

## Chang v. U.S.

Decided Sep 12, 2003

Civ. Action No. 02-2010 (EGS), Civ. Action No. 02-2283 (EGS), Civ. Action No. 02-2310 (EGS), Civ. Action No. 03-767 (EGS)

2 September 12, 2003 \*2

### ORDER

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EMMET SULLIVAN, District Judge

Pursuant to Court Order, on September 12, 2003 the District of Columbia submitted the following unredacted documents for the Court's review:

*Undated Final Report Relative to Complaints of Alleged Misconduct Made at the October 24, 2002, Hearing of the Committee on the Judiciary of the Council of the District of Columbia, Concerning the IMF/World Bank Protests.* This document includes the attachments upon which the report is based;

*Report Relative to Complaints of Alleged Misconduct Made at the October 24, 2002, Hearing of the Committee on the Judiciary of the Council of the District of Columbia, Concerning the IMF/World Bank Protests,* January 25, 2003; and

March 13, 2003 Memorandum from Chief Charles H. Ramsey to Mayor Anthony A. Williams regarding "Final Decisions on Recommendations Following Review of Actions Taken by Members of the Metropolitan Police Department During the Fall 2002 IMF/World Bank Protests."

3 In light of the fact that the District of Columbia does not \*3 seek a protective order regarding these documents, it is by the Court hereby

**ORDERED** that the Clerk of the Court shall post these documents on the public docket in the above-captioned cases. \*1

### Office of Professional Responsibility Civil Rights Force Investigations Division

51 N Street, Northeast, Suite 400, Washington D.C., 20002 202-724-4269 **CONFIDENTIAL MEMORANDUM TO: THRU: THRU: THRU: SUBJECT:** Chief of Police Executive Assistant Chief of Police Operational Services Assistant Chief of Police Office of Professional Responsibility Director Civil Rights and Force investigation Division Final Report Relative to Complaints of Alleged Misconduct Made at the October 24, 2002, Hearing of the Committee on the Judiciary of the Council of the District of Columbia Concerning the IMF/World Bank Protests This memorandum serves as the final investigative report of the Metropolitan Police Department as it relates to complaints of alleged misconduct made at the October 24, 2002, Hearing of the Committee on the Judiciary of the Council of the District of Columbia concerning the IMF/World Bank Protests.

### BACKGROUND

During the weekend of September 27th through the 29th, 2002, the World Bank and the international Monetary Fund (IMF) held their annual meetings at their headquarters located in

downtown Washington, D.C. intelligence gathered prior to the event, coupled with information disseminated to the media by protest group leaders indicated that several groups sought to "shut down the city" by way of blocking major intersections leading into, and around Washington.

On Friday, September 27, 2002, approximately 400 international Monetary Fund (IMF)/World Bank protesters that were a part of a larger group, marched throughout downtown Washington, D.C. and finally gathered at Pershing Park, located at 13th and Pennsylvania Avenue, Northwest. Shortly thereafter, the demonstrators were encircled by members of the Metropolitan and United States Park Police Departments and were prohibited from exiting the park.

Assistant Chief Peter J. Newsham was responsible for Area IV of the World Bank/IMF demonstration detail, which encompassed the Pershing Park. While on the scene at Pershing Park, Assistant Chief Newsham gave an order to arrest the protestors for "*Failure to obey a \*2 police order*", based on his personal observations and discussions with several Civil Disturbance Unit (CDU) command officials on the scene. Specifically, he observed the protestors violate traffic laws in a dangerous manner, turn over newspaper boxes, and ignore officers' orders to get out of the street and onto the sidewalks.

The order was given to Metropolitan Police Department Civil Disturbance Unit managers to arrest everyone in the park and transport them to the institute of Police Science (IPS) for processing. Metro Buses were used to transport prisoners to the IPS.

Each prisoner was escorted from a transport bus through the front doors of the 3PS. Every prisoner was photographed and fingerprinted and his or her arrest paperwork was completed. In cases where no other charges were pending, arrestees could elect to be released and pay collateral or receive a citation date to appear in court at a later time. If

arrestees had outstanding warrants or other holding charges, they were transported to court to appear before a judge.

During detainment at IPS the arrestees sat on floor mats and were flexi-cuffed,<sup>1</sup> strong hand to their opposite ankle with a flexi-cuff in between their hand and foot. As needed, the prisoners' flexi-cuffs were removed as they were escorted to use restroom facilities and to stretch. The length of detainment varied, but in some cases lasted as long as eighteen (18) hours.

<sup>1</sup> The Flexi-Cuffs consisted of three "loops" — one around the wrist of the strong hand, another around the opposite ankle, and an additional cuff between the two thereby extending the space between the aim and opposite leg.

The delay in prisoner processing was due to a temporary overload and subsequent failure of the Department's Information Technology systems. Specifically, the digital cameras that were used to take prisoner photographs functioned slowly because they could not handle the volume of pictures taken. The video cameras used to monitor the downtown area during the midnight tour of duty for Saturday, September 28, 2002, caused an overload to the electronic processing equipment thereby causing all of the computers used for prisoner processing to "crash." Moreover, updates to the Criminal Justice Information System (CJIS) database on Saturday, September 28, 2002, at approximately 3:00 A.M., caused additional delays.

On October 24, 2002, three (3) complainants testified at the hearing of the Committee on the Judiciary of the Council of the District of Columbia in which they alleged that they were unlawfully arrested and detained for an unreasonable period of time. Furthermore, the individuals testified that they were "hogtied" while detained by the Metropolitan Police Department

On November 12, 2002, the complaint was received by the Office of Professional Responsibility, and assigned to the Civil Rights and Force Investigations Division, Force Investigation Team for review.

Sergeant James McCoy and Sergeant James McGuire were assigned as the Civil Rights and Force investigation Division Investigators for this incident. The sergeants were tasked with conducting interviews and collecting information that was used in this analysis. \*3 **Metropolitan Police Department Members interviewed**

In order to further this examination, numerous MPD members were interviewed about their recollection of the events that took place in and around Pershing Park on the day in question. Only those members identified to have specific and relevant information about the events at the park were interviewed. The following is a summary of the statements given by each member.

#### Assistant Chief Peter Newsham

Assistant Chief Peter Newsham is in charge of the Office of Professional Responsibility. The following is a synopsis of Assistant Chief Newsham's statement provided to Executive Assistant Chief Michael Fitzgerald:

Assistant Chief Newsham explained that his assignment during the IMF/World Bank demonstrations was Zone IV, which included Pershing Park. Assistant Chief Newsham related that hundreds of demonstrators were converging from different directions and moving toward Pershing Park, Assistant Chief Newsham related that he personally observed demonstrators turning over newspaper boxes and ignoring officers' orders to get out of the street and onto the sidewalks.

Assistant Chief Newsham was asked if any warnings were given to the demonstrators prior to the mass arrest at Pershing Park, and replied that the conduct of the demonstrators was such that they were clearly violating traffic laws in a

dangerous manner. Assistant Chief Newsham related that some of the demonstrators were warned by officers along their route to get onto the sidewalk and out of the street, however the demonstrators ignored the warnings. Assistant Chief Newsham further explained that it was not practical to give everybody a warning or to make sure that everyone received a warning at the point where all of the protesters converged at Pershing Park, Assistant Chief Newsham related that the demonstrators were arrested for *disorderly conduct* and *failure to obey officer's orders* for violations that occurred prior to their entering Pershing Park.

#### Captain Andrew Solberg

Captain Andrew Solberg is an Assistant District Commander at the Fourth District. The following is a synopsis of Captain Solberg's statement provided to Sergeants James McCoy and James McGuire:

Captain Solberg stated that he was assigned as the Fourth District CDU Commander for the IMF/World Bank demonstrations. At approximately 9:00 A.M., while in charge of the Fourth District CDU Bicycle Platoon, he lead a group of demonstrators on bicycles from Union Station, through the downtown area to Pershing Park located at 15th and Pennsylvania, Avenue. Captain Solberg related that once he arrived at Pershing Park, he met with Assistant Chief Brian Jordan and Assistant Chief Peter Newsham. Captain Solberg was then instructed to position his CDU platoon in such away that it blocked off access to and from the south and east sides of the park. He was informed that everyone inside Pershing Park would be arrested.

Captain Solberg was asked if he gave, heard, or had any knowledge of an order being given to the protestors in the park to disperse, or that failing to do so would result in arrest. Captain Solberg replied that he did not. According to Captain Solberg, Assistant Chief Jordan relayed to him that an order had been given earlier that morning

4 to a group of people congregating in the \*4 intersection of 14th and Pennsylvania Avenue, Northwest. This order was given prior to Captain Solberg's arrival at Pershing Square at 9:00 A.M.

#### Lieutenant Jeffery Harold

Lieutenant Jeffery Harold is assigned to the Special Operations Division. Lieutenant Harold was responsible for monitoring the activities of the protesters as well as MPD members and provide assistance and advice as needed. The following is a synopsis of Lieutenant Harold's statement provided to Sergeants James McCoy and James McGuire.

Lieutenant Harold was asked about past practices concerning prisoner restraint techniques. Lieutenant Harold explained that he had no knowledge of the origin of utilizing the technique of flexi-cuffing a prisoner's right wrist to their left ankle.

Lieutenant Harold was also asked if he had knowledge of an order being given to the protesters at Pershing Park to disperse or be subjected to arrest. Lieutenant Harold stated that he was unaware if an order was given to the crowd prior to the mass arrests.

#### United States Park Police Captain Rick Murphy

U.S. Park Police Captain Murphy was interviewed via the telephone due to his promotion to the rank of major and reassignment to New York. Captain Murphy explained that he was on the scene at Pershing Park on the day in question, and witnessed the group of protesters being contained within the park. Captain Murphy further detailed a conversation he had with Assistant Chief Newsham in which he in effect told the chief that he would not arrest the protesters in the park as their conduct did not meet the criteria for mass arrests.<sup>2</sup> Inspector Joel Maupin

<sup>2</sup> Captain Murphy indicated that the protesters' actions in the park did not meet the criteria for mass arrest based on U.S.

Park Police protocols. He advised that in similar situations, the protesters would first be warned to disperse. Captain Murphy refused to make arrests for any violations that may have occurred in the park only.

Inspector Joel Maupin is the Deputy Director of the Institute of Police Science (IPS). Inspector Maupin was the command official in charge of the prisoner processing facility at the IPS during the IMF detail. The following is a synopsis of Inspector Maupin's tape-recorded statement provided to Sergeants James McCoy and James McGuire:

When asked about the prisoner processing procedures at the IPS, Inspector Maupin discussed the processing, detainment, release and/or transport to court. The inspector explained that each prisoner was escorted from a transport bus through the front doors of the IPS. Each prisoner was photographed, fingerprinted, and his or her arrest paperwork was completed, if there were no other charges pending, arrestees could elect to be released and either pay a collateral or receive a citation to appear in court on a future date. If arrestees had outstanding warrants or other holding charges, they were transported to court.

While detained at IPS, the arrestees were flexi-cuffed-strong hand to their opposite ankle-with a flexi-cuff in between their hand and foot. Additionally, when asked about prisoners being handcuffed during processing, he stated that the prisoner's flexi-cuffs were removed during the processing procedures and were re-flexi-cuffed; 5 one hand to the opposite leg in front of their \*5 body once the processing was complete. As needed, the prisoners' flexi-cuffs were removed as they were escorted to use restroom facilities and to periodically stretch.

#### Captain Cleora Sharkey

Captain Cleora Sharkey is the Operations Commander at the Major Narcotics Branch. The following is a synopsis of Captain Sharkey's

statement provided to Sergeants James McCoy and James McGuire:

Captain Sharkey related that she was one of the operations officials in charge of the prisoner processing facility. Captain Sharkey stated that she prepared the operational plan and scheduled the personnel for the IMF detail. Captain Sharkey was asked if a briefing was given to the officials detailed to the IPS for prisoner processing. She replied that a briefing was given to discuss the operational plan.

When asked about the detainment procedures used while the arrestees were inside the gymnasium portion of the Institute of Police Science, Captain Sharkey explained that the arrestees were flexi-cuffed, strong hand to their opposite ankle with a flexi-cuff in between. Captain Sharkey related that the middle flexi-cuff was removed when the arrestees were escorted to the restroom. She further stated that it was necessary to use this technique to handcuff prisoners because there was no holding facility and this measure was taken so that prisoners could not run around freely. Additionally, she stated that there was no written policy in the IMF/World Bank operational manual for handcuffing procedures at the processing facility.

Captain Sharkey was asked if there were any Information Technology (IT) problems at the processing facility. She related that there was a delay because the digital cameras could not handle the volume of prisoner photos taken. During the midnight tour of duty for the next day, video cameras used to monitor the downtown area caused an overload to the electronic processing equipment and all of the computers used for processing "crashed." Additionally, due to updates on September 28, at approximately 3:00 A.M. to the CJIS database, major delays to prisoner processing occurred.

### **Civilian Witnesses**

The following witnesses testified at the October 24th, 2002 Hearing of the Committee on the Judiciary of the Council of the District of Columbia concerning the IMF/World Bank Protests. Below is a brief summary of their testimony. Extensive interviews were not conducted with these individuals due to pending litigation.<sup>3</sup> Statement of Mr. Joseph Mayer

<sup>3</sup> **NOTE: ACLU Attorney Arthur Spitzer refused to provide WIPD with the address or contact information of these complainants. He advised that all police contacts with these complainants have to be made through him.**

Mr. Mayer stated that he was arrested in Pershing Square in relation to the IMF/World Bank protests. The complainant reported that he went to Pershing Square on Pennsylvania Avenue along with his daughter. He claims that the police came into the park and did not allow anyone to leave.<sup>6</sup> Statement of Ms. Julie Abbate

Ms. Abbate stated that she was arrested in Pershing Square in relation to the IMF/World Bank protests, Ms. Abate further testified that she went to Pershing Square out of curiosity and was not allowed to leave the park after the police moved in.

### Statement of Mr. Michael Eichler

Mr. Eichler testified that he was arrested in Pershing Square in relation to the IMF/World Bank protests. He further reported that he arrived at the park on a bicycle and that once he entered the park, he was denied the opportunity to leave by the police, He also testified that at no point during his detainment in the park was he ordered to leave the area.

All three complainants further claimed that they were flexi-cuffed behind their back, placed on a Metro bus, and transported to a detention facility.

### **Video and Photographs**



Members assigned to the prisoner processing detail at the IPS took still digital photographs of the detention area in the gymnasium. The photos depict the detainment area along with the handcuffed prisoners. The photos further depict groups of prisoners flexi-cuffed-wrist to opposite ankle-sitting on blue mats on the gymnasium floor. Some prisoners are sitting upright and talking to other prisoners nearby. Other prisoners are seen saying down sleeping (photos attached).

Videotapes were obtained that were taken by MPD personnel assigned to record the demonstrations. The video segments depicting the events at Pershing Park pick up after all of the protesters were lead into the park. The video further shows MPD and U.S. Park Police (both on foot and mounted) surrounding a large group of protesters. Finally, the video depicts MPD officers entering the cordoned-off area, physically grabbing hold of individual protesters, and placing them under arrest. There is no video of the detention facility at the IPS.

### **Policy Review**

The Civil Rights and Force Investigation Division, Force Investigation Team (FIT) conducted a policy review of the facts surrounding the department's arrest, transportation, and detention procedures used during the IMF/World Bank protests. Specifically, investigators and managers assessed the protocols used by police commanders as they relate to arrests and prisoner processing during this incident. Moreover, decisions made by MPD command officials during the events at Pershing Park were evaluated. FIT members have reviewed the written procedures enumerated in the operational manual that were created and implemented by the Special Services Command during the IMF/World Bank demonstrations. The following is a precise dissection of each category identified in this report as either a policy violation or one that is ambiguously written, thereby leaving certain aspects open to individual

interpretation. Recommendations to remedy any noted deficiencies are presented immediately following this review. \*7

### **ARREST**

On the day in question, there were numerous protest groups that later converged into Pershing Park. For instance, Fourth District CDU bicycle squads escorted a group of bicyclists from Union Station to the park. Based on interviews with Captain Andrew Solberg-the command official that oversaw the shepherding of the bicyclists toward the park-no warnings were given to the riders that they might be subjected to arrest. Although several courses of action were contemplated before the protesters set off from Union Station and onto the streets, none were implemented and the riders were allowed to proceed.<sup>4</sup> Moreover, they were escorted to Pershing Park and directed to enter the area blocked off by police.

<sup>4</sup> One avenue explored was the inspection of all bicycle registrations and subsequent impoundment of any unregistered equipment.

Based on the testimony of the complainants in this case, it is probable that there were numerous individuals in the park that were not part of any groups headed toward the park under continuous observation by police. In other words, there is a strong possibility that persons were already in the park and had not committed any illegal acts prior to arrival of police units who proceeded to block off the area and prevent anyone from leaving. There is no evidence to support the claim that *every* person in the park had been involved in an unlawful advancement toward the park-either on foot or on bicycle.

With regard to arrests, the following specific questions were raised in order to further this review:

**Why were the protesters in Pershing Park arrested?**

The order to arrest the protesters in the park was given by Assistant Chief Peter Newsham. Based on his account of events that lead up to the order to arrest, groups of protesters were moving through the streets and advancing toward the park and were observed doing the following:<sup>5</sup>

Assistant Chief Newsham personally observed a large group marching in the street and overturning newspaper stands.

It was relayed to Assistant Chief Newsham that several protesters broke a bank window a few blocks away and were becoming increasingly violent.

It was relayed to Assistant Chief Newsham that various protesters had illegally marched in the street and were ordered innumerable times to get back onto the sidewalk.

<sup>5</sup> Note: Assistant Chief Newsham explained that he personally observed some of the violations himself while other violations were observed by other members of the department at separate locations and relayed the information to him at a later time.

Based on Assistant Chief Newsham's explanation, the protesters in Pershing Park had committed violations *before* entering the park. Groups of protesters were marching in the street and were supposedly warned by officers to get back on the sidewalk. Assistant Chief \*8 Newsham essentially used the park as a roadblock of sorts, in which protesters that had already broken the law were stopped and arrested.

*Analyses:*

The decision to arrest *everyone* in Pershing Park was not sound. The demonstrators that violated specific laws should have been separated or stopped at the time the violations were observed and arrested, Pershing Park was used as the holding area until the arrests could be affected. It is more than probable that numerous persons

inside of the park had arrived there lawfully with no intent to commit any violations of the law. Several clusters of demonstrators that committed separate violations were all combined into one large group in the park and charged with Failure to Obey a Police Officer To further support this assumption, at least five members of the Press were released on the Detention Journal later that afternoon, indicating an improper arrest. Furthermore, every case in which demonstrators did not elect to forfeit and had his or her case presented to the Office of the Corporation Counsel was dismissed by that office.<sup>6</sup>

<sup>6</sup> Each of these cases was dismissed because none of the officers could properly attest to which demonstrator was warned—none of the arresting officers could provide testimony to support the claim of failure to obey.

