

Summary of Transcript of Officer Joseph Fiorillo

Officer Fiorillo has been an animal services control officer for approximately 17 years. He attended at Ikea to pick up Darwin. When he arrived at Ikea, he had an opportunity to observe Darwin. He is certain that Darwin was looking for his owner.

Officer Fiorillo is trained to observe signs of abuse. When he picked up Darwin, there was no evidence of abuse.

When he returned to animal services, he was informed that Yasmin was on her way to claim her monkey. He said:

153 Q. Sure. Can we agree that when Yasmin arrived she was there to pick up her monkey?

A. Yes. Of course.

154 Q. And somehow she ended up leaving without the monkey, right?

A. That happens a lot with prohibited animals. Goats. If we pick up a goat, somebody comes in, "I want my goat." You can't have the goat.

155 Q. Right. And that's because Animal Services won't turn it over?

A. It's a prohibited animal in the city. Yes.

156 Q. So the procedure in Animal Services is when there is a prohibited animal and someone comes to claim it, you won't turn it over?

A. That's been my -- yes and I don't make that decision.

By the time Yasmin arrived at Animal Services, employees were already talking to zoos and sanctuaries to figure out where to send him.

When Yasmin met with officer Behan and officer Fiorillo, she said that she wanted her monkey back. During the meeting, officer Behan said that he could not give it back to her because it was prohibited by the by-law. He then said that he would have to talk to his supervisor. The reason he went to talk to his supervisor is because Yasmin wanted her monkey back.

Early on in the meeting, Yasmin said she wanted to see Darwin.

It was after Yasmin said she wanted to see Darwin and after she said she wanted her monkey back that officer Behan went to speak with his supervisor to find out what to do about Darwin.

When officer Behan came back into the room after speaking with his supervisor, he told Yasmin to sign it over. He said that Animal Services was concerned about Darwin and didn't want it to get hurt and that they wanted to do what was best for the monkey. That was the only option officer Fiorillo is aware of that was offered to Yasmin.

Officer Fiorillo testified that Yasmin was upset, she was crying and she was struggling about whether to sign the surrender form. He testified that she was very upset.

Officer Fiorillo was asked if he could explain why Yasmin signed the surrender form and he said the following:

161 Q. Based on being at that meeting and what you experienced that day, can you give me any reason why Ms. Nakhuda signed that form given that she came there to claim her monkey? Are you aware of any particular reason why she signed that form?

A. I was surprised when I came back that she signed it.