learn from any officers, either
2 Sergeant Fiske or Officer Gately as to what occurred
3 to her in the residence?

4 A. No.

5 Q. But you understood it to be a domestic
6 incident?

7 A. Yes.

8 Q. But no specifics were given to you, she was

9 MV Times Redaction nothing like that?

10 A. No.

11 Q. After you exit the residence, where do you
12 go immediately after you walk out?

13 A. Back to searching.

14 Q. You go back around the back of the house?

15 A. Yes.

16 Q. And how long are you back there for?

17 A. I don't know. A long time. I mean I went
18 back there, back inside. I was all over the place.

19 Q. When you say a long time, would it be
20 longer -- I think you testified previously that you
21 may have looked up to twenty minutes the first time.
22 Would it be longer than that the second time?

23 A. I believe so, yes.

1 Q. And the same manner of searching with a
2 flashlight, without a flashlight?

3 A. Without.

4 Q. Did you walk -- I know that the rear of the
5 house and the side of the house are I guess enclosed
6 by bushes, shrubs and trees. Did you actually enter
7 into that area and look and search in the area or did
8 you walk essentially like the periphery of the
9 backyard?

10 A. What time frame are you talking about?

11 Q. I am talking about the second time that you
12 were looking.

13 A. During the second time I did enter into the
14 shrubbery on the power lines.

15 Q. Where was Sergeant Fiske at this time, any
16 idea?

17 A. Right at that time, no.

18 Q. Did you have any conversations with Sergeant
19 Fiske during the second search?

20 A. I know at one point I did call him on the
21 Nextel and say that I think I heard something, I
22 flashed my light and he came over and we searched
23 that area but we couldn't find anything.

1 Q. On the Nextel what do you have, a two-way or
2 is that a cell phone?

3 A. Cell phone.

4 Q. Do you have like a push to talk?

5 A. Yes.

6 Q. He has one obviously as well?

7 A. Yes.

8 Q. He comes over and you're searching in the
9 same general area for how long?

10 A. To where I heard the noise and searched that
11 area and there was nothing.

12 Q. How long were you and Sergeant Fiske looking
13 in the general area?

14 A. He was on the other side of the bushes.
15 Five minutes -- I can't say exactly. I wasn't
16 watching my watch. So I don't know.

17 Q. Fair enough. Any conversations with
18 Sergeant Fiske during this time?

19 A. Other than I thought I heard something, you
20 know.

21 Q. At the conclusion of that search what do you
22 do next?

23 A. I mean --

1 Q. You stated a moment ago that you were
2 looking in the backyard and then actually went into
3 the wooded area.

4 A. The power line side.

5 Q. Power line side?

6 A. Yes.

7 Q. And you were searching there you said for a
8 long time, right?

9 A. Yes.

10 Q. What do you do after the long time ends,
11 where do you go?

12 A. Back to the station.

13 Q. You have to walk through the yard I would
14 assume or through the property back to your
15 motorcycle?

16 A. Yes. I moved that at some point to give the
17 illusion that we left. We hid the bike where the
18 house is. There's a house in the front off to the
19 left. I moved it up there so it would not be visible
20 from back there. It was still on the roadway. It
21 was on MV Times Redaction. I moved it out of the driveway
22 and up there, and I took off my straps and we
23 searched and then -- you're asking when we left?

1 Q. I am asking you what you did when you
2 stopped searching. Did you go back to the house, did
3 you get on bike and leave, did you check another area
4 of the property? I understand that when you got done
5 searching in the backyard you had walked to your bike
6 and returned to the police station.

7 A. Right.

8 Q. Where is Sergeant Fiske when you return to
9 your bike, is he with you?

10 A. Yes. We met up at the road because his car
11 was down the road.

12 Q. So when you stopped searching, it wasn't a
13 situation with you and Sergeant Fiske walked back to
14 your motorcycle?

15 A. No, we met up. We were in two different
16 areas searching. Most of the time I was like at a
17 tree near the house. I took my straps off so I
18 wasn't visible.

19 Q. Reflective straps?

20 A. Yes. I took those off and left them with
21 the bike, and I was standing by the tree so we
22 weren't in the same area. We kind of were, but he
23 was off over there to the right of me I guess I would

1 say.