It is a much easier task employing hindsight and evaluating the decisions made by command officials months later, than being in a position responsible for making those decisions in the field. Furthermore, the decision must be evaluated in a specific context and not in a vacuum. Specifically, protesters had threatened to "shut down the city" on numerous occasions both to police and the media. The MPD was tasked with not only safeguarding life and property in the immediate area of the demonstrations, but also for maintaining clear and safe passages into and throughout the city due to heightened terrorism alerts.

It is clear that the judgment to arrest the protesters in the park was made in good faith, and following an assessment of all of the facts and circumstances. However, it cannot be established that all of those persons in the park were part of any particular group engaged in unlawful behavior. The fact that command officials and arresting members could not make a distinction between those that were engaged in unlawful behavior and those that were not, tainted those arrests that were timely and proper.

## Were the charges placed on the Pershing Park demonstrators correct?

All of the demonstrators in the park were charged with *Failure to Obey an Officer*. This is a District of Columbia Traffic Regulation law<sup>7</sup> utilized primarily for purposes of ensuring that officers tasked with directing traffic have the authority to direct motorists and pedestrians in a proper and safe manner. The field arrest forms from Pershing Park indicate that each arresting officer personally attested to the fact that he or she saw the protester depicted in the form engaging in unlawful activity, and individually gave a warning to cease such activity. \*9 *Analyses*

<sup>7</sup> District of Columbia Municipal Regulations, Title 18, Chapter 20, Section 2000.2: No person shall fail or refuse to comply with any lawful order or direction of any police officer, police cadet, or civilian crossing guard invested lay law with authority to direct, control, or regulate traffic.

As previously stated, each arrest form from Pershing Park indicates that a specific officer saw the listed demonstrator engaging in unlawful activity-in this case, walking in the street-and subsequently issued an order to that particular demonstrator to cease that activity by returning to the sidewalk. Further review of this matter exposed that this was in fact not the case-none of the officers could actually testify that the defendant described in the field arrest form was given a warning by him or her. In other words, officers could not be accurately linked to the defendant pictured and arrested. It is likely that several officers along the impromptu parade route shouted at demonstrators to return to the sidewalk, but none could be truly linked to a specific demonstrator.

It appears that this was an improper charge for this particular event, and was somewhat of a departure from previous mass demonstration arrest charges. The Failure to Obey an Officer charge could have

held up to judicial scrutiny if every arresting officer was able to conclusively substantiate each of his or her arrests.

A more appropriate charge would have been *Parading Without a Permit* for the protesters marching in the street, and *Incommoding* or *Disorderly Conductor* those engaged in that specific behavior a few blocks away. In this manner, officers tasked with arresting protesters could more easily explain the goings-on they observed as long as command officials on the scene of the mass arrests ensured that each field arrest form properly illustrated that the listed officer observed the listed defendant as part of a group engaged in whatever illegal activity. It is important to stress the point that each arresting officer, by current MPD mass arrest standards, can arrest 15 demonstrators at a time, but must be able to testify that he or she saw the defendant engaged in illegal activity as part of a group. In other words, each officer will not necessarily be able to identify each and every defendant in his cluster of arrestees, but w/7/be able to testify that the defendant was part of a group of protesters that he or she observed engaged in illegal activity. Moreover, the field arrest form and photograph of the defendant will further strengthen this assertion. In the Pershing Park case, the arrest paperwork could not support the claim that each officer personally warned each of the defendants listed in the form,

## Why were warnings to disperse not given in Pershing Park?

In the preliminary stages of this review, much of the focus surrounded around the question: *why were the protesters in the park not warned or given an opportunity to leave?*

According to MPD's Mass Demonstration Handbook, at least two documented warnings prior to arrest must be made. This has been the practice in previous mass arrest situations-a Civil Disturbance Unit command official would normally issue the warnings by utilizing a



bullhorn. In this manner, the demonstrators would be informed as to which law they were violating, and that they would be subjected to arrest should they fail to disperse. A key component of this strategy is enabling the demonstrators to leave after the initial warnings are given.

The examination of the Pershing Park arrests has conclusively revealed that no warnings were given to the demonstrators in the park. A review of the videotape, which captured the arrests at the park does not reveal any warnings given. Moreover, Assistant Chief Newsham, Captain Solberg, Park Police Captain Murphy, and numerous other interviewed individuals stated that they heard no warnings to disperse given by police. \*<sup>10</sup> *Analyses*

Assistant Chief Peter Newsham, the MPD command official in charge of the zone encompassing Pershing Park, stated that no warnings were given to the demonstrators because they had essentially been warned before entering the park. According to Chief Newsham, prior to arriving in the park, the protesters had committed violations while en route to the park, and had been warned countless times by officers to disperse, to get back on the sidewalk, and to cease their disorderly doings.

There is no conclusive evidence to support the fact that demonstrators were warned before entering the park. However, once carefully examined, the relevancy of whether warnings were given *in the park* came into question. Chief Newsham explained that warnings were not given, nor were any required because in his mind, the demonstrators had already violated the law and were technically already under arrest. In other words, the warnings were not only unnecessary, but would have proven to be completely counterproductive to the task at hand.

The troubling aspect of the lack of warnings only arises when supposed non-involved demonstrators were arrested in the park, and claim that they had no idea they could not leave until it was too late. As previously recounted in this report, it is

probable that there were numerous persons inside the park that had arrived there legally, and were not engaged in any type of disorder. The lack of warning carries a greater significance to that particular group of people because they were not warned about the possibility of being arrested, nor were they engaged in any law violating conduct.

After considering the totality of the circumstances of this incident, it appears that warnings were not necessary based on the assumption that the demonstrators had already been warned prior to entering the park, and that the park was merely used as a holding area for arrests.

## TRANSPORTATION

Once prisoners were placed under arrest, they were flexi-cuffed in most cases behind their backs and placed on Metro buses that were driven to the Institute of Police Science. This review did not uncover any particular issues with transportation of prisoners. From all accounts, it appears to have been conducted in an orderly and efficient manner. One specific allegation of police misconduct arose during the transportation phase while prisoners were on the bus awaiting transfer to the IPS for processing. Several arrestees complained of inappropriate remarks by an officer assigned to guard the bus and prisoners. This complaint was not investigated by the Civil Rights and Force Investigation Division, but was forwarded to the Special Services Command for review. There were no other complaints brought forth, or findings of instances of use-of-force or other misconduct during prisoner transportation.

## DETENTION

Arrestees were transported to the Institute of Police Science gymnasium for detention and processing. The MPD currently does not have a permanent processing facility capable of handling hundreds of arrests. The IPS, along with satellite operations, was set in place in anticipation of several thousand arrests arising from this event.

<sup>11</sup> \*<sup>11</sup>

Once prisoners were brought to the IPS, they were flexi-cuffed strong wrist to opposite ankle, with one flexi cuff in between. The flexi cuff between the two binding cuffs was placed in order to extend the area between the wrist and leg approximately 10 to twelve inches.

### *Analyses*

Numerous complaints arose prior to, and during this review, alleging that prisoners were improperly restrained. The complainants described the restraint as "hogtying."<sup>8</sup> The interpretation of the word "hogtying" is subjective, and it maintains a generally negative connotation. In common vernacular, "hogtying" is generally viewed as the restraint of legs and arms together on some type of pole or device. It should be made clear that this did not occur in this case. Based on the accounts of numerous officials in charge of prisoner processing, they had to come up with a fairly easy to maintain system which would prevent hundreds of prisoners from walking around freely in the gymnasium. This was vital for several reasons. For instance, allowing hundreds of prisoners to essentially roam freely could give them ample opportunity to regroup and stage additional protests inside of the facility. This would cause enormous delays in processing time and could subject both prisoners and officers to injury. More importantly, once arrestees are taken into custody, the MPD becomes responsible for their safety until they are released. According to prisoner processing officials, there have been instances in past mass arrests in which arrestees were free to roam the processing areas unrestrained, and numerous complaints of sexual misconduct arose.

<sup>8</sup> Webster's Dictionary defines *hogtying* as:  
1. to tie the four feet or the hands and feet  
of 2 [collog.] to make incapable of  
effective action.

The policy review revealed that there were no inappropriate instances of handcuffing by members of the Metropolitan Police Department.

The prisoners were restrained in a manner that was practical, safe, and appropriate while they were detained at the IPS.

The investigation revealed that there were hundreds of arrestees confined in the gymnasium, with no holding facilities. Moreover, Police officials in charge of prisoner processing were concerned about officer safety and the possibility of escapes because of the large number of prisoners. It appears that a decision was made by Captain Cleora Sharkey to restrain the prisoners with flexi-cuffs strong arm to ankle. Inspector Joel Maupin apparently authorized this method. Both of these police officials indicated that prisoners were un-restrained to use the restroom, and were subsequently escorted by officers on a regular basis for such breaks.

This decision appears to be sound, based on the circumstances faced by the officials. The situation was fluid and rapidly evolving, requiring an immediate action. However, it is recommended that an operational plan be written to formally institutionalize future mass detentions at IPS (or any other location) with more of an emphasis on handcuffing techniques.

Additionally, there were apparent computer-related malfunctions that delayed prisoner processing. Some prisoners may have been detained for up to 18 hours. These delays were not illegal, and were remedied as soon as practicable. The delays were not within the ability of the officials at IPS to correct. This review assessed no fault to any particular person with regard to the delays; however, operational tests should be conducted prior to major events to ensure that any Information Technology systems do not overload.

<sup>12</sup> \*12

### **Additional Handcuffing Techniques**

The Special Services Command's, IMF Operational Manual used during the World Bank protests does not include a written policy for prisoner handcuffing techniques while prisoners are detained at the IPS. When the IPS is

designated as the prisoner processing facility during mass demonstrations, it is common practice for arrestees to be flexi-cuffed, strong hand to their opposite ankle with a flexi-cuff in between. The middle flexi-cuff was removed when the arrestees were escorted to the restroom and while they were permitted to stand up and stretch. Prisoners are handcuffed using this technique because there are no holding cells to prevent prisoners from escaping or run freely about the gymnasium.

Force Investigation Team members reviewed the current practices, and offer the following suggestions as alternatives to the current technique:

Utilize the current technique with minor variations. This technique is the most cost effective and manageable. The only suggestion is to add another flexi-cuff between the strong hand and opposite ankle in order to extend the distance between the arm and leg. This technique would still prevent prisoners from roaming freely in an open space, but would allow for more room to stretch or move to less awkward position.

Use a device similar to a sitting dragon in which a fixed object is placed on the floor between prisoners, which are in turn handcuffed to the fixed object.

Purchase fenced cages used as temporary holding cells-in this manner several prisoners can be detained in one holding cell under the constant watchful eye of officers assigned to the detail.

## RECOMMENDATIONS

After careful review of the facts surrounding this case, several issues arose as areas of concern with regard to 'MPD practices that are either lacking in precise policy, or somewhat nebulous thereby open to interpretation. It is recommended that the

following issues be considered prior to future large scale events involving the MPD:

All Police Executives need to be C.D.U. trained or retrained-Currently, most commanders and assistant chiefs are placed in charge of quadrants in which mass arrests are likely to take place. Numerous command officials do not possess the experience in handling complex civil disturbance events. Moreover, the majority of officers graduating from the Institute of Police Science undergo a weeklong training curriculum in civil disturbance. In some cases, this leads to an undesirable, even detrimental situation in which many officers and supervisors possess more knowledge and training than the official in command.

Revise the procedures used during mass demonstrations for arrest. The MPD has not been faced with the inevitability of arresting thousands of unruly protesters in over three decades. The majority of mass arrests conducted by this agency surrounded the perennial Right to Life activists. Those arrests had become a ritual of sorts for the department, and were traditionally coordinated by the Special Operations Division. The \*13 demonstrators themselves were almost always passive, and carried their message by blocking abortion clinics and shouting warnings at passers by.

13

In April of 2000, during the first International Monetary Fund/World Bank meetings, the MPD was faced with arresting hundreds, even thousands of unruly protesters on the heels of the Seattle debacle. It now appears that many non-involved witnesses and passers-by were corralled along with hundreds of actual protestors and arrested in that event. The agency has to carefully examine the logistics, but more importantly, the likely ramifications of placing hundreds of protesters and bystanders under arrest. There is no doubt that the MPD has to balance the protection of life, property, equal rights, etc. against making such arrests, however, it must carefully consider its actions from an inescapable litigious standpoint

A meeting was recently held by the Office of the General Counsel and attended by representatives from the Office of the Corporation Counsel, Civil Rights and Force Investigation Division, and Special Services Command. This was an important first step in analyzing current practices with a view toward reducing liability to the department while maintaining order.

### **Attachments**

1. Statement of Assistant Chief, Peter Newsham, Dated December 24, 2002
2. Statement of Captain Andrew Solberg, Dated December 13, 2002
3. Statement of Lieutenant Jeffery Herold, Dated December 12, 2002
4. PD 854 documenting interview with Park Police Captain Murphy
5. Statement of inspector Joel Maupin, Dated November 26, 2002
6. Copy of Prisoner Control Plan for IMF Conference

7. Statement of Captain Cleora Sharkey, Dated December 4, 2002
8. Statement of Mr. Joseph Mayer, Dated November 27, 2002
9. Statement of Ms. Julie Abbate, Dated November 27, 2002
10. Statement of Mr. Michael Eichler, Dated November 27, 2002
11. Mass Arrest Scene Photograph of Persian Park, Taken September 27, 2002
12. Mass Arrest Scene Photograph of Persian Park, Taken September 27, 2002
13. Institute of Police Science Prisoner Detention Area Photograph, Taken September 27, 2002

### **Statements Obtained for the Pershing Park Investigation. \*1**

#### **METROPOLITAN POLICE DEPARTMENT Office of Internal Affairs**

DATE: December 24, 2002 TIME: 9:45 Hours  
LOCATION: 51 N Street, NE, Fourth Floor, Washington, DC 20002  
PRESENT: Executive Assistant Chief Michael Fitzgerald, Assistant Chief Peter Newsham  
SUBJECT: This is the statement of Assistant Chief Newsham.  
EXECUTIVE ASSISTANT CHIEF FITZGERALD:

Q: Today is December 24, 2002. It is now 9:45 a.m., it's a Tuesday. This is the Executive Assistant Chief Mike Fitzgerald, taking a statement of Assistant Chief Peter Newsham. For the record, would you state your name, rank and duty assignment?

A: It's Peter Newsham; I'm Assistant Chief with the Metropolitan Police Department; assigned to the Office of Professional Responsibility.

Q: When were you assigned to the Office of Professional Responsibility?

A: This year.

Q: What was your assignment, prior, to OPR?

A: Commander of the Second District.

Q: Chief Newsham, the Office of Professional Responsibility, Force Investigation Team is investigating an allegation that protestors or demonstrators attended the International Monetary Fund event on Friday, September 27th, were unlawfully arrested and detained, these arrest occurred in Persian Park and the arrestees were detained at the Institute of Police Science. Can you state your assignment during IMF?

A: I was the Assistant Chief and re —, I was responsible for the Zone, which included Persian Park.

Q: Can you tell me what happened there?

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A: Yes, what happened was there was probably hundreds of demonstrators that were coming from different directions of the city. I was able to personally observe some demonstrators turning over newspaper boxes, there was one incident that was further away from the park where a window was broken. They were acting disorderly walking through the streets, \*2 of officers that monitored this, as the people came from different directions, they collected in the park. It took a substantial amount of time for us to get enough officers on the scene to deal with the, with them. As they were trying to get into the park you could see a number of officers trying to wave them up on the sidewalk and type of thing, and they, they were ignoring, you know, they were ignoring the officers direction to get out of the street and to get up on the sidewalk. Eventually, we were able to get enough police personnel on the scene to surround the park and we made a determination to arrest the protestors for their conduct, prior, to them entering the park.

Q: You, so you were the commanding supervisor in the area known as Persian Park?

A: Yes, I was.

Q: Can you state the geographical perimeters for that?

A: It's between the area where the arrest occurred, between 15th Street and 14th Street and Pennsylvania Avenue and the north of that, I believe is New York Avenue.

Q: Do you know about what time the arrests took place?

A: It's, (phone ringing). It was in the morning.



Q: Approximately how many protestors were arrested?

A: I think it was around three hundred protestors.

Q: And, how were they transported?

A: They were transported by bus.

Q: Prior to making the mass arrests at Persian Park, were any warnings given to the demonstrators to disperse or . . . ?

A: The conduct was such, they, you know, to say that each individual person was given an a warning would not be fair to say. Their conduct was such where they were clearly violating, you know, the, the traffic laws in a dangerous manner. And, I would Say some of the protestors were definitely warned, in that they were told by officers along their route to get up onto the sidewalks and to get out of the street, and they ignored those warnings.

Q: If no order was given to the protestors to disperse *inaudible* oh, I already said that. So, that was basically, you're saying their actions?

A: Yeah, their actions, prior, to entering the park, and my understanding of, you know, it was a \*3 permit, which they were also doing, but we were, we arrested them for like I said, for disorderly *and* for felling to obey officers prior to them entering the park.

Q: Ok, You stated that they were walking the streets, can you, can you kind of articulate, were they just walking one way into the street or were they blocking . . . ?

A: No, they came from several different directions. They didn't all come from one direction. There was a number of splinter groups that entered the park, and you know, the ones that I observed personally were clearly in violation of the laws. In fact, like I said some of them had actually, as they were walking through the streets, some of them were turning over newspaper boxes. And, I said in one, one incident further away from the park there was an, actually a window broken, a business window.

Q: So, when, when they got up on the sidewalk, they never tried to get back in the street again?

A: No, they, they, they were walking straight through the streets, like it, they would go, they, as a group, the groups that I observed, they would get to an intersection, and they would go straight across the street even against the, the traffic signals, and they would, it was causing traffic to have to stop to avoid hitting them.

Q: So, when, when the arrests, so the arrests at Persian Park, MPD had the authority to make those arrests?

A: Yes.

Q: And, you based that on their actions?

A: Yes, their actions, but like I said they were on public space, prior, to entering the park, and that's a, you know, practically we couldn't just go in and arrest people. We had to form, make a formation, so it would be safe. We had to enclose them. We had to get enough personnel there. We had to get buses. We wanted to make it as safe as possible for the people that we were arresting.

Q: How did you determine what the charges for the protestors, that were arrested in Persian Park, would be failure to obey an officer?

A: It seemed like the, the, the best charge under the circumstances. You probably could have also charged them with disorderly conduct, but failure to obey seemed like the best charge at the time.

Q: Although, so some of them were given orders to get up on the curb, and some of them based by their conduct alone refused to get on the curb?

4 A: Yes. \*4

Q: And, that's why, so the, the, you'd stated earlier that when orders were given to certain ones, they were given along the *inaudible*, it wasn't all at one time?

A: Exactly, it was intermittent. It was, yeah, I, I observed some officers trying to get, to, trying to get the protestors up on the sidewalks. And, they were clearly, you know, walking through, through traffic as they approached the park.