2 Q. Then you get on your bike and you go back to
3 the station?

4 A. Yes.

5 Q. How long of a ride is it from MV Times Redaction
6 back to the station given the time of night? It's
7 past midnight at this point, right?

8 A. Right.

9 Q. Five minutes?

10 A. Yes.

11 Q. Max?

12 A. Max probably.

13 Q. At this point it's past midnight so the
14 officers who were on the twelve-to-eight shift are at
15 the station or they reported for duty?

16 A. Yes.

17 Q. I think you testified or you stated a moment
18 ago that -- before you traveled back to the station,
19 did you and Sergeant Fiske meet up?

20 A. Yes.

21 Q. What is reported to you at this point, do
22 you have any conversation with Sergeant Fiske?

23 A. I don't know where this guy is. I said,

1 "I'm getting eaten alive out here and this guy had no
2 shirt when I saw him. I don't know where he is. I
3 don't know if he's in the area anymore."

4 Q. Your conversation concerned really, hey, we
5 can't find this guy, I can't find him and then you
6 made your way back to the station?

7 A. Right.

8 Q. Now, you provided a statement to Chief
9 Hanavan. I'm reading from the second paragraph.
10 Before I do that, Scott, do you recognize that only
11 not with the highlighting?

12 A. I didn't do the yellow stuff.

13 Q. Yes.

14 A. Yes.

15 Q. I am going to read from the second
16 paragraph. It says, "I did not have any conversation
17 with Officer Gately but was informed by Sergeant
18 Fiske that the victim of the domestic assault was
19 going to be transported to the hospital. In addition
20 Sergeant Fiske advised me that the cousin of the
21 victim was going to remain at the residence to watch
22 the children until the victim returned to the
23 hospital. I only entered the house to check the

1 locks on the door and did not have any further
2 conversation with either Sergeant Fiske or Officer
3 Gately."

4 A. Yes.

5 Q. So it would be your statement -- when you
6 prepared this for Chief Hanavan, it was obviously
7 something that you prepared and you prepared it so it
8 was a truthful statement, correct?

9 A. Absolutely.

10 Q. And so that it was a complete statement?

11 A. Yes.

12 Q. So it was a complete and truthful statement
13 from you to the chief concerning your conversations
14 with Sergeant Fiske and Officer Gately at the scene?

15 A. Yes.

16 Q. And so it would be your statement that
17 Sergeant Fiske never said to you that there was an
18 allegation that the minor female in the residence had
19 been assaulted sexually by the husband of the wife
20 who was taken to the hospital?

21 A. Absolutely.

22 Q. You were never told that?

23 A. No.

1 Q. Did you check the doors upon orders from
2 Sergeant Fiske or just of your own volition?

3 A. My own.

4 Q. That was because there's this guy out there
5 and we don't know where he is, right?

6 A. Yes.

7 Q. Did you come to an understanding prior to
8 your leaving to go back to the police station who the
9 individual was?

10 A. Yes.

11 Q. You learned that his name was David I would
12 imagine, right?

13 A. Yes.

14 Q. Did you learn at any point prior to heading
15 back to the station that there was a 209A restraining
16 order that had been taken out against him?

17 A. Before heading back?

18 Q. Yes.

19 A. Yes, I did.

20 Q. So you know there's a 209A that had been
21 taken out against him previously and you're
22 essentially at his residence because he essentially
23 beat up his wife?

1 A. Yes.

2 Q. And you don't have any understanding that
3 there's a sexual assault that may have occurred in
4 the residence at that time prior to leaving?

5 A. No.

6 Q. When do you come to learn that?

7 A. Like I said, it was mentioned as hovering.
8 It wasn't a conversation I had with anybody. I heard
9 something about a hovering. It was domestic.
10 Officer Fiske and Officer Gately were discussing what
11 was going on, and I was in the area but it wasn't
12 like I was involved in the conversation.

13 Q. Fine. You understood it to be a situation
14 where this man may have been hovering, what, around
15 the minor female?