Q: Ok. And, this was given verbally, not with.,?

A: No, there was no loud speaker of bull horn.

Q: Ok. And, there was, who gave these orders?

A: It. was various officers along the route.

5 Q: At anytime, prior, to the protestors reaching Persian Park, are you aware if they were given, you had stated earlier they were given orders to get back and they disobeyed the orders, correct?

A: Yes.

Q: Are you aware that the arrests forms attached to the paperwork of the protestors that were arrested in Persian Park state they failed to obey an order given to them by the officer that is listed as the arresting officer?

A: I think that's, that's probably accurate. If, if it wasn't a actual, physical order they were given, it was an implicit order. I think the, the visible presence of the police was sufficient to indicate that they, they were given a order to, to be orderly, to be on the sidewalks and to obey the traffic laws.

Q: Are you aware of the MPD protocol as it relates to mass arrests during demonstrations?

A: Yes.

Q: Did you follow this protocol?

A: It, you know, we, we did to the best of our ability to follow that protocol. It was a, it was a situation where we were trying to do what was in the best interest of the city.

Q: Did you speak to a Captain Murphy, of the US Park Police, at Persian Park?

A: Yes.

Q: And, what did, did you ask Captain Murphy what charges could be placed on the demonstrators?

\*5

A: Captain Murphy indicated that he was not going to arrest the people for demonstrating in the park, and I forget what his reasoning was.

Q: And, he, did he explain the US Park Police protocol?

A: No, I don't re —, remember him doing that, no.

Q: And, would Park Police protocol have any impact on MPD protocol?

A: No.

Q: Was Chief Jordan on the scene of Persian Park?

A: I saw him up there, but it wasn't his zone:

Q: Ok.

A: I saw him up there. I don't recall exactly, we had some conversation *inaudible*,

Q: So, what role did he play there?

A: He was assisting at, at, best

Q: How long, do you know how long he was there?

A: No, I don't know exactly how long.

Q: Did Chief Jordan order the arrests at the Persian Park?

A: No.

Q: Did Chief Jordan determine the charges at . . . ?

A: No.

Q: . . . the Persian Park?

A: He did not.

Q: Was there, was there a plan discussed in the command staff meeting to arrest these people right away?

A: Absolutely, not, onto the contrary the, the, the goal was to make as few arrests as possible. Matter of fact, Chief Ramsey met with us early that morning and indicated that we wanted to avoid arrests if, at all possible.

6 \*6

Q: What CDU training have you received in your career?

A: I've received various, I never had the full CDU training but I, I've received various training throughout my career.

Q: So, you didn't receive the full week of CDU training?

A: Well, well, I have had, no, I don't think I went to the full week, no, but I have gone for more than a week total, at different times.

Q: Is there anything right now that you'd like to add to this statement?

A: No, I think that the, well, yeah, there is something I'd like to add, I think that what we did was appropriate, was in the best interest of the city. We did our best to get people out of the park that were there, prior, to the protestors arriving. For a certain amount of time, we left one side of the park open, and several people who were in the park. There weren't that many people in the park when I first got there, before the protestors got into the park, but there were some people and a number of those people were allowed to leave. There was one side of the park that was left open for a significant amount of time to allow people to leave that. were in the park, that were not involved in the demonstrations. And, like I said what we did, I think saved the city a lot of damage because of the, you know, there was a lot of intention that was indicated prior to these demonstrations that these people wanted to disrupt the city, I think their behavior indicated that they were going to do damage in the city, and so we felt that arrests were appropriate for their conduct, prior, to entering, to entering the park.

Q: They, there are several statements in regard to folks have come forward and complained certain locations that they were, for lack of a better term, they used the words hogtying. Did you observe any hogtying down at Persian Park?

A: No, I didn't observe any hogtying at all down at Persian Park. The, everyone that was arrested at Persian Park that I actually witnessed was handcuffed with flex-cuffs on their wrists. The, there's also, you know, it's been told to me that, that various people have indicated that they did not see certain conduct at certain time by the demonstrators. I think it's important to recognize the fact that not everybody was there on the scene when the, when the demonstrators were coming into the park. Most of the people didn't come until after the, the demonstrators were in the park. So, I lot of people felt like that order should have been given. They weren't really clear as to why the arrests were being made.

Q: So, would it be safe to say, so, and if there were captains and lieutenants that were staged at certain portions, area In the park, they may not have the, the total view of what, what had occurred there?

A: Yeah, that, I mean that, that would be clear. I mean I was getting information from, from everybody. I actually spoke to all of the lieutenants that were on the scene at one point, to get their input I made a decision that I thought, you know, was based on a totality of the

7 \*7

Q: Is there anything else you'd like to say?

A: No.

Q: Thank you, very much. It is now . . . It is now 10:00, on the 24th of December, 2002. This is the end of the statement given by Assistant Chief Peter Newsham.

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1200.9 No person shall remove from a place of storage, possess, convey, transfer, buy, sell, lend, or rent any bicycle except as provided in this chapter.

1200.10 No motorized bicycle shall be operated upon any public space in the District by any person who is less than sixteen (16) years old. **AUTHORITY:** Unless otherwise noted, the authority for this chapter is an Act of Congress to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, approved January 26, 1887.24 *Stat* 368; §§ 401 and 402 of Reorganization Plan No. 3 of 1967, effective August 11, 1967, filed August 11, 1967, D.C. Code Vol. 1 at 126 (1981 Ed.); Reorganization Plan No. 2 of 1975, effective July 25, 1975, 21 OCR 3193; 22 OCR 961; and § 412 of the District of Columbia Self-Government and Governmental Reorganization Act as amended, 87 *Stat* 790, Pub. L No. 93-198, D.C. Code § 1-227(a). **SOURCE:** Regulation No. 72-13 effective June 30, 1972, 32 DCRR §§ 11.201(a), (b), 11.204(a), (b), 12.201(a), Special Edition: as amended by § 2(z) of the District of Columbia Motorized Bicycle Act, D.C. Law 1-110, 23 OCR 4954 (January 21, 1977).

## **1201 SAFE OPERATION OF BICYCLES, AND MOTORIZED BICYCLES**

1201.1 Every person riding a bicycle on a highway shall be subject to all the duties applicable to the drivers of motor vehicles under this title, except as otherwise expressly provided in this chapter, and except for those duties imposed by this title which, by their nature, can have no reasonable application to a bicycle operator,

1201.2 A person shall operate a bicycle or sidewalk bicycle in a safe and non-hazardous manner so as not to endanger himself or herself or any other person,

1201.3 No person operating a bicycle upon a highway shall unduly or unnecessarily impede or obstruct traffic,

1201.4 No person shall operate or ride a bicycle other than upon or astride a regular seat attached to the bicycle.

1201.5 No person shall operate or ride on a bicycle with more persons on it at any one time than the bicycle is equipped to carry.

1201.6 No person shall operate or ride a bicycle while carrying any package, bundle, or article which prevents the operator from keeping at least one hand on the handle bars.

1201.7 No person shall ride a bicycle abreast of another bicycle unless to do so does not endanger himself or others.

1201.8 No person shall operate a bicycle at a speed in excess of any posted limit or at a speed which is greater than is reasonable and prudent under the conditions then existing.

1201.9 There shall be no prohibition against any person riding a bicycle upon a sidewalk within the District, so long as the rider does not create a hazard; Provided, that no person shall ride a bicycle upon a sidewalk within the Central Business District except on those sidewalks expressly designated by Order of the Mayor, nor shall any person ride a bicycle upon a sidewalk in any area outside of the Central

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**METROPOLITAN POLICE DEPARTMENT Civil Rights and Force Investigations Division**

DATE: December 13, 2002

TIME: 11:10 A.M.

PRESENT: Sergeant James E. McKoy and Sergeant James McGuire of the Metropolitan Police Department, Civil Rights and Force Investigations Division. Also present is Captain Andrew Solberg assigned to the Fourth District.

SUBJECT: In reference to Confidential Investigation Number 02-1509. This is the statement of Captain Andrew Solberg.

LOCATION: Metropolitan Police Department, Civil Rights and Force Investigations Division, 51 N Street, Northeast, Washington, D.C.

SERGEANT MCKOY:



Q: My name is Sergeant James E. McKoy, Jr., of the Metropolitan Police Department, Force Investigation Team, along with Sergeant James McGuire, also the Metropolitan Police Department, Force Investigations Team. Today is December 13th, a: Friday, 2002, at 11:10 a.m., conducting an interview with Captain Solberg regarding the facts and circumstances surrounding of the arrest and detention of protestors on September 27th, 2002, in or around the area of Persian Square, located within the District of Columbia. Captain Solberg, can you please give us your name, and spell your last name?

A: Andrew Solberg, S-O-L-B-E-R-G.

Q: Could you give us your duty assignment?

A: Captain of the Fourth District.

Q: Do you know that this is a voluntary interview?

A: Yes.

Q: You understand that you are not the target of this investigation?

2 A: Yes. \*2

Q: Could you please tell me what happened or what you observed on September 27 2002, in or about the area of Persian Square in the District of Columbia?

A: Yes. I had started off at Union Square that morning, and had been working with CDU platoon 44, which is our bike unit, and the, a group of bicycle demonstrators took off from Union Square about eight o'clock, they rode through city streets up to Dupont Circle, looped around, came back and eventually wound up sometime around nine o'clock that morning at Persian Park.: When I got to Persian Park, it appeared to me that a variety of law enforcement groups, including MPD, and I think U.S. Park Police had, with either officers or barricades, closed off the north and west sides of the park, the east side and the south side of Persian Park was still open, and people were coming and going from the park freely at that point Sometime, probably, within *a* half hour, forty-five minutes after that, somewhere, it was probably around ten a.m., I met with Assistant Chief Brian Jordan and Assistant Chief, Peter Newsham, and was told to take whatever CDU platoons I had and shut down the south side of the park, and east side of the park, and we were gonna do mass arrest of everybody inside the park. And, I asked what the charge were going to be for those people inside the park, and I was told that the charge was going to be Failure to Obey a Lawful Order, and I asked, what order that was, and I was told that the order had been given earlier that morning near the intersection of 14th, and Pennsylvania, which would be on the southeast side of Persian Park, they had protestors, bike demonstrators and other people had been, told to clear the intersection and the streets, and if they had failed to do so, and that those people who are now inside of Persian Park were going to be charged with that offense. So, I along with, I think it was the 6D bike platoon, would have been CDU 64 probably, and CDU 42 shut

down the south and east sides of Persian Park, CDU 42, which had the east, had control of shutting down the east side of the park, pushed all their demonstrators towards the west side of Persian Park, and at some point, we began the mass arrest taking people out, handcuffing and taking people out of the south west corner of the park and putting them on buses to go to the Institute of Police Science.

Q: You mentioned that you initially arrived at the park around nine a.m.?

A: Yes.

Q: What would you say the crowd number was in the park when you first arrived?

A: Well, it was pretty fluid, I would say they were probably a couple of hundreds of people milling about in the park, or coming and going at that point, only two sides of the park were shut down, they were also protestors across 14th Street in Freedom Plaza, but in Persian Park, probably, about two, three, four hundred people.

3 \*3

Q: At anytime while you were at Persian Park, did you, yourself or did you hear or have knowledge of an order being given to the protestors or the people in Persian Park to either disburse or move oh?

A: No. I heard nothing, but I was told by, I guess it was Chief Jordan, that, that order had been given earlier.

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Q: To your knowledge, was anybody, was any of the protestors of people in Persian Park prior to the time when the CDU units along with the Park Police and outside agencies, surrounded and cut off all exits and entrances to the park, was anybody allowed to leave the park?

A: Yes, I mean before we shut it down people were coming and going freely. Q: Was any warning given to the people in the park that, you don't leave now?

A: No, I never heard a warning like that given. Basically, instructions were given to encircle or closing the park, yes, to my understanding, and everyone inside would be arrested.

Q: Sergeant McGuire . . . (Sergeant McKoy referring to Sergeant McGuire) . . .  
SERGEANT MCGUIRE:

Q: You said that Chief Jordan told you that the people were given an order earlier in the day to disburse and they didn't do that?

A: Yes.

Q: And, the people that you referred to were the protestors?

A: I assumed at that point, yes.

Q: What time did he say this order was given?

A: I didn't ask him, he didn't tell me. He said it been earlier that morning.

Q: Did he tell you to who specifically this order was given?

A: No.

Q: Did he tell you how many orders were given to disburse?

A: No.

Q: Did he tell you this information in front of Chief Newsham?

\*4

A: Yes.

Q: Did Chief Newsham offer any information to you?

A: Well, **at** least the three of us were there, perhaps Captain McLean, maybe, Captain Manning) maybe Tommy McGuire, whom I am not sure at that point was either a captain at homicide or the ID commander. But, they were a group of us there and those were the instructions we were given.

Q: Did anybody further discuss that people that were currently in the park had to be issued orders prior to that arrest?

A: Not **in**. front of me.

Q: You said that you inquired about what the charge would be?

A: Yes.

5 Q: Why did you inquire about what the charges would be?

A: Well, I had followed the bike protestors, and two CDU bike units from Union Station to Persian Park through this hour, forty minute long ride, maybe, from Persian Park, from Union Station to Persian Park, and I was right, I was in a police car, but I was right with all the Bicyclist, and when the bicyclist came to Persian Park, which look like it was their intended destination, they were no officers anywhere that I ever saw or heard who were either mining the intersections or that there was no official that ever gave any order, so I don't think that the people who were on part of the bike, the bike., what word am I looking for, the bike protestors, I don't know that they would ever \_\_\_ such an order, I'm not sure, I'm not saying they didn't, but I never heard any order given, and I was pretty much part of the pack of the bicyclists, and to my knowledge they were no order ever given.

Q: Ok. Just so I have this straight when you got to Persian Park with the bicycle protestors, was there any protestors in Persian Park?

A: Yes, there was a large contingent of people already in Persian Park. Q: And, they were no police officers there?

A: Yes, they were, they were police on the north and west sides of the park. 3D was there, 6P had been riding with the bike unit, but they were at least, they would have been at least one MPD CDU platoon there, and I believe a contingent of Park Police officers, both on foot and on horse when I got to the park at around nine o'clock.

\*5

Q: But, at this point, people were moving freely through and out of the park?

A: Yes.

Q: Was Chief Jordan there when you got there?

A: I didn't see him.

Q: Was Chief Newsham?

A: I didn't see him.

Q: Any chief?

A: Not that I saw.

Q: Chief Jordan say who gave the order initially?

A: No.

Q: So, the bike protestors were a part of the group of people that, part of the protestors that were arrested?

A: Yes,

Q: And, the order that Chief Jordan is explaining that he gave the protestors, was that before the bicyclists got there?.

A: Well, to be clear, I don't know if he said he gave that order, he said the order had been given, and I really can't say that it wasn't given when the bicyclists were there, I never heard it given and I was right with the bicycle protestors most of the time. They was certainly, in other words, in a fluid situation, I would think that the bicycle protestors, although they were bicycling fairly slowly along the streets, at no point near Persian Park, ever stopped and blocked an Intersection or created a mass demonstration, focal point, and they were never that I heard, addressed as a group and told that they were infringing any laws.

Q: So, you were told by Chief Jordan that the protestors would be charged with Failure to Obey?

A: Yes, and that the order had been given previously to the people congregated in the intersection of 14th and Pennsylvania. In other words, the protestors that were already in the park when I got there with the bike group, could have been blocked off, could have been blocking the intersection of 14th and Pennsylvania before I got there, and an order could have been given to them to disburse, I didn't see that, I wasn't there for mat.

6 \*6

Q: And, you weren't there and you didn't, let me go back, when that park, when the police line was established around that park, you were there?

A: Yes.

Q: No order, you did not hear an order given when that police line was established?

A: No, but according, no.

Q: So, when you were told that they were going to be charged with Failure to Obey an Order, did Chief Jordan explain to you why they were going to be charged with. Failure to Obey a Police Order, let me know, is that, did you hear \_\_\_\_\_ charging them with Failure to Obey a Police Order?

A: No. But, I had not heard the order given for the people at 14th and Pennsylvania to disburse, and as I said, that had apparently had been given before I got there.

Q: Did anybody make any complaints to you on the scene that they weren't involved in the protest?

A: Yes.

Q: Were they arrested?

A: Everybody in the park were arrested.

Q: When you were there, was anybody trying to leave the park?

A: Yes.

Q: Were they allowed to leave the park?

A: No.

Q: Were they told why they weren't allowed to leave the park?

A: Other than the general thing that a lot of officers, I was one of them, told them that the park was shut down and no one was allowed to leave, they weren't given an explanation that I know.

Q: Were you told by anyone of higher rank than you, that no one was to leave the park?

7 A: Yes, \*7

Q: Who told you that?

A: Commander Newsham.

Q: Why did they tell you that, do you know?

A: Yes. Because, we, that everybody in the park was going to be charged with an offense, and therefore we had to hold them somehow so they wouldn't leave. Q: And, that was failure to obey the police order?

A: Yes.

Q: I'll just ask you this, prior to the meeting that you had with Chief Newsham and Chief Jordan, were you in any other command level meetings discussing any arrests that was gonna take place during the IMF protest?

A: Yes. I was in one that took place either on Wednesday or Thursday before, just prior to these arrests.

Q: Was it ever established that arrests were going to be made?:

A: Absolutely. Chief Ramsey was very clear that, as he stated since, that the protestors was not going to block off streets and shut the city down, as they had apparently claimed.

Q: Was there any discussions about giving police orders prior to them being arrested?

A: Not that I recall

Q: Were there any discussions to corral people and then arrest them?

A: Not that I remember, no. I think the focus during that command staff meeting on Wednesday was more focused on bridges, coming into the city, the 14th Street bridge, and the disruptive tactics, possibly, disruptive tactics of the bike demonstrators.

Q: Were they disruptive when you arrived with them?.

A: Certainly, disrupted traffic, but that's, I think they were, I don't think they were breaking any laws other than the bicycle laws maybe of riding, and that any riding against the red light or anything like that, I think they followed all applicable bike regulations for the city

8 Q: Did they have a permit to parade? \*8

A: No, they didn't.

Q: You're sure?

A: I was told that no permits were given for anyone other than they were a variety of them all listed in the CDU manual for the demonstrations, but they were a variety of different things, the bike people did not have a parade, permit rather, no.

Q: Ok.

SERGEANT MCKOY:

Q: Captain Solberg, is there anything else you'd like to state at this time?

A: No.