16 A. Yes.

17 Q. And my question is: When do you come to an
18 understanding that the hovering was more along the
19 lines of a sexual assault if ever? Did you ever
20 learn that?

21 A. I believe in my report I wrote when I spoke
22 with the mother when she returned or with the -- I
23 spoke to the babysitter.

1 Q. This is on the second call?

2 A. Second call, yes.

3 Q. So you don't learn of that until the second
4 call?

5 A. Yes.

6 Q. So you report back to the police department?

7 A. Yes.

8 Q. It's after the conclusion of your shift,
9 scheduled shift, right?

10 A. Yes.

11 Q. And you arrive and when you pull in what do
12 you see if anything, do you run into anybody, do you
13 talk to any officers at all?

14 A. Joe said the door was broken, the garage
15 door.

16 Q. Joe, is that Officer Ballotte?

17 A. Officer Ballotte.

18 Q. You pull up and Officer Ballotte is actually
19 outside the police station at this door, this garage
20 door right here?

21 A. Yes.

22 Q. You pull up, he is there, and he says to
23 you, what, the garage door is broken?

1 A. Yes.

2 Q. Anything else?

3 A. No.

4 Q. Do you say anything to him?

5 A. No.

6 Q. You don't mention anything about the call
7 you were just at?

8 A. No.

9 Q. You don't tell him that there was a
10 shirtless man running away from the property, we
11 didn't find him?

12 A. No.

13 Q. We don't know where he is?

14 A. No.

15 Q. Officer Ballotte is not the only officer who
16 works the twelve-to-eight shift, would that be fair
17 to say?

18 A. That's fair to say.

19 Q. Officer Marathas is the other individual who
20 was on that night?

21 A. Yes.

22 Q. Do you have any conversations with Officer
23 Marathas when you arrive at the station?

1 A. No.

2 Q. Did you see Officer Marathas when you
3 arrived at the station?

4 A. He was in the garage bay messing with the
5 door, the garage bay door.

6 Q. You saw him -- was he with Officer Ballotte?

7 A. No, to the best of my recollection Ballotte
8 was outside. He said, "Sorry, we messed up the
9 garage door." I couldn't put the motorcycle away.
10 That's basically what that was about.

11 Q. Was the door shut and you couldn't get it
12 open?

13 A. Yes.

14 Q. When do you see Officer Marathas?

15 A. I see him through the window of the garage
16 bay. He is inside the garage bay at the door.

17 Q. You're separated by the door?

18 A. Yes.

19 Q. You can't get the motorcycle into the
20 garage. What do you do, do you park it outside?

21 A. No, I was trying to get it in through the
22 front door.

23 Q. The main door of the police station?

1 A. Yes.

2 Q. Double doors?

3 A. No, just a single door.

4 Q. You pushed the bike through?

5 A. Yes. You've got to ride it in because you
6 have to go up a sidewalk. I think I asked Joe to
7 move the cruiser so it would be a straight shot.

8 Q. You pull it in through the front door?

9 A. I was attempting to.

10 Q. Attempting to?

11 A. Yes.

12 Q. You never did it?

13 A. I did do it eventually, yes. I don't know
14 when you're talking about.

15 Q. I'm sorry. Fair enough. Do you have a
16 conversation at any point with Officer Marathas
17 before you respond back to MV Times Redaction?

18 A. No.

19 Q. Were you and Officer Marathas around one
20 another at any point prior to you responding back to
21 MV Times Redaction?

22 A. No.

23 Q. When did Sergeant Fiske report back to the

1 police station, was it a few minutes after you
2 arrived?

3 A. I mean I know he reported back. I don't
4 know the time frame. If you want me to give you an
5 exact time, I don't know.

6 Q. Were you still trying to get the bike into
7 the police station when Sergeant Fiske pulled in?

8 A. Yes.

9 Q. At any point in time after Sergeant Fiske
10 pulled in did you and Sergeant Fiske -- excuse me --
11 did you and Sergeant Fiske speak to Officer Ballotte
12 or Officer Marathas about the events at

MV Times Redaction

13 MV Times Redaction or what occurred?

14 A. I didn't.

15 Q. Do you know if Sergeant Fiske did?

16 A. I don't know.

17 Q. Now, is it fair to say that outside of work
18 that you're friendly with Sergeant Fiske?

19 A. Yes.

20 Q. Are your families friendly?

21 A. Yes.

22 Q. Do you get together outside of work?

23 A. Not often.

1 Q. But occasionally?

2 A. Yes.

3 Q. How long have you and officer Fiske worked
4 together?

5 A. Sergeant Fiske.

6 Q. Sorry, Sergeant Fiske.

7 A. How long have we worked together?

8 Q. Yes.

9 A. Since I started but not directly. I was on
10 midnights.

11 Q. How long have you and Sergeant Fiske worked
12 on the same shift?

13 A. I don't know the exact time, time frame.

14 Q. Would it be fair to say that you get along
15 with Sergeant Fiske better than you do with Officer
16 Marathas?

17 A. Yes.

18 Q. Would the same go with respect to your
19 relationship with Sergeant Fiske as compared to your
20 relationship with Officer Ballotte?

21 A. Yes. I don't know where you're going with
22 this.

23 Q. I don't want you to answer a question you're

1 not understanding.

2 A. I don't know why it's -- I don't understand
3 what the relationship with Sergeant Fiske and the
4 other two officers has anything to do with this.

5 Q. I'm asking do you get along, do you talk to
6 Officer Ballotte when you work together.

7 A. If we have to, yes.

8 Q. Only if you have to?

9 A. Yes.

10 Q. Would the same go with Officer Marathas?

11 A. Yes.

12 Q. There is no exchange of chitchat, friendly
13 conversation, nothing like that?

14 A. No.

15 Q. But you would have that type of interaction
16 with Sergeant Fiske on your shift I would imagine?

17 A. Yes.

18 Q. Now, you report back to the station.

19 Assuming you don't get another call for service at

20 MV Times Redaction, what do you normally do at
21 the conclusion of your shift? Do you punch out,
22 clean up, take your uniform off, head home, what do
23 you normally do?

1 A. You mean as a patrolman?

2 Q. Yes.

3 A. Go home.

4 Q. Any type of interaction between your leaving
5 and the officers coming on to let them know what is
6 happening, let them know what is going on, anything
7 like that?

8 A. I am not a supervisor. No, there isn't.

9 Q. Would it be your statement that it's not
10 your responsibility to tell other patrol officers
11 what is going on?

12 A. Right.

13 Q. That is the sergeant's job?

14 A. I believe so, yes.

15 Q. That would be your job when you're an OIC I
16 would envision?

17 A. Yes.

18 Q. But you were not the OIC that night?

19 A. No.

20 Q. Now, you respond, you report back to the
21 police station. At some point -- you're there for
22 what period of time until another call comes in to
23 respond to MV Times Redaction ?

1 A. I don't know. I can't give you an exact
2 time. I mean I tried to put the bike away, and then
3 we got called back up there.

4 Q. You got on your bike?

5 A. I never got off my bike. I was trying to
6 get it through the door, couldn't and backed out and
7 went.

8 Q. And it takes the same amount of time to get
9 back there, five minutes, less?

10 A. Less. Now it's blue lights.

11 Q. You're moving along at a pretty good clip?

12 A. Yes.

13 Q. You pull in to MV Times Redaction?

14 A. No.

15 Q. Where do you go?

16 A. I park right on MV Times Redaction.

17 Q. At the base of that driveway?

18 A. Right in the road, yes.

19 Q. Right on the road. There is, what, a picket
20 fence probably to your right as you get off the bike,
21 right?

22 A. Yes, at that house, I think the first house.
23 Actually I cruised in. I killed the engine so it

1 wouldn't -- coming down the hill I had killed the
2 engine so you would not hear me coming with the
3 motorcycle. It's loud.