9 Q: Thank you, sir. It is now 11:30 a.m. \*9

1 \*1

## **METROPOLITAN POLICE DEPARTMENT Civil Rights and Force Investigations Division**

DATE: December 12, 2002 TIME: 12:29 P.M.  
PRESENT: Sergeant James McKoy and Sergeant James McGuire of the Metropolitan Police Department, Civil Rights and Force Investigations Division. Also present is Lieutenant Jeffrey Harold assigned to the Metropolitan Police Department, Special Operations Division.  
SUBJECT: In reference to Confidential Investigation Number 02-1509. This is the statement of Lieutenant Harold. LOCATION: Metropolitan Police Department, Civil Rights and Force Investigations Division, 51 N Street,



Northeast, Washington, D.C. SERGEANT  
MCKOY:

Q: My name is Sergeant James E. McKoy, Jr., of the Force Investigations Team, along with Sergeant James McGuire, also with the Force Investigation Team. Today is December 12th, 2002, at 1229 p.m., we're conducting an interview with Lieutenant Jeffrey Harold, regarding the facts and circumstances surrounding the arrest and detention of individuals at Persian Park, located in the District of Columbia, on September 27th, 2002. Lieutenant Harold, do you understand that you are not the target of this investigation?

A: Yes, I do.

Q: Ok. Do you understand that your interview with us is voluntary?

A Yes.

Q: Could you please give us your name and spell your last name, and also, give your duty assignment?

A: My name is Jeffrey Harold, H-A-R-O-L-D, I'm currently assigned to the Special Operations Division as a Coordinator for Civil Disturbance Unit, and Terrorist Response.

Q: Ok. Thank you. Lieutenant Harold, could you tell us your involvement in the Metropolitan Police Department's Civil Disturbance Unit?

2 \*2

A: I'm involved in most of the planning for and the training of civil disturbances officers, and for the planning for responses of civil disturbances, and also equipping all the officers that may be out on the street during the time of civil disorder.

Q: Are you also involved in the arrest or detention of protestors or people that's simply disobedient?

A: I don't usually get involved of the arrest of, I help design proactive and procedure, for \_\_\_\_\_ arrest, but usually I'm, not involved in the actual arrest of, I'm more of an adviser, and I don't see an adviser during rimes of disorder.

Q: And, who do you advise?

A: Usually, the commanders on the scene as to the best course of conduct for handling whatever situation they maybe faced with.

Q: In reference to September 27th, 2002, the IMF slash World Bank protest, it occurred in the District of Columbia, were you aware of how the arrestees were

A: Most did not, all the arrestees during that period of time were transported to Youth, or the Institute of Police Science for processing, I've been made aware that they were handcuffed, wrist to ankle, I had no personal knowledge of that, I've never saw it occur, I believe the first time that was done was back in April of 2000, with some of this early arrestees during the arrest process and where many, sixteen hundred arrest during that time. And, folks became unruly in the detention areas, and they were handcuffed in that manner to prevent injury to themselves and damage property to escape.

Q: To your knowledge, Lieutenant Harold, is there any written, anything written in the civil disturbance handbook or manual in regards to how members of the Metropolitan Police Department would restrain arrestees?

A: What the manual said id handcuffed to their backs, however, certain situations require measures other than, but written in the manual, and folks are unruly in lock up, and attempt to escape or injure others, additional would mean restraint would become necessary.

Q: Focus our attention on September 27th, 2002, Persian Park, Pennsylvania Avenue, were you present there this year?

A: Yes, I was.

Q: Could you tell me what you saw, heard or observed?

3 \*3

A: I was first monitoring that situation over the radio, and involved in an arrest on another location those arrest was stemmed from what is called, "A critical mass bike ride," started at Union Station and other points around downtown. This critical, the folks involved in this critical mass bike ride, threatened to shut down the city and to also be involved in other illegal conduct, whether it be blocking the street or breaking the window. The bike ride left Union Station and other points and ended at Persian Park, 15th and Pennsylvania, When I finally got over to that scene, they were preparing for the other mass arrest location, there was a group, fairly loud, fairly boisterous, obviously demonstrating in one point or another in Persian Park, they were half way corner off by a police \_\_\_\_\_, the north side of 15th and Pennsylvania Avenue was lined off by police officers, the south side of Pennsylvania Avenue and 14th Street was opened. While I was there, officers from the U.S. Park police along with officials from the U.S. Park police took the south side of the park and the 14 Street side of the park, cornered the whole entire group at Persian Park. Soon after that, the decision was made to begin arresting demonstrators that was in the park, and that was done, and their bicycles taken away.

Q: Who made that decision?

A: The ranking member on the scene was Chief Newsham, what I inquired on the scene, he make the decisions to arrest the demonstrators from that park, I was informed that Chief Newsham had made that decision.

Q: Persian Park, whose decision as it relates to, United States Park Police, Metropolitan Police Department, who have the jurisdiction over that park?

A: Primary jurisdiction is the U.S. Park police, of course the Metropolitan Police Department has joint jurisdiction everywhere within the city limits, so there's also joint jurisdiction with us, primarily, law enforcement activities are conducted by U.S. Park Police in that park.

Q: To your knowledge, were any warnings given to the protestors in Persian Park?

A: I don't know of any warnings

Q: To your knowledge, was there a permit to protest at Persian Park?

A: There was no permit for Persian Park or any other part of that critical mass bike ride blocking of the street, parading through the streets, none of that was permitted.

Q: Were you at or have knowledge of a meeting with the command staff of the Metropolitan Police Department, where it was mentioned that all illegal protest, protestors, will be placed under arrest?

4 \*4

A: I don't recall, I was at several meetings with the command staff, and as I recall the statements, the instructions were, if feasible and possible, arrest people that was involved in unlawful activity, to arrest all the demonstrators would be impossible. \_\_\_\_\_ the Department, you couldn't do it, you couldn't lawfully arrest everybody, and the order from the Chief and the other folks in the command staff that was responsible for making the decisions, when possible, they're damage-property or injury to persons, absolutely make the arrest.

Q: Besides the United States Park Police, the Metropolitan Police Department, what other police agencies were at Persian Park, or at the 27th of September, 2002, assisting with the protest?

A: Fairfax County Department was there, they were assisting with the, holding protestors back, keeping them from fleeing during the arrest process, but they weren't involved in the arrest process.

Q: Outside jurisdiction when they come to Washington, D.C., to assist us in civil disobedience slash protest, what's their chain of command?

A: They fall essentially Under our command and control, there's a liaison lieutenant replaced with their commander, they're given instructions by our command staff as to what we want them to do, they essentially have all law enforcement authority as they would in their home jurisdiction or sworn deputy, U.S. Marshals, however, they are required to abide by our force guidelines, and abide by the directives and directions of our command staff.

Q: Sergeant McGuire . . .

SERGEANT MCGUIRE:

Q: I just have a couple questions. Whose idea it was in 2002 to use that handcuffing technique, hand to wrist?

A: I don't know.

Q: Do you know who is in charge of the detail in 2000?

A: I believe it was Commander Lanier

Q: Did you actually see people handcuffed during the IMF protest in 2000?

A: No.

Q: Did you just hear that they were handcuffed like that?

A: Yes. I understood that, that's what happened, I never did see it personally.

5 \*5

Q: What location was it where they were handcuffed in that manner?

A: I was told that it was at the IPS processing facility, Institute of Police Science, in the processing area.

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Q: Is there anything in any manual specifically addressing hand and ankle, I know you said that there was alternative means if they're unruly, but does it specifically say hand to wrist?

A: No, it doesn't.

Q: Does it specifically say any technique should be used if they're under arrest?

A: No, it doesn't, it's not really, that part of it is not addressed, and that's left to the discretion.

Q: They?

A: It's not even they, it's not their, it's nothing stated in the manual other than handcuffing a prisoner behind their backs, there's no reference to any other handcuffing techniques or restraint techniques in the civil disturbance manuals.

Q: When Persian Park protestors was arrested they had some bikes there, and the bike locks were cut off the bicycles and then the bikes were taken, do you have any idea who that was?

A: To take the bikes for safe keeping?

Q: Yes.

A: Specifically, whose idea it was?

Q: Yes.

A: No.

Q: Are you aware that they cut the bike locks? A: Yes.

Q: Do you know who cut the bike locks?

A: They were cut by members of the Emergency Services Team of the Metropolitan Police Department, which is headed by Lieutenant Alter,

\*6

Q: Can you spell that last name?

A: A-L-T-E-R, he's from ROC East.

Q: Ok. Was there an order given on the scene to cut those bike locks, of was that . . . ?

A: I have no knowledge of that, I don't know how they wound up in that position of cutting the locks off. "The bikes were taken to Property Division, however."

Q: That wasn't something that was discussed prior to the protest that you were aware of, that they were going to . . . ?

A: Yeah, it was absolutely discussed that folks using their bikes and were involved **in**illegal activity, that the bikes would be confiscated for being unregistered for whatever unlawful reason, the police can take possession of the bicycles., absolutely that was discussed prior to that.

Q: Was that discussed with specific Chiefs in the room, do you remember.

A: I remember having specific discussions about that while we were doing the planning, and I believe in the plan, the operational manual, there sites that could be used to, could be \_\_\_\_\_ from off the street if they were involved in unlawful conduct. Being unregistered, blocking traffic, anything like that, any violations of the traffic \_\_\_\_\_, cause for the taking of the bike and impounding it. —

Q: Ok. What about the backpacks, was there discussion of how backpacks Were gonna be removed from people?

A: Backpacks should be transported with the body, that's personal property.

Q: Taken off of the person?

A: It should be logged as personal property from the arresting officer.

Q: Ok. Well, F11 be specific, was it ever discussed that the back packs would be cut off?.

A: No, I never heard that.

Q: Are you aware that anybody had their back packs cut off of their backs, straps cut specifically?

7 A: No, I don't really know. \*7

Q: Ok. Do you know how people got into Persian Park, did they ride in or were they guided in?

A: I don't know, I wasn't there when they brought them up into the park.

Q: So, I guess it's safe for me to say, by the tune you got there they were already in the park?

A: That's right I was involved in the arrest up at 16th and K, 16th and I, up in that area, and by the time I made it down to Persian Park, they were already

Q: Ok. Let me ask you this question, do you know anything about any police officers telling them to go into the park?

A: No, if I remember correctly, reading the demonstrators statements on the internet, on their web page, that, that was were they were gonna go and protest, was up in the Persian Park,

Q: Was it ever discussed in any meetings about arresting detention, specifically, when those protestors was going through, when those protestors was arrested, they were going to be detained and not released immediately?

A: Un \_\_\_\_\_ detained?

Q: Yes.

A: No. Takes a long time to process a lot of people that got through, no, 'there was no delay in the processing that I know of, and there was never any discussion without delaying processing to keep them off the street, is that the question . . .

Q: That's the question. A: Not that I know of.

Q: In any past CDU details where larger mass arrest were made, are you aware of any prisoners being held for thirty hours, more than thirty hours?

A: I'm sure there was people held for more than thirty hours,

Q: So, that's common?

A: It depend on what the charge is, and how many people you're trying to process through, it takes a considerable amount of time to process sixteen hundred people through, so there's people there thirty hours or longer to be processed.

\*8

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Q: Ok. Back to Persian Park, when you were there, did you see anybody with a bull horn giving any orders to disburse demonstrators?

A: No. Police ordering demonstrators?

Q: Police ordering demonstrators to disburse or they would be arrested?

A: No.

Q: Ok. Are you aware of any undercover police officers that were in the crowd that got arrested?

A: I heard rumors to that fact, but I don't know, I don't have a personal knowledge of that.

Q: It was suppose to have been three Chicago police officers that were in the crowd. A: That's what I heard, but again, I don't have no personal knowledge of that

Q: Did you ever happen to speak to Chief Newsham about making those arrests when you were down there at Persian Park?

A: We had a conversation discussing what charges could be used to cause a detention for arrestees, but . . .

Q: Did he come up with the charge, or did you come up with the charge?

A: I'm not even sure whether the charge was, but I gave him a couple of options that he could use.

Q: Which were?

A: Disregard the warning of the traffic officer for blocking the street, demonstrating without a permit, failure to disburse and \_\_\_\_\_ any number, disorderly conduct charges, destruction of property charges, it depends on what, what he saw.

Q: Do you know what the other charge was?

A: No, no I don't.

Q: Ultimately, they were charged with Failure to Obey.

SERGEANT MCKOY:

Q: Lieutenant Harold, is there anything else you'd like to state in reference, in regards to Persian Park?

A: No, none.

Q: We're gonna conclude this interview, it is 1250.

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**GOVERNMENT OF THE  
DISTRICT OF COLUMBIA  
METROPOLITAN POLICE  
DEPARTMENT INVESTIGATIVE  
FILE REPORT REPORT OF  
INVESTIGATION**

On Tuesday, December 17, 2002,<sup>1</sup> interviewed Captain Rick Murphy of the U.S. Park Police. The interview occurred over the telephone. Captain Murphy was on the scene of Pershing Park when the mass arrest occurred on Friday, September 27, 2002.

Captain Murphy stated that a request was made that he respond to Pershing Park, with his officers, to assist the M.P.D. Captain Murphy stated that the request came over his police radio but he does not know who made it. Captain Murphy related that he had officers with him from the U.S. Park Police and Fairfax County Sheriffs Office. Also Mr. Randy Myers, who is the General Counsel for the U.S. Park Police, was with Captain Murphy. When Captain Murphy arrived on the scene he spoke to Assistant Chief Jordan, Assistant Chief Newsham and Commander Lanier. Captain Murphy was asked by Chief Newsham if he could "assist with shutting down the park." Captain Murphy placed U.S. Park Police Officers from the Reactionary Team and Fairfax County Sheriffs on the north side of the park. U.S. Park Police Officers from



his C.D.U, unit were positioned on the south side of the park. Captain Murphy also had a horse unit deployed on the south side of the park.

During a conference on the scene with Assistant Chiefs Jordan and Newsham, the chiefs inquired if the protesters had a permit to demonstrate in the park. Captain Murphy stated that they did not have a permit to demonstrate in the park. The chiefs then inquired about the regulations concerning demonstrations in the park. Captain Murphy stated that a permit was required if 25 or more people gathered for a demonstration. However, prior to making arrests, the park police issues warnings to disperse. Furthermore, Captain Murphy stated that the U.S. Park police escorts demonstrators to the Silvan Theater where they are allowed to continue their protest. They eventually disperse and no arrests are made. Some time had passed when Captain Murphy was told by Assistant Chiefs Jordan and Newsham that the protesters were going to be arrested and was asked by Assistant Chief Jordan if would have his horse unit "push" the protesters to the north side of the park. Captain Murphy declined this request by Chief Jordan because the park was too muddy for the horses and he didn't know why the protesters were being arrested. I asked Captain Murphy if he heard any warnings given to the protesters to disperse and he stated that he did not. I again asked him if he knew why the protesters were being arrested and he stated that he did not. However, Commander Lanier did at one point make mention of the protesters smashing a window at a Citi Bank near the park. At this point I asked Murphy if he could come to the F.I.T. Office to be interviewed. He stated that he would come in for an interview and I stated that I would contact him. Captain Murphy also stated that officers from the 11 S Park Police made one arrest at Pershing Park of a protester who refused to get out of the street. \*1

**METROPOLITAN POLICE  
DEPARTMENT Civil Rights and  
Force Investigations Division**

DATE: November 26, 2002

TIME: 1628 Hours

PRESENT: Sergeant James E. McKoy, Jr., and Sergeant James McGuire of the Metropolitan Police Department, Civil Rights and Force Investigations Division. Also present is Inspector Joel Maupin assigned to the Institute of Police Science.

SUBJECT: In reference to Confidential Investigation Number 02-1509. This is the statement of Inspector Joel Maupin.

LOCATION: Metropolitan Police Department, Civil Rights and Force Investigations Division, 51 N Street, Northeast, Washington, D.C.

SERGEANT MCKOY:

Q: Sergeant James E. McKoy, Jr., of the Metropolitan Police Department, Force Investigations Team, today is November 26, 2002, and it is 1628 hours, or 4:23 p.m., myself along with Sergeant James McGuire, the Force Investigations Team, today we're here at the Institute of Police Science, along with Inspector Joel Maupin, we're investigating the facts and circumstances surrounding the arrest, the intentions of individuals in conjunction with the International Monetary Fund, World Bank protest, September 27th, 2002. Inspector Maupin, please give your name and spell your first and last name along with your duty assignment?

A: Joel Maupin, that's spelled, J-O-E-L, M-A-U-P-I-N, I'm assigned as the Deputy Director of the Institute of Police Science.

Q: Do you understand this interviewing statement \_\_\_\_\_?

A: Yes.

Q: Sir, could you please tell me what you know of the processing of prisoners at the Institute of Police Science on September 27th, 2002?

A: On September 27th, 2002, I believe that was the first date of the International Monetary detail, on that date, the Institute of Police Science was one of the processing facilities for prisoners arrested for events, \_\_\_\_\_ arrest system. \*2 On that particular date, the institute received, I think four, maybe, five hundred prisoners, I believe a hundred prisoners were sent to Cellblock E.

Q: Ok. Once they're placed under arrest on the field, can you explain the process on how they get to?

A: The prisoner control detail consist of two \_\_\_\_\_, one is transportation, that's transportation to the field to the arrest, holding processing facilities, and of course the processing and detention of prisoners at the facilities, so in any given mass arrest, arrest are made by patrol units in the fields, or the \_\_\_\_\_ units in the field, they are transported by members of the prisoner processing detail to one of the holding and processing sights, that particular date, all prisoners were transported originally to IPS because the secondary processing sites were not operable, and originally was not operable, so that's why we received so many prisoners at one time.

Q: Ok. Once they arrived here at the Institute of Police Science, did they arrive here, via, a bus.

A: Via bus or patrol wagon.

Q: I'm say arrived here from the form of transportation, can you tell me how they arrived, what state as they're in, as in, where they handcuffed?

A: When our prisoner arrived, they must be cuffed, flexi-cuffs around their back where they are processed, they're brought into a facility which the flexi-cuffs are removed before they go into the processing procedure. Once they are, their clothes are then taken, then: I.D., their property is taken, once they finish all the administrative processing procedures, they are put in the gymnasium under one of three categories, either collateral, which means they're gonna pay out, or elect to forfeit, which means they're gonna pay out, citation, means they intend to try and make citation, or court cases in which they pretty much want to go to court to make their \_\_\_\_\_.

Q: Once they arrived to the Institute of Police Science, and they're brought into the gymnasium, are there stations that each person pretty much goes to?

A: They are pretty much mats on the floor, which are broken down into the particular categories, normally the categories would be the three that I'd mentioned before, I believe this time they did it a little differently, I had mentioned it to Lieutenant McAllister, they didn't seem to be in the right categories, and I believe, this particular incident, they were putting them in the category as for the buses they came in, so one might have consist of twenty to thirty people that handcuffed to the bus in one particular area.

\*3

Q: Ok. They come in handcuffed behind their back, unless the, could you tell me a reason why they wouldn't be handcuffed behind then-back when they arrive here?

A: They really should be no reason unless their, for some reason they are medically incapable of putting their hand behind their back, with the flexi-cuff situation, you can add additional cuffs to make it more accommodating to the individuals, it's not that stringent as, of course as metal handcuffs, so for most situations once they arrived they should be handcuffed.

Q: Ok. They come to either what bus they arrived in or what particular form of adjudication they're gonna go to, they're gonna go to elect to forfeit the citation or to go to court, group or line?