4 Q. You turned the lights off?

5 A. The blue lights, yes.

6 Q. And you dismount the bike, get off the bike?

7 A. Yes.

8 Q. Where do you go?

9 A. I ran to the house.

10 Q. You run to the residence. Is the front door
11 closed?

12 A. Yes.

13 Q. Do you knock on the door?

14 A. No.

15 Q. You just go right in?

16 A. Yes.

17 Q. Weapon drawn?

18 A. No.

19 Q. Any type of, any type of weapon, a taser,
20 pepper spray, anything?

21 A. No.

22 Q. You enter the residence and what do you
23 observe?

1 A. Nothing.

2 Q. So there's, what, essentially a main sitting
3 area, a family room as you open the door?

4 A. Yes, there's a lounge chair and a couch. I
5 guess there's a kitchen on the left, an immediate
6 left.

7 Q. You don't see anything when you enter, just
8 essentially furniture?

9 A. Yes.

10 Q. Do you enter by yourself?

11 A. Yes, I believe so. I don't know if there
12 was anybody behind me. I just went in.

13 Q. Certainly no one runs in contemporaneously
14 with you at the same time?

15 A. Right.

16 Q. After you initially observe nothing, see no
17 one in the room, do you hear anything?

18 A. No, not immediately.

19 Q. How long until you hear something?

20 A. A minute, 30 seconds, I don't know.

21 Q. What is it that you hear?

22 A. I hear something from the other end. I
23 don't recall what I wrote down on what I heard in my

1 report, but I know I heard something from the other
2 end. That's why I went to that area.

3 Q. Your report states, "I then heard what
4 appeared to me to be someone speaking very quietly or
5 crying coming from the other end of the house."

6 A. Yes.

7 Q. Does that refresh your memory of what you
8 heard?

9 A. Yes.

10 Q. Do you recall what you did after you heard
11 this?

12 A. I went to where I heard that somebody
13 speaking softly or crying, I went to that area.

14 Q. You walk in the direction of the noise that
15 you heard?

16 A. Right.

17 Q. What do you do at that point in time, do you
18 come upon a closed door, end of a hallway, what do
19 you see?

20 A. Closed door.

21 Q. I would assume you open the door?

22 A. Yes.

23 Q. What do you see upon opening the door?

1 A. A shirtless man.

2 Q. Anybody else in the room?

3 A. I did see a girl on the floor and then three
4 other -- I think there were three others on the bed.
5 There's like a door, floor, bed and window I guess.

6 Q. So the shirtless man is in the room. Is it
7 the minor female, the babysitter who is on the
8 ground?

9 A. Yes.

10 Q. The husband's three children are in the room
11 at the same time?

12 A. Yes.

13 Q. The minor female, any clothes on her?

14 A. Yes. I believe she was fully dressed.

15 Q. Fully dressed?

16 A. Yes.

17 Q. The male is shirtless?

18 A. Yes.

19 Q. A pair of shorts?

20 A. Yes.

21 Q. Any shoes?

22 A. I don't recall.

23 Q. Then when you opened the door and you see

1 this, what do you do?

2 A. I secured his arm. I don't remember which
3 one. I took him out.

4 Q. Does he resist in any way?

5 A. Not at that point, no.

6 Q. So would it be a situation where you came
7 upon him, grabbed his wrist and put him up against
8 the wall or did you just grab him by the wrist and
9 pull him out of the room?

10 A. I grabbed his arm and pulled him outside the
11 room.

12 Q. Back into the main space?

13 A. If you want to call it that, yes.

14 Q. At that point do you secure him in
15 handcuffs?

16 A. Yes.

17 Q. Does he say anything to you during this
18 time?

19 A. Not at that time.

20 Q. Do any of the children in the bedroom, the
21 three small children, do they say anything to you?

22 A. No.

23 Q. Does the minor female say anything to you?

1 A. No.

2 Q. At any point while you're in the residence
3 does anyone say anything to you?

4 A. At that time?

5 Q. Yes.

6 A. When I got the handcuffs on him?

7 Q. Right.

8 A. No.

9 Q. Do you observe anything in the residence
10 that looks out of place, tipped over furniture,
11 broken lamps, lights, glasses, anything?