A: That's correct

Q: Ok. Once that's determined, in which point or what point do they go from being handcuffed behind their back, to another form of handcuffed?

A: When they complete the administrative processing and they're taken down to the gym, it's my understanding that when the particular administrative processing, they're not handcuffed because they have to get fingerprinted and everything. When they take them down to the gym and they put them in particular areas, and it's my understanding that they are re-handcuffed, they handcuff them to the front, I believe one hand in the front with a series of flexi-cuffs going in the front to one of their legs to keep them from being able to get up and walk away. That's the way, my understanding as how that go. Now, I've been trying to research to find out is they're anything in writing that specify how they should be handcuffed, but there's no, there's nothing in the processing \_\_\_\_\_.

Q: How long have you been involved in the prisoner processing aspect of the mass arrest?

A: We received the responsibility of the prisoner processing about a year ago, then, from the Assistant Chief Gainer. Prior to that, the Major Narcotics Branch, or Narcotics Special Investigations, but prior to that, Morales Division pretty much ran prisoner processing. So, when we received the responsibility of it, we also, we kind of just piggy backed and everything that they were doing, we got their, to give them write-ups and SOP's or have to process individual prisoners, and we utilize them all, just most of the, just all the details, asked for their expertise.

Q: As it relates to how, can you explain how the prisoners were handcuffed after they was processed, right wrist to left ankle with the series of flex cuffs?

4 A: That's my understanding. \*4

Q: With the series of flex cuffs from the right ankle to the, correction, from the right wrist to the left ankle, was these people able to stand?

A: Yeah.

Q: Were they able to stand up?

A: They were just stand, they were able to, they were able to, I'm trying to think how they did it, cause I know they had to walk them outside to use the bathroom, and they walked them outside, and they cut the hand, all the cuffs off of them and allowed them to use the bathroom, re-cuffed them and allowed them to walk back in, so they were mobile to the point where they could walk around, but not to the point where if they want to take off and run they could do it, take off and run.

Q: Do you know or could you tell me why suspects, after going through the processing stage and the handcuff the way you just explained?

A: I can only speculate why, and probably cause the Institute of Police Science is not an arrest facility, there are no cells, there is nothing to keep, we have a, recruit officers that serve as jailers to watch over the individuals, and to watch over the doors, but when you get four hundred, five hundred, six hundred people in there, and they still decide to get up and run, you can't stop them from leaving, so it have to be secured in a manner that would prohibit their ability to escape.

Q: If you can, can you tell me how many officers were assigned to the gymnasium, prisoner processing detail?

A: I'm not exactly sure of that, and one of the packages I gave you is a detail for the last event, everyone indicated as a jail, IPS and a jailer was assigned to the gym to watch the prisoners. Usually, they mostly recruit officers, with the handful of veteran officers to give them direction.

Q: Sergeant McGuire?

SERGEANT MCGUIRE:

Q: I have couple of questions. During the processing, did any complaints come to light?

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A: Most of the complaints that we received were from individuals who, one didn't like the food that we were giving them, because a lot of them belong to a vegetarian group, and the food that we got for them was either cheese, or with bologna or something like that, sandwiches, and they didn't eat either of it. They're several complaints about people with the duration of their stay, cause normally with prisoner control, you can move them out pretty quickly, unfortunately, in this particular event, I kind of got overwhelmed and our \*5 computer system went down, so they stayed for an extended period longer than they normally stayed. So, they were provided with food, with water and with a

Q: I'm sorry, I guess I didn't hear what you said, you said a system went down?

A: The computer, the mass arrest system that we carry here is pretty much a computer based system, additional cameras take pictures is transformed into a computerized arrest form, instead of the old arrest forms, and it's taken through electronic stages, both, both WALES checks, booking, \_\_\_\_\_ everything. During this particular system, there's some malfunctions would be the camera, overlaying picture onto the arrest form, we got issues with CIJIS and WALES went down where apparently they had taken down to maintenance, told them it was going down, so it eliminated the ability to process the prisoner \_\_\_\_\_. So, they stayed a little longer, they were planning on them staying, and that I'm sure they convenience them or something.

6 Q: Ok. Do you know anyone telling tie prisoners that would be an easy option for them to make payment than them going to see a judge? And, just so I understand it, how many flex cuffs were used when their wrists were cuffed to their ankles?

A: I'm not sure, but I was looking in the back and we have a lot of the cuff situation that were put together, the cuffs that were put together, and I think all of them had either three or four cuffs \_\_\_\_\_.

Q: Can you give us some . . .

A: I have to walk back there to show you where they are at back there, and I'm not sure if they were utilized or that phase of it, or the other phase of it, but they left a lot of \_\_\_\_\_ behind.

Q: Ok. Do you know where the directive came from to handcuff people like that?

A: No, I don't know if it was a directive, a written directive or just something that started years ago and continued on, so I'm not really, that's why I expressed that, maybe Captain Sharkey or McAllister might be aware of it, or even Commander McNair, cause she manned it a couple years ago. Like prior to using \_\_\_\_\_, they probably didn't have a situation where they utilize those, they pretty much used pretty much off the cellblock's \_\_\_\_\_ prisoner's \_\_\_\_\_.

Q: What was Captain Sharkey's specific role?

A: Captain Sharkey and Captain Malkin were in charge of the different processing centers, it was the cell, the individual center, Sharkey and Malkin were here on the 27th, and they pretty much did the operation part of the thing, make sure everybody was in place, briefing the people who came in on their responsibilities.

\*6

Q: Who was down there the supervisor?

A: I was their supervising.

Q: And, who was your immediate supervisor?

A: I guess would be whoever was in charge of the detail, probably, probably, Chief Broadbent, Broadbent was in charge of the detail.

Q: Ok. Are you aware was there any video photographs of inside of the gym, the prisoner?

A: They should be photographs, the individual prisoners \_\_\_\_\_ paperwork, but I'm not aware of any . . .

Q: Mass?

A: Mass photographs.

Q: You not aware if they're any videographer from the Police Department or anything in the gym?

A: Sorry, not that I'm aware of, SERGEANT MCKOY:

Q: Inspector, the handcuffs used, you already explained, appreciate it about the handcuffs, or excuse me, flex cuffs, the flex cuffs that were on the wrist, were they the single flex cuffs or were they the two that were single, so it was the single one on the wrist, single one on there, the ankle and then several in between?

A: That's the way I interpret it, I mean, I can't picture actually how they work, but I understand it was a right, right, left thing, and with the flexi cuffs I observed back there, I went and checked and everything, that's what I visioned it was, I was there in the gym on many occasions, but I was pretty much looking at everything as a whole that individual and that wasn't an issue at the time. The issue at that time was getting everybody \_\_\_\_.

SERGEANT MCGUIRE:

Q: When you went down into the gym, did you see a prisoner standing or sitting?

A: There was a prisoner standing, there was many prisoners sitting, the prisoners when they pretty much stood, they pretty much walked out to the bathroom, but \*7 they're being walked out in line to get to their, matter of fact, I think when they were actually walked out, I don't remember him being handcuffed that way, it may have only been when he was sitting, because when he walked out to go get the police, they may have been handcuffed on the wrist, but I don't remember handcuffing them to their ankles. But, it may only had been when he was actually laying on the bench, but I can't tell you either way for sure.

Q: I guess I'm trying to ask that if a prisoner was in there sitting on the mat and he or she felt like standing up, could they stand up?

A: No, I don't think so, I don't think that was an option.

Q: That, exactly, was it an option for them to stand or sit down?

A: I think that they were in a position where they had to been sitting down, they didn't want them standing up mixing up mats, place to place in a Closter phobic situation, that people were in specific areas, so they left one area went into another area, but then you don't know who they go speak with or what, who they go speak with.

Q: Ok. Well, could they stand up in their specific spot where they were seated, where they were directed to be seated, could they just stand up and sit directly back down?

A: They was nothing prohibiting them from doing it, they weren't handcuffed in a manner to keep them from standing up, now, the jailers would probably try to keep them from doing that by telling them to sit back down and don't move, something of that nature. There was nothing that was actually holding them to that mat that would keep them from rising or sitting, or whatever they want to do, I don't know if the jailers were given in their briefings, if they were given directions to make sure no one doesn't stand up, that seem to be a little unreasonable as long as they are in their specific areas.

Q: Was there a briefing?

A: I'm sure it was a briefing, I didn't attend the briefing, but there's always a briefing, but the people who come in aren't necessarily know anything about \_\_\_\_\_, so every detail is a briefing, it usually is a briefing stop by McAllister and Captain Sharkey.

SERGEANT MCKOY:

Q: You have anything else to add to it . . . , Inspector, anything else you'd like to say?

8 A: I hope that it is helpful. \*8



Q: Well, we appreciate it, thank you. The time is now 1642 or 4:42 p.m., we're gonna conclude this interview.

9 \*9

1 \*1

**PRISONER CONTROL PLAN  
IMF CONFERENCE  
WASHINGTON, D.C. September  
26 — October 1, 2002**

Shannon P. Cockett Alfred Broadbent, Sr.  
Assistant Chief of Police Assistant Chief  
of Police Institute of Police Science  
Special Services Command

1 \*1

**Plan for Prisoner Control In conjunction with  
the Meeting of the International Monetary  
Fund Thursday, September 26, 2002 through  
Tuesday, October 1, 2002 OVERVIEW:**

On Thursday, September 26, 2002, through Tuesday, October 1, 2002 a large number of people will be visiting Washington, D.C. to participate in activities relating to the meeting of the International Monetary Fund, hi the past, at similar events, the meeting of the World Trade Organization precipitated massive demonstrations and violent civil disobedience. Because this event will attract a large number of protesters and organizations, similar to those that precipitated past events, a plan has been formulated for the activation of prisoner control.

2

This plan is a single-phase operation, consisting of three (3) prisoner processing centers, two (2) holding sites, and transportation units.

Prisoner Control personnel will:

- Be staffed by sworn and civilian personnel from OSD, TIPS, PSD, OOD, and MNB. Once activated, members will work twelve (12) hour tours, as noted, beginning Thursday, September 26, 2002, through October 1, 2002. (Reference: Teletype 08-248-02, dated August 28, 2002);

- Note that beginning Sunday, September 22, 2002 at 0001 hours until Saturday, October 5, 2002, at 2400 hours annual leave has been restricted and the Optional Sick Leave Program has been suspended. All members reporting sick must respond to the Medical Services Division. (Reference: Teletype 08-248-02, dated August 28, 2002);

- Work tours of duty that begin at 0530 and 1730 hours throughout the activation, unless otherwise noted. The only exception is on Friday, September, 27, 2002 when members responding in for the day tour must report in at 0400 hours;

- Be assigned from each patrol district (3 members from each district). Once activated, district personnel will work twelve (12) hour tours of duty, in accordance with the time scheduling noted in teletype 08-191-02, dated August 21, 2002;

\*2

- Be assigned to either a processing, holding, or transportation functions;

- Be in a heightened state of preparedness during pre-event activities. In the event of a mass arrest situation during this time period, the adult prisoner processing site located at the Institute of Police Science (IPS) will be made functional and staffed. Juvenile processing and arrests will be exclusively handled at the First District.

• Note that prisoner processing will be officially activated at 1800 hours, Thursday, September 26, 2002, unless situations dictate an earlier implementation. Total resources available are as follows:

• Prisoner Processing/Holding:

3 adult prisoner processing sites

2 adult prisoner holding sites

1 juvenile processing/holding site

• Transportation

15 (to 25) Metro Transit buses

4DCDCbuses

UPS bus

8 patrol wagons

Total Staffing Requirement: 349

• Staff and operate three (3) prisoner processing sites and two (2) holding sites, beginning Thursday, September 26, 2002; and

• Provide transportation, processing, security, and detention for all arrestees.

**PRISONER CONTROL**

**PERSONNEL:**

Three hundred and twenty five (325) members will be required to staff the prisoner control and transportation functions: (Attachment #1, page 3)

• Two (2) Inspectors

• Three (3) Captains

• Ten (10) Lieutenants

3 • Thirty four (34) Sergeants \*3

• Two hundred twenty three (223) Officers/Civilians/Recruits

• Ten (10) CDL drivers

Detailed personnel will report to their assigned locations at times and dates listed in the plan and/or from official teletypes. Several days prior to the event all officials will be provided their assignments, a copy of the plan, and briefed concerning their duties and responsibilities, as well as all operational procedures. Detailed personnel will not be relieved of duty until officially relieved by the detail commander.

**FACILITIES**

The Prisoner processing/holding sites are as follows: (Attachment #1, page 1)

1. **501 New York Avenue N.W.** — will be staffed and fully operational beginning Thursday, September 26, 2002 at 1800 hours. This facility will process and house uncooperative and/or violent demonstrators, and those charged with U.S. offenses. This facility has the capacity for sixty-eight (68) (un-releasable) prisoners.

**Overall Site Commander: Lieutenant Mark Greenfield**

**Total personnel assigned: 51**

**Total prisoner capacity; 68 Adults**

**Auxiliary holding facility: Central Cell Block (see below #6)**

2. **Cell Block "B"** — located at Fourth and F Streets, N.W., in the basement of the old Superior Court Building. Juvenile detainees normally held at this facility will be handled by YFSD members at the First District Station, see #7 below). This facility will also be fully staffed and operational on Thursday, September 26, 2002 at 1800 hours, and will process and house the remaining uncooperative and/or violent demonstrators and additional cooperating demonstrators, as space allows. Cell Block "B" has the capacity for three hundred (300) demonstrators/prisoners.

**Overall Site Commander: Lieutenant Michael Banner**

**Total personnel assigned: 43**

**Auxiliary holding facility: RFK Stadium (see below #5)**

4 \*4

3. **Turner Institute of Police Science (Gymnasium)** — located at 4600 Blue Plains Drive S, W. This facility will process and house cooperating demonstrators, persons eligible for Citation Release, and those who pay a fine to elect to forfeit. This facility has the capacity for four hundred (400) cooperating demonstrators.

**Total prisoner capacity: 400 Adults**

**Auxiliary holding facility: USCP/MPDC Canine tent areas (see below #4)**

5

4. **U.S. Capitol Police (USCP)/MPDC Canine Training Areas** — permission has been granted for these sites to be used as overflow holding (only) facilities, located at 4701 Shepard Parkway, Southwest, and adjacent to D.C. Village, respectively. These facilities, configured with D.C. National Guard (DCNG) tents, will have the capacity to house six hundred (600) cooperating demonstrators, four hundred (400) at the USCP site and two hundred (200) at the MPDC site. Prisoner processing cannot be performed at these locations,

**Total prisoner capacity: 600 Adults Auxiliary holding facility for IPS**

5. **R.F.K. Stadium** — three (3) rooms/areas have been secured at the stadium in the event that the above sites reach maximum capacity. These rooms/areas will accommodate an additional three hundred (300) non-violent prisoners and will be used as a holding site only. Prisoner processing cannot be performed at this location. In order to avoid confusion and expedite prisoner presentation in court, prisoners held overnight for other agencies (i.e., USCP or USPP) will be transported to this site pending transportation to the USMS's cellblock.

**Total prisoner capacity: 300 Adults**

**Auxiliary holding facility for Cell Block B**

\*5

6. **Central Cell Block (CCB)**-the recently renovated area of the Central Cell Block may be utilized to hold prisoners in an extreme emergency. This space is best utilized to hold the extremely violent prisoners and/or in the event of a small number of female prisoners, the females can be housed at this site, freeing up the second cell at Cell Block B to hold a greater number of male prisoners. If activated, the CCB will be staffed *from* existing prisoner control personnel.

**Overall Site Commander:**

**Total prisoner capacity: 36 Adults**

**TRANSPORTATION:**

**Total personnel assigned: 8**

**Auxiliary holding facility for Cell Block B and/or 501 New York Ave**

7. **Juvenile Prisoner Processing Center** — will be at the First District Station 415 4th Street S.W. The Commander of Youth Family Services, Inspector Overton, will responsible for the coordination and staffing of this site. All juvenile arrests will be processed here and juvenile detainees usually housed at Cell Block "B" will be housed here for the duration of this event. This facility has the capacity for 45 juvenile detainees.

In the event that large numbers of juveniles are arrested at the demonstration sites and cannot be accommodated at the First Police District, the Third District, located at 1620 V Street Northwest, will be used to process and house juveniles. It is anticipated that most, if not all, juveniles will be handled as contacts and released to their parents or other responsible adults. This facility has the capacity for an additional 48 juvenile detainees.

The Commander of the First District, Alan Dreher, will be notified of the detail to make arrangements to secure First District prisoners at an alternative facility, for the duration of the detail. The Commander of the Third District, Cheryl Peacock, will also be advised of the contingency plan for housing juvenile arrest overflow.

Lieutenant Kim Gregory, Youth Services, has advised that there will be twelve (12) members (four per shift) for processing. Lt. Gregory further advised that in the event of a juvenile arrest overflow situation-requiring additional processing personnel to respond to the Third District-there will be a two (2) hour delay to switch the computers to the juvenile processing mode.

8. **Transport Assets** — in the event that all processing and holding centers reach maximum capacity, additional prisoners will be housed on the transport buses at the processing sites until the processing centers can accommodate them. Total transportation assets (excluding transport wagons — which are for transporting \*6 only) will accommodate an additional eight hundred fifty five (855) demonstrators.

**Total capacity to house/hold demonstrators at any given time is 2604**

**Total capacity in the entire process cycle at any given time is 2684.** (Attachment 1, page 2).

- Transportation of prisoners from the arrest sites to the prisoner processing centers will be accomplished with contract Metro buses.
- All transport vehicles will be staged during the detail at locations determined by the event Commander.

6

- The transportation detail will consist of two (2) shifts-0530 and 1730 hours, with the exception of Friday, September 27, 2002 when morning personnel will respond to duty at 0400 hours (Reference: Teletype 08-248-02, dated August 28, 2002, page 2).

- Fifteen (15) Metro buses will be available to transport prisoners to the processing sites. Eight (8) patrol wagons (1 from each district and MNB) will be detailed to Prisoner Control for escorting and special circumstances (i.e., juvenile or hospital transports).

- Depending on circumstances a total of twenty-five 25 Metro Buses could be available for deployment for prisoner transportation,

- Four (4) buses from DCDC and one (1) bus from IPS will be staged at the processing and holding sites to transport prisoners from the processing sites to holding sites and/or the USMS cellblock. The parking garage under the Superior Court will not accommodate Metro buses and due to safety regulations, prisoners cannot be escorted from the bus down the ramp.

- The Prisoner Control Detail will provide all other vehicles used to transport property, supplies, food, or prisoner control personnel.

- District personnel will handle routine arrests in the usual manner at their respective districts or at the designated alternate sites. **Prisoner control will only handle arrests due to civil disorder arising from events associated with the demonstration.** PD 759, Mass Arrest Forms will be used for these arrests. No prisoner will be accepted at the Prisoner Control processing sites without a properly completed PD 759 and either a digital or clear Polaroid photo of the arrestee taken with the arresting officer.

\*7

- Transportation supervisors will direct arrested persons to the processing sites according to pre-set priorities listed below:

**Felonies/U.S. Cases** — 501 New York Avenue N.W.

**Overflow of above and Corporation Counsel charges** — Cell Block B

**Overflow of Cell Block B** — CCB and/or RFK Stadium

**Corporation Counsel Charges** — Institute of Police Science

**Overflow from IPS** — Canine Training Areas

Personnel from Information Technology, Corporate Support, will liaison with assigned on-site technical support personnel to ensure all systems are online and functioning properly. There will be one (1) on-site technical support person assigned to each processing site,

**Contact: Mr. Walter Collier, Program Manager, phone: (202) 727-8667**

- Prisoner control personnel will wear the Class B uniform, with the long sleeved shirt and tie. Utilities and jumpsuits are not authorized for this detail. Recruit and Lateral Entry officers will wear their issued uniforms,

- All sworn processing personnel will be equipped with riot gear to include helmet, gas mask, riot baton, and raincoat in the event that they are deployed to assist the Transportation detail.

- Transportation vehicles will be equipped with field processing kits with Polaroid cameras to assist Special Operations Division and Civil Disturbance Unit arrest teams related to this event.

- All processing/holding centers, transportation supervisors, and vehicles will monitor the radio channel CW-I/SOD designated for exclusive operations for this event

8 \*8

- The Institute of Police Science and Major Narcotics Branch will provide radios and related equipment for the prisoner control detail. Portable battery chargers will be made available at all sites.

9

- All officials will have their MPD-issued cellular phone, pagers, and chargers with them for additional communication capabilities.

- All arrests associated with this event, except serious felonies (i.e., shootings, stabbings, robberies, etc) will be processed at the Prisoner Processing Centers.

- All prisoners that possess valid identification and wish to post collateral will be thumb-printed and released from the processing site.

- All prisoners arrested for Corporation Counsel charges that possess valid identification and meet the qualifications for Citation Release will be thumb-printed and released from the processing site.

- A full set of fingerprints will be obtained from all other arrestees associated with the demonstration.

- Prisoner Control Field Processing Personnel will take custody of injured prisoners and arrange for transportation and security during treatment. These officers will accompany the arrestee to the hospital and stay with him/her until treated and then transported to Prisoner Control for processing,

- Serious injuries noted on the scene of the arrest will be taken directly to the hospital.

- Injuries noted at the processing centers will be initially evaluated by on-site medical personnel and transported to the hospital, if necessary.

\*9

When mass arrests have been ordered, arrest teams will move in and affect the arrests. Arrestees will be brought to the Prisoner Control Bus where they will be thoroughly searched for weapons and contraband by the Prisoner Control transportation personnel before being placed on the bus. Adults and juveniles will be transported separately,

- Each arresting officer will be responsible for arresting and processing fifteen (15) arrestees per site.

- Arresting officers must accompany their arrestees on the bus to the designated processing sites. Each bus will have 45 arrestees, 3 arresting officers, and 2 Prisoner Control officers.



- Three (3) photographs of the arresting officer with the prisoner will be taken either prior to loading the prisoner on the bus, or at the Prisoner Processing sites, dictated by the situation. In the case of a fully automated booking process, these photos will be digitally taken at the processing sites.

10

- The PD 759 will be completed and the corresponding field arrest form number will be written on the reverse of all photos. The photos will then be stapled to the field arrest form and turned over to the site supervisor. Fully automated field arrest forms will have a digital photo.

## ALTERNATE ARREST PROCEDURES:

When crowd conditions at the arrest site are hostile or dictate the more expedient removal of prisoners from the site, the following alternate procedure shall be followed:

When mass arrests have been ordered, arrest teams will move in and affect the arrests. Arrestees will be brought to the Prisoner Control Bus where they will be thoroughly searched for weapons and contraband by the Prisoner Control transportation personnel before being placed on the bus.

- Each arresting officer will be responsible for arresting and processing fifteen (15) arrestees per site.
- The arresting officers will accompany their arrestees to the Prisoner Processing site on the bus and complete the PD 759, Field Arrest Forms (a PD 759 must be completed for each arrestee). Arresting officers will be advised if they need to go to court or report back to their field (CDU) assignment.

- Once at the prisoner processing site three (3) Polaroid photos will be taken of each arrestee with the arresting officer. PD 759's will be reviewed for completeness and attached to the Polaroid picture.

- **Intake Station** — Arrestees will be in-processed and their name listed on the Prisoner Control Intake Log at each site.

\*10

- **Property Station** — Property officers will take all prisoner's property, including belts and shoestrings, record it in the property book and give the arrestee a property receipt. Property will be separated into three categories, depending on the arrestee's intended disposition:

- **Elect to Forfeit**

- **Citation Release**

- **Court Presentment**

Property belonging to persons released at processing sites (i.e., Elect to Forfeit or Citation Release cases) will be returned to them upon their release. Prisoners will be required to inspect the property and sign the property book, indicating receipt (returning) of their property. No harmful products, tools, or potential weapons will be returned. If property is not returned, the prisoner or released subject will be advised on where and how to obtain their property on a later date. Prisoner's property will be transported to Property Division, on a daily basis, and stored there for final disposition.

- **Fingerprint Station** — All prisoners will have their thumbprint imprinted on the Field Arrest form and the P.D. 163. A full set of prints will be obtained from all prisoners without valid identification, all felonies, and U.S. Charges requiring the arrested person to appear before the Court.

- **Booking** — A manual booking sheet will be completed for each prisoner and entered into the Mass Arrest Booking program in the CJIS System. A separate CJIS code will be utilized for this event.

- **WALES/NCIC Checks** — will be completed for all prisoners processed at the mass arrest processing sites,

- **Detention** — Arrestees will then be placed in the appropriate holding facility (area), pending release or transportation to court. Prisoners will be separated into appropriate categories:

- **Elect to Forfeit**

- **Citation Release**

- **Court Presentment**

Jailers must maintain constant visual contact with all prisoners during times of their incarceration.

- **Release** — Prisoners with valid (photo) identification will be eligible for citation release and those who elect to forfeit collateral will be released after processing. Prisoners not eligible for citation release or unable/unwilling to pay a fine and elect to forfeit will have their paper work processed through AFIS and will be transported to the Marshal's Cellblock (either Superior Court or U.S. District Court) for arraignment. Prisoner Control has received permission from Chief \*11 Judge Rufus King to utilize the provisions of the Citation Release Program during the hours that court is in session. For the purposes of this demonstration, there are no (mileage) restrictions for citation release.

- **Arrest Paperwork** — Arrest paperwork at all sites will include:

- P. D. 759 Field Arrest Form (manual or automated)

- P. D. 163 Prosecution Report (reverse side only)

- Polaroid/digital picture of arrestee with arresting officer

- P. D. 778 Citation Release Determination, if appropriate

- P. D. 799 Citation to Appear, if appropriate

- Van Sheet

- A generic PD 163 will be generated for multiple arrest of the same charge, at the same location, and be used for all arrestees.

- A separate P. D. 163 will be required for individual criminal acts such as APO, destruction of property, CPWL, etc.

- Property envelope and receipt

- Fingerprint cards

- P.D. 313 for Injured Prisoners

- **Feeding of Prisoners** — Contractual agreements have been made to feed all prisoners at each site. This function will be handled by prisoner processing personnel.

- **Transportation to Court** — Prisoners being sent to the U.S. Marshal's Cellblock (for arraignment) will be sent in groups with consideration given to;

- a. Same arresting officer

- b. Similar charges, (All U.S. or all Corporation Counsel)

11

A van sheet must be generated and transported with each group of prisoners to the block. Personnel from the United States Marshal Service will be assigned to each site to ensure accuracy of forwarded paperwork and to liaison with (Court) cellblock personnel. This will simplify and expedite processing for the Marshal Service once arrested persons arrive at their facility.

• **Pretrial Services and Criminal Justice Administration Employees (CJA)** — Pretrial Services and C.J.A. personnel will be conducting the necessary prisoner interviews at the processing sites. This function applies only to U.S. Charges.

• **Court** — Court hours may be extended, as necessary, for processing and arraignment once mass arrests commence. They will remain in the extended schedule until all associated arrests have been processed.

12 \*12

• **Emergency Medical Technicians** — Lieutenant Henry Lyles, DCFD confirms that the following services will be made available at each prisoner processing site:

(1) Haz-Mat Technician

(1) EMT

(1) Paramedic

(1) Portable, enclosed, decontamination shower and equipment

• **Joint Operations Command Center (JOCC) Updates** — Each on-site Operations Supervisor will contact the JOCC each hour

• at 724-5059 with an update on the status of each site and number of prisoners released and in detention. Hourly reports will be faxed to the JOCC at 727-4106 from each site to indicate these statistics.

#### ELECTRONIC SURVEILLANCE

• One (1) Sergeant and three (3) Detectives are detailed to the Intelligence Branch effective September 22, 2002 and will provide video and photographic surveillance at all demonstration, arrest, and processing sites.

#### Sgt Donald Yates

ESU#1 Detective Jorge Acevedo

ESU#2 Detective Jonathan Lewis

ESU#3 Detective Larry Sterling

Attachments

Projected Prisoner Processing

(2) Teletypes

\*\* MANPOWER ASSIGNMENTS ATTACHED

1 \*1 **Projected Prisoner Processing IMF-September 2002** *U.S. Charges/violent prisoners Non-violent/cooperating prisoners Non-violent/cooperating prisoners Non-violent/cooperating prisoners Non-violent/cooperating prisoners Emergency Only Processing/holding-Juveniles Only Prisoners to processing and from processing/holding to USMS cell block*

Function Site Location Prisoner Capacity Total Staff Staff Breakdown Processing 501 New York Ave 68 51 1 Lts 4 Sgts 46 Ofc\* Processing Cell Block-B4th 300 43 1 Lts 4 Sgts 38 Ofc\* Processing F St. NW IPS 400 61 2 Lts 6 Sgts 48 Ofc\* Holding Only RFK Stadium 300 24 1 Lts 4 Sgts 19 Ofc Holding Only Canine Tent Areas 400-USCP 31 1 Lts 6 Sgts 24 Ofc USCP MPD 200-MPD Processing/Holding Central Cell Block 36 0\* \*Supplemented by available staff if activated

Juveniles Processing First District Station 415 Fourth St. SW 45 Juveniles YFSD YFSD Transportation 15-Metro buses 675 68 2 Lts 6 Sgts 60 Ofc 8 Transport wagons 80 4-DCDC buses\*\* 150 32 2 Lts 4 Sgts 26 Ofc 1-IPS bus\*\* 30 (10)CDL for buses Command Staffing ALL N/A 5 2 Insp 3 Cpts \*indicates sworn or civilian members \*\* Staffing for DCDC and IPS buses is one (1) officer. \*2 **Prisoner capacity is as follows: 1749 Total 2604 Maximum capacity for the prisoner processing cycle: 2684** Maximum capacity to house overnight: 1704 Adult prisoners 45 Juvenile prisoners Maximum capacity to house/process: 855 All buses Total to house/process overnight: Transport wagon maximum capacity: 80 (transport only-no holding)

\*3 **Staffing** Staffing Required Staffing Received Updated: September 3, 2002 Insp 2 Insp 2 Capt 3 Capt 3 Lts 10 Lts 10 Sgts 34 Sgts 34 Ofcs/Civs 223 Ofcs/Civs 223 130-Sworn 43-Civilian 50-Recruits CDL drivers 10 CDL drivers 4 (included above) 316 316 CDL drivers have been requested from DCDC to accompany the buses. In the event that personnel are not dispatched with the buses, four CDL drivers have been identified among the staffing received for prisoner control. Of the four, one is on limited duty (Detective Mark Stone, MNB) and one is an official (Sgt. James Schaeffer, MCU). The other two are: Officer Roland Watson (IPS) and Detective Mario Etienne (MNB). Further, OSHA requires that CDL drivers operate vehicles no more than eight hours. \*4

**Staffing Sources for Prisoner Processing IMF-September 2002**

IPS MNB FSS Cell Block District Personnel SIB Other Total Inspectors 1 1 0 0 0 0 2 Captains 1 2 0 0 0 0 3 Lieutenants 5 3 0 1 0 1 0 10 Sergeants 17 8 3 2 0 3 1 34 Ofcs/Dets/SPOs 44 57 21 12 21 23 50 Recruits 228 Civilians 19 0 6 14 0 0 0 39 Total 87 71 30 29 21 27 1 316 Unavailable 21 30 22 1 N/A 4 N/A 67 **Unavailable Personnel: IPS MNB FSS Cell Block SIB -Detailed to other -Detailed to other -Support at FSS: -Extended Sick: -Committed Lv: units: units: -Support at MCU: -Military Leave: -Resigning 9/7/02: -**

**Committed Lv: -Unknown: -Retiring 9/21/02: -Extended Sick: -Extended Sick: -Extended Sick: -Part time (SPO) -Support at MNB: -Detailed (Lts):** 21 30 22 1 4 16 1 1 12 18 0600-1 Sgt Diliberto, J. 9 sworn 17 sworn 8 Ofc/Civ 2 3 civilian 1 civilian 1800-1 Sgt 0600-Wheeler 2 1 6 Ofc/Civ 1800-Miller 1 Oudshoorne, B. 1 1 5 4 2 Nelson. T.D. 1 8 3 2 U/C officers 4 civilians 1 L/Duty Ofc \*5

**METROPOLITAN POLICE DEPARTMENT Force Investigation Team**

**TAPENUMBER: 02-0643**

DATE: December 4, 2002

TIME: 10:29 Hours

LOCATION: Major Narcotics Investigation Branch

PRESENT: Sergeants James McCoy, Jr. and James McGuire, Force Investigation Team, Captain Cleora Sharkey, Major Narcotics Investigation

Branch SUBJECT: This is the statement of Captain Sharkey.

SERGEANT MCCOY:

Q: James A. McCoy, Jr., Metropolitan Police Department, Force Investigation Team. Today is December 4, 2002, at 10:29 am. All in this interview is Sergeant James McGuire, also Metropolitan Police Department, Force Investigation Team. Today's interview is with Captain Sharkey, of the Major Narcotics Division. We're investigating the facts and circumstances surrounding the arrest and detention of individuals in conjunction with the IMF International Monetary Fund, World Bank Protest, on September 27, 2002. Captain Sharkey, could you please give me your full name, spelling your first and last name along with your duty assignment?

A: It's Cleora, C-L-E-O-R-A, Sharkey, S-H-A-R-K-E-Y, I'm assigned to the Major Narcotics Branch.

Q: Thank you. Do you understand that this is, this interview and statement are voluntary?

A: I do.

Q: And, that you're not the target?

A: Yes, I do,

Q: Please tell me your involvement in the processing of prisoners at the Institute of Police Science on September 27, 2002?

A: I was, one of the people, one of the officials in charge of prisoner processing aspect of it was myself, Captain Maupin, I mean Captain Malkin, Barry Malkin and Inspector Maupin. And, technically, I was not in charge of the IPS site, Captain Malkin was back, and this was the first time he was doing it since the responsibility of prisoner processing was, has gone from Major Narcotics to IPS. We're supposed to be a secondary role. I did the plan and the \*2 scheduling of the people. And, it was his first time in, at, in the beginning of that day we were having some trouble with ITs situations with Cellblock B. So, Cellblock B wasn't up and running then, so all the prisoners were taking to IPS. So, I was in charge of Cellblock B and New York Avenue. So, since there was nothing going on in either one of those places, I went over to IPS to assist him. And, that's my involvement inaudible.

Q: Was there a briefing given to the officials in charge of prisoner processing?

A: It was.

Q: It was.

A: It was an actual briefing. I gave them all a plan and it was like the day before or maybe two days before, it was in mat same week. And, I should have an e-mail, hi regards to that and the sign-, the sign-in sheet. But the officials that weren't, that weren't there, Lieutenant, Lieutenant Mudrezow and couple of lieutenants and sergeants, from both here and I guess, and we also had some officials from Forensic Science and a couple from downtown. They were all in Cellblock B, they were all told to come to this meeting and the ones that couldn't make it, their booklet were given to their officials to give to them. So, a booklet of the entire plan was given to all, all the officials and we went over the booklet immediately.

Q: In the booklet that was given out and discussed during the briefing, could you tell us what . . .? What was, what was . . .? What information was given or what instructions were given, during the briefing?

A: Well, we went over all the aspects of, of the plan, the actual plan, which was our part of the plan was also made into the big booklet, SOD inaudible was a part of prisoner processing and mat's then" actual plan. So, I gave them a copy of the actual plan and a copy of the people that were supposed to be working at each of the sites, so mat they would know who to expect on what shift. And, then we went over all the major aspects of that, how, how the bussing was going to occur; how everything was broken down, I actually did a diagram on one of those easel pads, in which lieutenants were doing what, what sergeants going to then and what their responsibilities were doing. It's not only in the book, but it was also discussed mere and we asked for questions and that was it.

Q: During the, during the briefing when instructions were given, were any instructions given in reference to how the arrestees were to be restrained while inside the gymnasium portion of the Institute of Police Science?

A: Yes, we discussed that there and at our Mock, we have Mock Training, even though most of us have done it before, there are some people who are new that get switched hi and out of IPS and here. And, so before each one of them, at least in the last three years that I've been doing this, we've had some sort of Mock Training over at IPS. And, sometimes people don't show up for it But for the most part not only our, our people, but some Park Police officers and Capitol Police, because we assist them in inaudible, a US Attorney Mary McLean and a whole lot of other people that are involved in the decision making of this, actually come to \*3 this, this Mock Training, you know. We discuss in the Mock Training for everybody that works inaudible, because it also involves a great number civilians who were doing the inputting of the NCIC and stuff like that inaudible have hands on for prisoners. And, it's kind of the first time they're hearing about it So, we discussed how they're supposed to be restrained and they're being held down in the gymnasium.

Q: And, what were those instructions?



A: That they are to put their strong hand to their opposite ankle and there's, there's supposed to be a handcuff that's not too tight on, on the wrist of the strong hand and a separate flexi-cuff on the opposite ankle, and then the third flexi-cup that puts those two together. So, there's a little bit of movement and then when they have to go to the restroom or they have to get up to get a drink of water or anything like that we just sever the one that fits, that holds the two together instead of wasting three cuffs. And, then escort them to where they need to be. We bring them back and then we handcuff them back together. And, their placed on a, the blue mats on the floor.

Q: This particular way of, of arrestee (slash) prisoner restraint, how is, how was this derived?

A: Well, when I first got here, three years ago, Lieutenant Roger Jones was hi charge of, of this and we actually fell under then Commander Acosta and I don't know if they were doing that, prior, to this.

Q: Let me pause the tape. Continuing with the interview.

A: So, the first time that I, that I did it would have been in April of 2000. And, . .

Q: Pausing the tape again. Starting the tape back again.