12 A. No.

13 Q. So you bring him out into the main space
14 we'll call it, you secure him in handcuffs in the
15 residence?

16 A. Yes.

17 Q. At that point does he begin to attempt
18 resisting arrest?

19 A. No.

20 Q. Do you lead him out the front door?

21 A. Yes.

22 Q. The door in which you came?

23 A. Yes.

1 Q. When you lead him out, when you come out of
2 the residence, are any other officers there?

3 A. I'm pretty sure Sergeant Fiske was.

4 Q. Sergeant Fiske is there, he's outside the
5 residence?

6 A. I believe he came in. I'm pretty sure he
7 came in. I don't know at what point he came in, but
8 I believe he was there by the time I got him out. I
9 don't know.

10 Q. And do you and Sergeant Fiske have any
11 conversation at the time that you are escorting this
12 individual out of the residence?

13 A. No.

14 Q. Does the individual begin to resist being
15 placed in handcuffs at any point prior to being
16 placed in the police cruiser?

17 A. Yes.

18 Q. When?

19 A. When we get him outside the residence.

20 Q. How does he begin resisting, what does he
21 do?

22 A. He starts pushing into me and trying to pull
23 away.

1 Q. You have him cuffed behind his back?

2 A. Yes.

3 Q. He is attempting to -- are you holding onto
4 his wrists or holding onto the cuffs at that point
5 with your hands?

6 A. His arm.

7 Q. He is trying to wiggle free?

8 A. Yes.

9 Q. Do you take him down?

10 A. Yes.

11 Q. At that point how long are you down for
12 before you pick him up and put him in the cruiser?

13 A. He's on the ground 30 seconds, maybe less,
14 15 seconds.

15 Q. Who pulls up in a cruiser?

16 A. I don't know.

17 Q. You put him in a cruiser, the door shuts and
18 he takes off?

19 A. I don't know if he took off. If that's how
20 it happened, I don't know.

21 Q. Well --

22 A. I don't know. You're saying put him in the
23 car and the car just took off. I don't know.

1 Q. So did you assist in placing him in the
2 cruiser?

3 A. Yes.

4 Q. Then, what, you shut the door and turned
5 your back on the cruiser?

6 A. I don't know if I shut the door.

7 Q. You didn't shut the door?

8 A. No, I think I just walk away.

9 Q. After you take him down, do you have any
10 conversation with Sergeant Fiske concerning the
11 incident, what you observed when you walked in,
12 anything?

13 A. No.

14 Q. At any point while you're there do you come
15 to an understanding about what occurred between the
16 individual you arrested and the minor female in the
17 residence?

18 A. Do I -- say it again.

19 Q. At any point while you're there the second
20 time, do you come to understand what occurred between
21 the minor female and the man you arrested in the
22 residence?

23 A. Yes.

1 Q. What is your understanding?

2 A. That he raped her.

3 Q. How do you come to that understanding?

4 A. I spoke to the babysitter, the minor female.

5 Q. We could call her a babysitter or minor
6 female, whatever, but you actually spoke to the
7 victim?

8 A. Yes.

9 Q. What did she say to you?

10 A. I mean I am going to paraphrase I guess.

11 Q. To the best of your recollection what did
12 she say to you?

13

14

15

16

17

18

19

MVTimes Redaction

20 Q. So she tells you she is holding a knife at
21 the time this guy attacks her?

22 A. Yes.

23 Q. Did she say why she was holding a knife?

1 A. No, no.

2 Q. In your experience as a police officer do
3 you have any opinion as to why she may be holding a
4 knife?

5 A. No. I mean I don't know. Do you want me to
6 try to get into why she did it? I can't think of why
7 she would have a knife.

8 Q. Would someone maybe use a knife to protect
9 themselves?

10 A. Yes.

11 Q. Sometimes would it be fair to say you
12 protect yourself when you're in fear of someone?

13 A. Would I?

14 Q. Not you. Would it be fair to say that a
15 person could hold onto a knife and use a knife to
16 defend themselves against someone they are afraid of?

17 A. It hasn't been my experience.

18 Q. It's a method of self-defense though?

19 A. More of a -- to me it's more of a different
20 method.

21 Q. A method --

22 A. Instead of a gun, it's a weapon.

23 Q. But a method nonetheless?

1 A. If you say so.

2 Q. So she reports to you what Mr. Thrift or
3 David says. Is there any additional conversation
4 with the minor female, babysitter at the scene?