A: So, the first time I was involved in IMF was the April of 2000. And, we basically have the same plan that we just revised and made better in places. It's been kind of a learning thing because there's been so many people at one time. And, then Inspector Lanier was here, and she and I worked on that initial plan in April of 2000. And, that's the first time that I know of that we did the hand to wrist. And, it was explained to us when we did our Mock Training in that particular one instance that that's the best way to keep people from overcoming the few police we have. Because in the whole gymnasium that would make allowances for it to hold four hundred people. That's a lot of people for only five or six officers guarding inaudible by doors. So, we don't have one person or persons there. And, if you see the breakdown of officials for IPS, those officials and officers in most of those are civilians. And, so the officials that, the officers that we have, the sworn people, we have to put down there in case something happens because they have direct access to the, to the prisoners. We do have a couple of people from the Marshall Service that in the last couple of times have come out to assist us. So, they're sworn people that are there. We have some civilians from the FBI who do the Agents Reports for us, for the John Does. But other than that it's been a lot of civilians doing the input and they're do work, what it takes to get the processing done. So, this keeps them from being able to just jump up and revolt or run or do anything. And, \*4 it's, it's actually not as restraining as you might think it is because we do the three, the three flexi-cuffs. And, it is restraining but that's what it's meant to do. And, there Eire no jail cells there and there's no place for us to put them. So, we only take the ones who *we* can **deem** to be non-violent and

cooperative out there. And, even when I say cooperative, I mean they don't have to give us their names and still be cooperative, but we know they're not combative. The ones that we know are combative, who are charged with US charges or felonies are taken to 501 or Cellblock B because there's actually the cell there, that they can be restrained in. So, in April of 2000 is the first time that I know that we started restraining that way and we've been doing it that way since.

Q: Did that come from an observation of another department?

A: I have no idea. I got those by direction of Commander Acosta, who was in charge of us at the time. And, it worked so well, and no one, at least to my knowledge had any problem with it. The US Attorneys, other people who came to, to our Mock Training never mentioned anything about that aspect of it until now. And, if anyone had any complaints about it, you know, flexi-cuffs being too tight, some of the people that were on file buses did complain about that, we would take them off immediately and re-cuff them. But for the most part a lot of those were through their own tampering of the cuffs. And, that's why one of the other reasons that we started doing it one hand to the ankle is because it's not behind their back. And, we can see them messing with it and trying to foil it, to foil it and their easier to take off. And, that's what, and, they would be escorted from the gym out to the Sani-Johns and back. And, they always had that other free hand to pee or, well, do whatever they wanted to do with that It's, it's not merely as restraining as handcuffing them behind then-back or even handcuffing them hi the front or to their belt or anything else. But it does keep them from bolting, jumping up and getting away and inaudible. I mean we have inaudible, so.

Q: Were, in the briefing, were any instructions given in regards to how or what information will be given to the arrestees as it regards, as it regards to affor-, affording them the opportunity of, of paying out or posted forfeit or citation?

A: Yes, they, they were told that in the very beginning they are to get their digital photograph done. That the next station is where we take their property, you know, we're going to take your property regardless of whether they're paying out or anything. And, the station after that we ask them what they're intending to do. We ask them then what they're intending to do. if they intend to payout or they intend to get a court date or there were John Does, they were going to go do, to the cellblock or the ones that are on property may give us their name but nothing else. We ask them then, explain it to them what they can do about that. And, then we hold their property inaudible. If it's property, we used to safeguard all their property and make them come back and get it But now if they're going to be released even on citation or payout we take them back to the property table and we give them back their property and they will sign the Property Book. The only thing we would have removed from there is the hazardous material, in regards of miscellaneous substances, anything sharp or gas mask or other things that they're, they are not allowed to have. We might have removed something like that but still document it on the receipt. So, as long as they tell us what their intentions \*5 are we gave them, give them their property back and go to the next station, which is NCIC and CJIS and do all their input and escort them down. And, if they gave us a John Doe or didn't have, they may have given their name but didn't have what we considered a valid ID, and then we would fingerprint them and electronically send that to the FBI people who were there to assist inaudible machine and wait for a response.

Q: Could you explain to me in a, a short way the procedure that an arrestee would go through, once, once he was taken off of metro bus?

A: The buses were brought in, in order, however, the persons had got there and they were stopped when we had enough. And, they were taken off the buses because one of, hi April of 2000, when we actually had fourteen hundred arrests, one of the complaints was that we kept them on the buses too long. But that was for, because in April it was raining, but this happened to be a pretty nice day this time, so we took them off the buses and sat them on the steps or someplace out there underneath the trees or someplace where they, they could actually stretch their legs and get some fresh air. And, just took them in the order that we: took them off the buses and we were taking them through the door. They would be, initially patted down and then each officer was assigned fifteen arrestees. So, that officer would: stand at the door, going into IPS, in front of the digital camera and have his photo taken with his fifteen people. And, while they were on the bus en route to us, officers were supposed to be filling out the arrest form with the person's name and his badge number and all that This was our first chance, actually second, but our first chance to see a mass of us processing that was automated, we just did that. Right before each officer would have to do the *inaudible* and put in a narrative on each one of them. So, that was very lengthy. So, now, prior to the buses getting there we were phoned ahead of time and told that we were getting a certain number or approximately how many and what location and what the charges would be. And, en route, the officers still has to fill out the, the arrest form because it has that unique number on it. So, we, you know that no two people will have the same arrest number., because the numbers are still a unique, start from 000 arid *inaudible*. But each officer still has fifteen

and he only has to fill out the person's information or whatever they were going to supply *inaudible*. When he gets done taken all fifteen of his prisoners, photograph with him, the prisoners are being escorted by, by other officers, turn in the property, or their property was taken from them, then to the next stations. And, officers ready to give the person that's inputting the narratives, puts, and puts the narrative on and then the photos and the narrative and everything is all generated onto one sheet, on the 163. So, it literally takes between one and two minutes for prisoners instead of fifteen to twenty a prisoner. And, then the officers can be back out on the street again. Now, if it works as smoothly as it's supposed to. So, the officer is not burdened with the care and control of all fifteen people because we have the escort officers; So, when we, they escort them through all the stations, escort them down to the fingerprinting, if fingerprinting is necessary and that's where they're held, which *inaudible* officer, go back out on the street and we, we finish everything else. And, when we get the fingerprints back or when we get all job our checks from WACIS and WALES and all that back then we let them come up and payout or, or give them a citation *inaudible*. That's, this was our first mass *inaudible*,

Q: Did, not you, but were there any IT problems encountered in reference to the process?

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\*6

A: There were a lot of IT problems here, this time. Like I said initially how they all got stacked up at IPS was that Cellblock B wasn't up and running because of those IT problems. So, everybody got shuffled to here for processing. Even though we had a number of sites we normally processed at three sites. This particular one we had became an area we had some tents up there that we wouldn't and processed there because we don't have the computers or anything else, that's, those are just holding cells. So, and that would be when, that capacity of the gym is more than four hundred then we start putting them someplace else and those are for the ones that are not going to be released. Ideally, we should get a return and give everything else back and have these people released, but for the IT problems that we, that we suffered it was considerably slowed down. Initially, there was a problem with the digital camera in the first couple of hours of the IPS. So, and we switched to the digital camera and actually had to close down the operation for maybe forty minutes, so that the old camera's images could get caught up because we kept getting farther behind by taking the photos so fast. And, then once we shut it down and then we'd start it back up with the new camera, we didn't have any problems associated with that. Then on midnights downtown put up some kind of video lead to monitor the streets. I guess around eleven o'clock or one o'clock, and I called down there to the SOC because when they took all that energy *inaudible* to turn on all those cameras it, it crashed all of our computers. And, I called down and spoke with Assistant Chief Cockett and told her about that And, then, and for some reason the CJIS person decided to dump CJIS about three o'clock in the morning and we had all of our returns still in there. And, so

that was another *inaudible*. The IT people, the CT people were with us all night, Harvey Cannon was with IK all night and the other guys, George Crawford and he went home and came back. So, they were there trying to fix all these things that had happened, We knew there would be some glitches, but *inaudible* we had. And, then we finally got Cellblock B up and running and that went pretty, pretty smooth and so we sent a couple of the buses that were next in line over to Cellblock B. And, I'm not exactly sure of the number that they ultimately ended up processing. And, then we send a second bus up mere, so.

Q: Sergeant McGuire, you have any questions?

SERGEANT MCGUIRE:

Q: I just have a couple of questions.

A: Ok,

Q: When the arrestee was photographed with the arresting officer, was the arresting officer that the arrestee was photographed with the actual officer that put the handcuffs on, on the street?

A: I have no idea of knowing. I know that there, one of the three that got on the bus with them, because each bus holds forty-five prisoners and each officer was supposed to be processing fifteen. So, whoever's in charge of the CDU squads selects the three officers that are going to go and process, process. Some, some sergeant and lieutenant made the selection of what officer, who was apparently *inaudible*, to get on the bus and go with the prisoners and \*7 process them. So, I, I, I personally would not know. But I know that those are the officers who got their photo taken with them, who did the *inaudible*.

7

Q: Ok. So, everyone that, every officer that came into the gym to be photographed with an arrestee was an officer from the street?

A: Yes.

Q: Not an officer that was assigned to work in the gym?

A: Right

Q: And, the manual that you have in front of you is, is it, is the handcuffing technique written out in there?

A: I don't think it is. I don't think we actually got down to that much information. But the, but the plan itself is like an overall plan, because process . . .

Q: And, let me ask you, is it, do you know if it's written out anywhere other than the plan in front of me?

A: I don't think it is. I don't think it's actually written down as a policy and really, at IPS and any of the other holding sites that don't have cells., is the only place we do that. And, I do that at 501 New York Avenue, because there are cellblocks mere, inaudible, we don't do it at Cellblock B. It's only done if there was no actual cellblock. And, it's done for their safety as well as the officer's safety. So, we would do it there because that's the processing site that we don't have cellblocks. If RFK were up and running, that's not a processing site, that's a holding site and they likewise don't have cellblocks, and we would do it there. And, if we used the K-9 inaudible, we could do it there. But to my knowledge I don't think that, that's written down as a policy anywhere, but that is how we trained, the Mock Training, that is how we trained them to restrain them.

Q: Ok. Were you in an briefings where there were command staff in the briefings when this handcuffing thing was discussed?

A: For this, this tune?

Q: For this time. I'm sorry.

A: Well, Inspector Burton and Inspector Maupin were at the briefing. I know at one of the meetings we had, Assistant Chief Cockett was at one the meetings, but I can't be certain if we actually discussed this aspect of it. We, in the earlier, in the earlier ones it's kind of a, a briefing on how things are coming along, did we inaudible, and did we get any of the things that we needed to get done in a timely fashion. We don't normally discuss the inaudible of the details of the details in those. But I know when I had my meeting with the officials I \*8 know I discussed it thoroughly. And, I know both inspectors were there, but I don't think anyone else from the command staff was there at that . . . I know they weren't at that meeting.

Q: Were you in any meetings with the command staff of the police department where it was discussed, where, excuse me, where the technique of how the arrest were going to be made on the street discussed, specifically where the people that were conducting the protest going to be given three orders to leave before they were going to arrested?

8



A: Inaudible. I dealt, even though of all things was processing, was prisoner control. I dealt specifically, but I wrote the whole plan that dealt specifically with the prisoner processing part of it. The transportation part of it was under Inspector Burton and Captain Patrizio. So, I didn't have anything to do with, you know, actually going out there and seeing that, that was done. And, I didn't have any briefings on any of that. They, they came to my briefings, those officials came to my briefing and said they could figure out how the busses were going to be aligned and how they, the inaudible were going to be assigned to the buses and all that, but inaudible of the transportation inaudible to get processed. But not the, those kinds of orders and charges to placed, they were not, they were not discussed in our briefings.

Q: Ok. Were there pre-typed 163s?

A: No, we don't do per se' 163s, inaudible. We had the charges from the US Attorneys Office and the Corporation Counsels Office, possible charges and we have all those. But there were no, no, nothing was done ahead of time, because we wouldn't know where they came from and what the charge was.

Q: Ok. Is during the, was there anything written down, documenting specifically what each individual person did in order for them to be taken into police custody?

A: On the inaudible done by the officer inaudible. At the processing center, we wouldn't have anything idea what that person did or failed to do that caused him to be arrested. That was a decision made by the CDU commanders at the scene, but once they're on the bus . . .

Q: This is the continuation of an interview with Captain Sharkey.

A: Inaudible arrestee is brought to the processing center, we, we do the processing on the basis of what the arresting officer puts on the initial arrest inaudible, the location, the charge. And, they provide us with the information for the narrative portion of it

Q: Are you aware if anyone was coached to a specific avenue of release at the Institute of Police Science, specifically where people were told that they would be much quicker if they payout, than if they saw a judge or a citation of release?

A: Not to my knowledge. The only, the only thing that I know that came up while I was there was a female, who said she was arrested and shouldn't have been arrested. And, she was kind of riding a bicycle or something through the crowd and kind of got in the mix of the crowd and wasn't or allegedly wasn't part of the protestors. And, I have no way of \*9 confirming that or anything, so Inspector Maupin handled that aspect of it. And, I'm not sure if she was released then, but I do know that Lieutenant McAllister was told to release four or five people. And, he and I did detention journals on several or a couple inaudible of them. Those were the only ones I know that got out in any other fashion other than the three, giving them citation, paying out or going down to court, the cellblock. There were a number and I can't exactly remember if it was four or six or . . . I would say some, some number under ten people who kind of got mixed up in the bunch and were some how determined to be detention jounaled. And, Lieutenant McAllister did all that paperwork, so then he should have copies of that and they should be available.

9

Q: You don't have copies of that?

A: I don't have copies of that. I might be able to locate copies of it though. Actually, I think he may have, he came over here on one of my, one of my days off. I think he may have actually got them in, in our detention journal book. Since IPS doesn't have a detention journal book, so I'm not too sure inaudible copy of that. They should be in there. But the actual detention journal paperwork, he should have that. I may, I may have a copy, I'll have to look.

Q: Ok. Thank you. Were we prisoners ever handcuffed, in the front at the Academy?

A: You mean hand to hand in the front?

Q: Hand to hand in the front.

A: Not that I know of, there could have been some if they were being escorted for a long time, long period of time. And, and generally, like I said we snipped that third, that third handcuff and we walk them out them to the Sani-Johns, because it's difficult for them to go to the restroom even if their handcuffed in the front So, and like I said we're not trying to inconvenience them, but we're so outnumbered that it just a safety deal. And, they're only mere because we think that they're cooperative anyway, and they're not combative. So, not, not that I know of. They had to escort them maybe up to another part of the building to get medication out of their, their property for the, you know, those people to, give them. They were being escorted in the building somewhere. Maybe they were, I can't say that I, that I saw that But I, that would be the only reason I could think that anybody that had been handcuffed like that.

Q: Ok. Just so I have a good picture, correct me if I'm wrong. They went from being handcuffed behind their backs on the bus to being un-handcuffed, processed, then to be placed on the mats and then handcuffed, strong hand to opposite, right?

A: Right.

Q: Do you have anything you want to add?

10 A: Pardon me. \*10

Q: Do you have anything you want to add?

A: No, but there were officials there. Sergeant Woolridge was actually the official that was in charge of the beginning of the operation, so there was the official standing right inside the door. And, they were taking a photograph of them and escorting them through the little inaudible that we have. And, there were lieutenants there, and Lieutenant McAllister was main lieutenant that was day work and Inaudible was the main lieutenant that worked the evening shift And, that first night and we held over almost all of inaudible civilians inaudible and we ended up going on around midnight I stayed till like seven o'clock in the morning, you know, all the way down to the last bus. So, it was very lengthy. But we didn't allow people to go in there, and there were some people to be processed. But we ultimately, we allowed the, the civilians to leave, because they wouldn't be able to come back inaudible midnight and get to go. Plus, there was very little they could do, since CJIS and all that was down, because whatever happened downtown with the IT inaudible. We went over to inaudible at that inaudible. So, that's what basically took the longest time to do.

Q: Ok. Thank you, Captain Sharkey. It is now 11: —

Q: . . . 12.

A: Yes, I do.

Q: . . . 12 am. We're going to conclude this interview.

11 \*11

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**METROPOLITAN POLICE  
DEPARTMENT Civil Rights and  
Force Investigations Division**

DATE: November 27, 2002

TIME: 10:13A.M.

PRESENT: Sergeant James E. McKoy and Sergeant James McGuire of the Metropolitan Police Department, Civil Rights and Force Investigations Division. Also present is Mr. Joseph Mayer.  
SUBJECT: In reference to Confidential Investigation Number 02-1509. This is the statement of Mr. Joseph Mayer.

LOCATION: Metropolitan Police Department, Civil Rights and Force Investigations Division, 51 N Street, Northeast, Washington, D.C.

SERGEANT MCKOY:

Q: My name is Sergeant James E. McKoy of the Force Investigations Team, along with Sergeant James McGuire, today is November 27th, 2002, it's approximately 10:13 a.m., we're conducting an interview with Mr. Joseph Mayer regarding the facts and circumstances surrounding the arrest and detention of members of the Metropolitan Police Department on September 27th, 2002, in or about the area of Persian Square located within the District of Columbia, could you please state your name and spell it for us?

A: Joseph Mayer, M-A-Y-E-R.

Q: Do you understand this is a voluntary statement?