5 A. We just went over, you know, what happened.
6 She told me what happened.

7 Q. Did she tell you anything about what
8 happened before David left the residence when you
9 arrived the first time?

10 A. Before the first time?

11 Q. Yes.

12 A. I don't know. I don't recall.

13 Q. You're there, there's an allegation of a
14 rape. Do you secure any evidence from the minor
15 female this time around?

16 A. Yes.

17 Q. What do you secure?

18 A. Underpants, jean shorts and a knife.

19 Q. Essentially what she was wearing?

20 A. Yes.

21 Q. Do you take any photographs?

22 A. Me, no.

23 Q. Would it be your responsibility to take any

1 photographs?

2 A. No.

3 Q. What are you basing that answer on that it's
4 not your responsibility?

5 A. I'm not trained in photograph recovery.

6 Q. Who would be the individual responsible for
7 doing that in your opinion or to your understanding?

8 A. The detective or Officer Gately.

9 Q. Now, is there any effort at that point when
10 you're there -- you have essentially a crime scene
11 earlier and now you have a crime scene for a second
12 time, would that be fair to say? There's a rape that
13 just occurred or an allegation of rape, right?

14 A. You're trying to say -- a domestic, I didn't
15 see that as a crime scene. You know what I mean.
16 It's a domestic. We go to -- you know, I think the
17 second time, yes, it's a crime scene. I would say
18 that's fair to say.

19 Q. Would you have any responsibility to secure
20 the crime scene in any way?

21 A. Would I have any responsibility?

22 Q. Yes, as a responding officer.

23 A. None at that time.

1 Q. When you prepared this statement of this
2 incident report, Officer Ogden, it would be fair to
3 say that you did your best effort to make sure that
4 the statement was truthful and complete to the best
5 of your knowledge and ability at the time you
6 prepared the statement?

7 A. Yes.

8 Q. So what you reported as the interaction
9 between you and the juvenile female babysitter, this
10 was your recollection of the events to the best of
11 your memory?

12 A. Recollection of the events -- I don't
13 understand.

14 Q. Of your conversation with the minor.

15 A. My conversation with her?

16 Q. Yes.

17 A. Yes.

18 Q. You had a subsequent conversation or later
19 conversation with the wife who was transported to the
20 hospital on your first call for service, is that fair
21 to say?

22 A. I don't understand what you're saying.

23 Q. Did you ever have a conversation with the

1 wife, I think her name was [REDACTED] at any point after
2 you responded back to the residence?

3 A. I responded back?

4 Q. Yes.

5 A. Yes.

6 Q. And that was a conversation on the phone?

7 A. With [REDACTED] No.

8 Q. Face to face?

9 A. Yes.

10 Q. Where?

11 A. The front door.

12 Q. You're still there and [REDACTED] reports back or
13 comes back from the hospital and she is now at the
14 house again?

15 A. Yes.

16 Q. What do you talk about?

17 A. She asked what happened.

18 Q. What do you say?

19 A. "I don't know what I can tell you and
20 can't." That's when the sergeant came over.

21 Q. The sergeant, Sergeant Fiske?

22 A. Yes.

23 Q. You essentially stepped away and said, "Hey,

1 you'll have to talk to my sergeant"?

2 A. I didn't step away. I didn't know what I
3 could say and what I couldn't say as far as what
4 happened in the house. So that's when I said,
5 "Sergeant, what can I tell her or not?" You know
6 what I mean. We were talking to her.

7 Q. You and Sergeant Fiske talked to [REDACTED]

8 A. Yes.

9 Q. You're in the vicinity or next to Sergeant
10 Fiske when is talking to [REDACTED]

11 A. Yes.

12 Q. What does Sergeant Fiske say to her, if you
13 recall?

14 A. I believe he told her what happened. I
15 don't know specifically what he said or what I said.
16 I know -- I don't know what he told her as far as the
17 details of what happened. Obviously we didn't but we
18 told her something. I don't remember what I said
19 unless I said it in my report. I don't recall.

20 Q. Do you have any recollection of what [REDACTED]
21 said to you or to Sergeant Fiske during this
22 conversation?

23 A. [REDACTED] MV Times Redaction

MV Times Redaction

Q. That's your only recollection of that conversation?

A. Yes. Yes.

Q. You don't recall her saying, "Why did you guys leave the residence, why was the babysitter left alone"?

A. No.

Q. Now, after this conversation with [REDACTED], what do you do after that, where do you go, do you stay at the residence, what happened?

A. I believe she -- I remember searching for a wallet or something with her. I walked around with her for that.

Q. Just you and [REDACTED]

A. Yes. At some point, yes.

Q. At some point that search ends?

A. Yes.

Q. And then what do you do?

A. I believe I leave.

Q. At any point did you have any conversations

1 with Sergeant Fiske or Officer Gately prior to your
2 leaving?

3 A. I don't recall having a specific
4 conversation.

5 Q. Do you recall having any conversation with
6 Sergeant Fiske or Officer Gately after the conclusion
7 of the call?

8 A. I don't know. When?

9 Q. I'm asking generally in an open time frame
10 have you ever had conversations with Sergeant Fiske
11 or Officer Gately about what occurred since the
12 conclusion of the call?

13 A. The conclusion? We had to do reports and,
14 "I saw this, you saw that." You know what I mean.
15 That was the extent of any conversation. I don't
16 recall any specific conversation as far as this is
17 what we're going to do or anything like that.

18 Q. Knowing what you now know, Officer Ogden, do
19 you think it should have been reported to you at the
20 initial call for service that there was an allegation
21 of a sexual assault of a minor, is that something
22 that you should be made aware of as a responding
23 officer?

1 A. I don't know what they had.

2 Q. I'm not asking you what you knew.

3 A. I mean it's kind of hard because I know all
4 the facts now.

5 Q. Right, I understand that. Should you have
6 been made aware of those facts as the responding
7 officer when you arrived at the scene? At some point
8 during this initial time you were there should
9 someone have said to you, "Scott, Scotty, officer, we
10 have a potential sexual assault inside"?

11 A. Yes, I guess.

12 MR. MASER: Let's go off the record
13 for a minute.

14 (Off-the-record discussion.)

15 MR. MASER: I don't have any additional
16 questions for you, Scott. I don't know if Mr. Becker
17 has any.

18 MR. BECKER: I have a quick couple of
19 questions.

20 Cross-Examination

21 Q. (By Mr. Becker) When you were doing the
22 search in and around this property, did you have your
23 radio on?

1 A. It was on but turned down low. I turned it
2 way down.

3 Q. Why was that?

4 A. So I wouldn't give my position away to
5 Thrift, David Thrift, who we now know to be David
6 Thrift.

7 Q. When you arrived at the residence and you
8 saw the shirtless man, where in relationship to you
9 were Sergeant Fiske and Officer Gately, do you know?

10 A. I believe Officer Gately came in the same
11 way I did which was [MV Times Redaction] onto the property. I
12 don't know -- I'm not sure if Sergeant Fiske came in
13 the same way or the other entrance off of [MV Times Redaction]

14 [MV Times Redaction]

15 Q. Was it your understanding based on where
16 Officer Gately was that he had seen the shirtless man
17 as well?

18 A. If I saw him, I would assume he would have
19 seen him, too.

20 MR. BECKER: I don't have anything
21 else.

22 Redirect Examination

23 Q. (By Mr. Maser) So I'm clear, you never said

1 to Sergeant Fiske that you saw a shirtless man
2 running from the property?

3 A. Did I specifically say that to Sergeant
4 Fiske, is that what you're asking?

5 Q. I am asking if you ever told him you saw a
6 shirtless man or subject, a male, a guy, a dude
7 running from the property. Did you ever tell him?

8 A. I don't recall ever telling him that.

9 MR. MASER: I'm all set. Thank you,
10 Officer Ogden. I appreciate your time.

11 (Whereupon, the interview was adjourned
12 at 11:04 A.M.)

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1 I, Scott Ogden, have read the transcript
2 of the interview taken on August 30, 2011, and have
3 listed any corrections to my testimony on an attached
4 errata sheet.

5
6
7 Signed under the pains and
8 penalties of perjury:
9

10
11 _____
12 Scott Ogden

13
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15 _____
16 Date
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