Q: Please tell me what happened to you on September 27th, 2002, in or about the area of Persian Square and any event thereafter? A: Well, earlier that week I had been notified by my daughter who lives in the District of Columbia, that there was gonna be a demonstration on the 27th of September at nine a.m., against war in Iraq, and I told her that I would like to join her for that demonstration, so the morning of the 27th, about nine, actually, I came in the district from Virginia at seven o'clock, I didn't want to be obstructed by any traffic tie ups mat was predicted, in any event, and by nine fifteen I was down in front of the Marriott Hotel and met my daughter, and we started across \*2 Pennsylvania Avenue to Freedom Plaza, which was surrounded by police, but we weren't sure whether the demonstration was just getting started or what was going on, we walked across to Freedom Plaza, and by the end of Freedom Plaza, and the police then were surrounding the plaza told us we could not enter Freedom Plaza, and directed us across to 14 Street, Persian Park, where they indicated the demonstration was gonna take place. So, we crossed 14th Street to Persian Park, which was also surrounded by police, and the police were at that point along the curb line surrounding the park, and we went up on the sidewalk, the edge of the sidewalk closest to the park, and we had a cloth banner which we stretched out parallel to 14th Street, so the traffic could see it, opposing the war in Iraq, and we stood on the sidewalk with our banner for ten or fifteen minutes, not long, and at that point, the police who were along the curb line, danced across the sidewalk and pushed us in the park, we said to the police, wait a minute, we want to stand on the sidewalk where our banner could be seen by the traffic, he said, get in the car, so we moved

into the park about ten or fifteen feet, the police then took up a line around the edge of the sidewalk around the park, and we put on our banner again, parallel to 14 Street, and we had the banner up maybe five or ten minutes, and my daughter had a call on her cell phone, she was doing legal support for some of the demonstrators and the call said there was an arrest being made some place else, \_\_\_\_\_ come herd \_\_\_\_\_, so we walked towards Pennsylvania and towards the Willard to leave the park, and the police closed up in front of us and said, get back in the park, we said, why, we wanted to leave, why, were we under arrest, they didn't discuss it, they just said, get back in the park, I said to my daughter, this is a mistake, these guys are on their own, or they are misinterpreting their orders, I said let's walk up to 15th Street and we'll try again, I said, I'm sure we can get out. so we walked up the 15th Street end of the park and tried the same thing on the scene, they told us to get back into the car, which we did, and there was, you know, as it turned out, there were five to six hundred people in the park at this tune, people was still coming in, but it wasn't much going on, it wasn't no organized demonstration or anything, there was young people playing drums, and there was some banners being displayed, but we just basically milled around for a few minutes, fifteen or twenty minutes, and then the police started to tighten the circle, they moved in and got us into the part of the park where there is some benches, and familiar with it, the Persian memorial, and they stopped, and of course, the space was very constricted, at this point, but there was room to sit on the bench aid talk, and we did, and the first two advances by the police had been normal case, but after another fifteen, twenty minutes, they did a double time, on

the rush, you know, and they were all in there, Dark Vader gear, helmet, shields, \_\_\_\_\_, etc., and started pushing us, anybody that got in their way, pushing them until we got into a space, very tight space where we just could stand up shoulder to shoulder, and stayed there, I don't know how long it took, and I couldn't see where it started, but we got the word that they were arresting people, and they just worked their way through the crowd, just grabbing the people that they had surrounded and handcuffing them behind their backs, and taking them off the buses. So, I was handcuffed, my daughter put on a bus, and driven to Blue Plains, the Police Academy, and we were on the bus \*3  
3 handcuffed from, I guess it must have been from eleven o'clock in the morning until between midnight and one a.m. when we were finally processed into the Police Academy, which consisted of a full criminal arrest procedure, mug shots, fingerprints, taking all of your personal belongings and your clothing, including my case, suspenders, shoe laces, whole damn works. And, then we were lead into the gymnasium, I guess we must have gotten there about one a.m., and they had gym mats on the floor, and they assigned each person they brought in to a specific mat, and when they brought you the mat, they sat you down, and we were shackled, I think it was left wrist or right ankle, in such a manner that you couldn't stand up, folding, and you couldn't stretch out, of course laying down. And, we stayed there from one a.m., roughly till three p.m., Saturday when we were released. And, one other detail that I think I should mention that's pertinent, is that during the time we're on the bus, and when we were in the Police Academy, several police representatives urged the arrestees to sign a release, pay a fifty dollar fine, and they

kept promising if you do this, we can get you out of here, released much faster, and you don't compromise your legal rights by doing this, etc., and by the same token, they told others, including myself, particularly when I was processed into the Police Academy, that if I didn't agree to pay the fine I was more than likely gonna be in jail until Monday morning, which was not a very happy prospect of mine.

Q: What's your daughter's name?

A: Alexis. Alexis Baden Mayer, B-A-D-E-N hyphen Mayer.

Q: When you mentioned police when you originally went down Persian Square, did you see any identifying emblems or marks identifying which Police Department this was that was sending you or encouraging you to go with that department?

A: I, I don't recall, I, you knew they were police, I knew they were police, they were in these, their riot gear, I don't know if they had any identifying marks or . . .

Q: Were any orders given while you were inside the Persian Square to either move on or disburse, were any orders given?

A: Well, as I indicated, there was several orders given, but they were all to get back in the park and stay there. Certainly, I didn't hear or see any indication that the police were, gave any orders at all other than to stay in the park, I certainly got no order to disburse or to do anything other than what I did.

Q: You mentioned that while you were in the park, the square, you observed other people entering, was it possible for you to leave when they were entering in, or?

4 A: Well, it was a pretty tight police *line*, and that when we approached the police line the two times we tried to get out, I mean, they just closed up, so it may have \*4 constituted a physical barrier. Now, one reason I know they were letting people in is my daughter, my daughter's boyfriend was on the so called bicycle march I think, or whatever, I don't recall what the name of it was, but they were riding bicycles that morning, and after we were in the park and had been prevented from leaving, he arrived on his bicycle and joined up with us, and he was with us when we were put on the bus,

Q: Did you observe anybody leaving?

A: No. Well, we was with a reporter from the Washington Post, who stayed with us till just before we were arrested or handcuffed, and I know Mm, he showed his press credentials.

Q: Did you see anybody else leave?

A: No. And, actually, I should say I didn't see him leave, I saw him leave us, I information that I received later that he was permitted to leave the park.

Q: You didn't see him later on over at the academy?

A; No, no, he was definitely not arrested for this.

Q: Sergeant McGuire, you have any questions . . .

SERGEANT MCGUIRE:

Q: Would you ever pay a fine or \_\_\_\_\_?

A: They finally gave us the citation forms and scheduled a court date, that's how I got out.

Q: Exactly, when did you get out, the day and the time?

A: Well, it was between three and four p.m., Saturday the 28th.

Q: Ok.

A: My court date was October 18th.

Q: Mr. Mayer, you mentioned that while you were at the Institute of Police Science gymnasium, the police officers, the police was making a comment to you in reference to paying out, could you describe their uniform, could you tell any rank, insignias on the shoulder or anything?

5 A: Yeah, we did, there was, I think the lieutenant, Hispanic lieutenant, I think I've got this name written down some place who appeared to be the ship supervisor \*5 during the night, I don't recall if he specifically made any mention about signing, paying the fine and getting out, but when I was, the processing included after you are fingerprinted and photographed, and property was confiscated, discussing this issue with, I think four police officials had a tape, I believe they talked to everybody that I was, was around me, sat down, talked with these people about paying a fine and getting out, or getting a citation and that's when I was told, you don't pay the fine, I'm afraid you're gonna be here until Monday, some

Q: Was this general informational, was I this information ever given you or was this, I guess, were they trying to persuade you \_\_\_\_\_?



A: In general they were definitely trying to persuade by the way they posed the choice, or pay now the fine, fifty dollars and get out or risk staying in effect three or four days. Now, and this type of pitch started in buses and it happened hi the bus, in our bus and several times that police officers came in and told us, and gave us this choice, pay the fine, get out of here, not lose any of your rights, and if you insist on getting a citation, you maybe here for a long time.

Q: Ok. The handcuffing, in Persian Park, can you describe how you were handcuffed?

A: Yeah, I mean, they pinned my hands behind my back, they put on these plastic cuffs, put me on the bus sat me down on my hands.

Q: Once you got to the Institute of Police Science and you're on the bus, describe from the bus inside, once you got in the academy what took place then in reference to the handcuffs?

A: Well, they kept us handcuffed on the bus, but they did switch them around, put the cuffs in front of us, we were cuffed in front of us instead of behind our backs. Q: Do you recall when that happened?

A: It probably was two or three hours, I remember that, I guess I was one of the last ones that got the cuffs in front, but say two hours they had us cuffed with the hands in back, but after that it was in front.

Q: Were you afforded the opportunity to use the restroom, and did they cut or take the handcuffs off?

6 A: They did tell us we could go to the toilet, we were one of the last buses there, so we weren't really even on the academy grounds, I guess, we were parked, just outside and they had portable toilets set up next to the academy, and they would take people, one or two at a time up there, and they wanted everybody to go in \*6 with the cuffs on, I just told them I need the cuffs off, but I went in the toilet and they did take them off and I sit in the toilet, put them back on.

Q: When you were inside the academy and you were going through the processing stage, and once you went through you said everybody was assigned a mat?

A: Assigned and placed on a mat.

Q: Place on a mat. And, you were again handcuffed?

A: Well, not handcuffed, I characterized it as shackling, a wrist to the ankle in such a, and with a distance between the wrist and the ankle short enough so that you couldn't stand up or stretch out if you were laying down, I mean, you were kind of bowed in order to . . .

SERGEANT MCKOY:

Q: I brought along some plastic, police terminology, flex cuffs, there's three plastic flex cuffs connected together, does this look familiar?

A: That looks familiar.

Q: Ok. My question is, when you were in, and I'm standing now, when you were restraint, it was right wrist to left ankle, is that correct?

A: Well, I don't remember left or right, except that it was, whatever wrist was cuffed, you were cuffed to the opposite ankle.

Q: So, it could have been left to right?

A: It could have been left to right ankle, left to right wrist to left ankle, I guess now that I think about it, I have the shackles to this wrist, so it must have been on my right ankle.

Q: When you were restraint on the mat, was it three flex cuffs, this what we call three flex cuffs, were they three flex cuffs or was it just one where you were, and I have the flex cuffs around my left ankle and my right wrist, were you hi this position?

A: No. There was, I would say at least twelve to eighteen inches between, something like that.

Q: I'm showing Mr. Mayer, Mr. Spitzer, Sergeant McGuire my right wrist to my right ankle, with one flex cuff in the middle, one flex cuffed t my wrist, one flex cuff to my, is this a representation of how you were at the time?

7 A: That's fair, yeah. \*7

Q: Was the restraint on your leg was it fastened so it could not move up and down your leg?

A: Yeah, it was, they were, well, I guess the wrist wouldn't matter, but the ankle was, it didn't slide up or down, let me put it that way, it was tight enough so that it was in place.

Q: Could you, right now I'm standing, could you stand if you could recall?

A: As I recall, no, you couldn't stand. So, maybe it was a little shorter than that. And, these were behind, \_\_\_\_\_ is suppose to been closer?

A: Yeah, they were closer than that, because you definitely could not stand up straight when, with these things on, and when you're laying, if you tend to lay down you sort of had to lay on your side, sort of take the fetal position, and it was no strain on the cuff.

Q: Did you at any point in that, restrained in that way stand up and was told to sit back down, if you can recall?

A: No, I wasn't.

Q: Did you observe anybody or hear anybody else?

A: Well, there was some attempts by people to move from, see a friend or something, move to one mat to another, and the guards wouldn't permit that, they saw that happen.

Q: You say people were moving to go visit with a friend or somebody they knew, were they standing up or were they rolling or crawling?

A: They would slide across the floor, generally, I guess some of them would tried to stand up. You know, one thing that I'm sure everybody could tell you about, in the gymnasium when they took you to the toilet, they would take this thing off so you could walk, but they had some phones set up, and if you had to use the phone for some reason, they would not take the shackles off, so people that were going to the phone were hopping like, I don't know what animal to compare it to, but was hopping very awkward, and it certainly said to me if I wanted to use that phone, I would not be able to hop up there, but that's the way the shackles were working, that they were tight enough so that you couldn't, certainly couldn't walk.

Q: You were afforded an opportunity to use the phone, afford an opportunity to use their restroom facilities, were you provided any nourishment, a form of food or water?

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A: In the bus about four or five in the afternoon, we been on the bus quite a while, and they passed out a bag lunch, they had a sandwich, some cookies, and a juice box. And, in the gym they passed out similar bags, at least twice, and there was water, they also passed out water in the gym.

Q: To everyone?

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A: To everyone, far as I know everybody had juice.

Q: Did you receive that?

A: Yes.

Q: You have any further questions . . . (Sergeant McKoy referring to Sergeant McGuire) . . .

SERGEANT MCGUIRE:

Q: The term, "Hogtied," referring to how you all were handcuffed in the gym, do you know what hogtying, definition of hogtying? A: No.

Q: According to the Webster's Dictionary, hogtying is the tying of the legs, in reference to animal, or my perception of being from western Pennsylvania, is only a perception is that hogtying is the tying of the front legs and back legs of an animal, or a person tying then: hands and their legs together and on their backs.

A: Behind their backs together.

Q: And, from what you shown us and our description of hogtying, would you say that you were or were not hogtied?

A: I \_\_\_\_\_ reject to that question, \_\_\_\_\_ putting words \_\_\_\_\_.

Q: Ok.

MR. SPITZER:

Cross examine \_\_\_\_\_ information.

Q: Ok, I don't have any \_\_\_\_\_

9 SERGEANT MCKOY: \*9

Q: Is there anything else you'd like to say?

A: No.

Q: Ok. We're gonna conclude this interview, it is now 10:41 a.m.

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**METROPOLITAN POLICE DEPARTMENT Civil Rights and Force Investigations**

Division DATE: November 27, 2002

TIME: 11:41A.M.

PRESENT:Sergeant James E. McKoy, Jr., and Sergeant James McGuire of the Metropolitan Police Department, Civil Rights and Force Investigations Division. Also present is Ms. Julie Abbate.

SUBJECT:In reference to Confidential Investigation Number 02-13 66. This is the statement of Ms. Julie Abbate.

LOCATION:Metropolitan Police Department, Civil Rights and Force Investigations Division, 51 N Street, Northeast, Washington, D.C.

SERGEANT MCKOY:

Q: I'm Sergeant James E. McKoy, Jr., of the Metropolitan Police Department Force Investigation Team, along with Sergeant James McGuire, also of the Metropolitan Police Department Force Investigations Team. Today is November 27th, 2002, it is 11:41 a.m., we're conducting an interview with Julie Abbate regarding the facts and circumstances surrounding her arrest and detention by members of the Metropolitan Police Department on September 27th, 2002, hi or about the area of Persian Square, located within the District of Columbia. Could you please give us your name and spell it for us?

A: Sure, my name is Julie, J-U-L-I-E, Abbate, A-B-B-A-T-E. Would it be possible for me to get a transcript of this, or a tape of this \_\_\_\_\_

Q: We'll let you know. Do you understand that this recorded interview is voluntary?

A: Yes, I do.

Q: Would you please tell me what happened to you on September 27th, 2002, in or about the area of Persian Square and any event thereafter?

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A: Sure. I was down around Persian Park or down around the National Press Building and Metro Center, around that area, and eventually, I made my way into Persian Park, which is where, probably about a hundred people or so was gathering;, protestors, bystanders, and there were a number of police officers as well, and when I got there, there was not a whole lot going on at all, I thought \*2 there was gonna be some sort of drumming protest thing at Freedom Plaza, actually, and eventually some drummers came, they drummed, some people danced, it was extremely low key, and nothing much was going on, so as I was watching the drummers I was standing back by the press, all sorts of members from the press, the \_\_\_\_\_, media and you name it, everyone was there, and I just simply sit back by them, I wasn't, and participating wasn't involved, I didn't have any signs, didn't have any buttons, I didn't know even if much would have said even if I worn any, I mean, I'm not in any way participating in this protest. When I was done watching the people drumming I went up to look down on Pennsylvania Avenue, there's a little grassy hill area there, and saw that there was some people from a bike strike that was coming in, and I read about the bike strike in the Washington Post, it was interesting to know what a bike strike was, I've never even heard of a bike strike, and I knew that they was suppose to have leave Union Station that particular lime, fairly early in the morning, seven or seven thirty, and when I was watching the local news that morning when I got up in my home, they said that there was nothing going on at Union Station, that the bike strikers weren't there, it wasn't happening, so it was interesting to see that the bike strike was taking place, I wanted to see what it

was about, and so I watched the bike strikers come in and there were pretty much people riding on bikes coming down Pennsylvania Avenue from the Capitol towards Persian Park, and they were surrounded at either side by police officers on bike, I don't know what jurisdiction they were, and immediately behind them it was police officers on bikes, and they were pretty much funneled in effect into Persian Park, nobody came pass Freedom Plaza into Persian Park, and that's where all the bicycle people ended up. By that time, that's when the police presence really was increasing, especially with the arrival of the police on bikes, now, on the south end of the park, on Pennsylvania Avenue were police mounted on horseback, on the west side of the park were the police that were on bicycles, and on the north side of \_\_\_\_\_ were police officers on foot, there was some motorcycle police that were in the background mere, and also with the bike officers, mere were officers on foot. The eastern perimeter wasn't exactly on the road, I'm not sure which road it is that sits right there, the middle of the park coming through in a line, and they were officers that had black body armor from literally, head to foot and the word, "Sheriff," written across their chest, so I knew that they were MPD officers. As I noticed the increase in police presence, before I noticed the exact perimeter \_\_\_\_\_ Pennsylvania Avenue, I went to leave, and the people, they were police officers at that corner, and they said, you can't leave here, and they were pointing in the different directions, and I just assumed that they didn't want people to exit onto Pennsylvania Avenue, it's a busy thoroughfare and they wanted people to exit at some other place. I kept looking for the some other place and I couldn't find any place that they would let me out.

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People would either just shake their heads at me, the officers would shake their heads at me, or they would say, go down there, go down there, everybody would point to different directions, it didn't take long to figure out that there was no place to go. And, when I was there I also saw two women students from George Washington University who were really upset, they apparently had a class \*3 assignment to go down and observe the protest, and they were begging and pleading, and one was in tears with the officers to let them out, and they weren't budging, these were the people on the western side of the perimeter, there was also couple of nurses from across the street, they were \_\_\_\_\_ with the Marriott, they had tried to get out, they couldn't get out, and were all kind of standing together in the same area, me and the bystanders I just mentioned, and John \_\_\_\_\_ of the, the director, the second director of \_\_\_\_\_ was also in that same area, so it's just a bunch of bystanders hanging out saying, what the heck is going on, can you believe this, you know. Before I knew it, these two metro buses pulled up and my heart just stopped, cause I had plane tickets to get out of town, I was fitting to go to Michigan at six o'clock that night to celebrate my little brother's sixteenth birthday, and I just knew that those buses were a bad sign, and sure enough, at about ten twenty-five the line started closing in, and I was with the other bystanders, they were saying you know, what did we do, what did we do, and the police officers said, stick with us, stay close to us, don't \_\_\_\_\_, don't get in the middle of things over there, meaning, the big mix with the protestors, the big mix with the protestors, they weren't doing a thing, they really weren't at all, because by that discussion at that time, people realized we're stuck, this is what's happening, some

people was yelling, let us out, we want to leave, things like that, but there were no protestors \_\_\_\_\_ what's going on at all, I really didn't see a thing happening the whole time I was there, seriously, and I was looking to see what was gonna happen, I was looking for something to happen, to see some sort of protest, some sort of speak or some sort of anything, other than milling around with these people that I did not know, and they were happy with milling around with each other, they were friends that had traveled from miles and miles away to come there, but for me it wasn't so much fun, it was really, it was boring, I didn't see anything that would necessitate this police perimeter, and that's why I never thought that I was in any danger being arrested, being hurt from anything, because it was so low key, I couldn't believe with all the hype from the Chief of Police and from the media, that this is what was going on, I thought maybe I was in the wrong place or something for the \_\_\_\_\_ protestors, but I was looking to figure out what they was all about. So, the police officers told us, stick by us, don't worry about it, yiuou know, don't worry about it, don't worry about it, we're like, alright, all of a sudden it was as if it was a Q given, because all the police officers from all the perimeters started closing hi, closing in, closing in, and then they were closing faster, someone would yell from one end of the line, you know, get in there, hurry up, or let's move this, move this., and then the police officers would go faster and it was really confusing because the bystanders and the protestors, we didn't know what was going on with all this yelling, we was confused, the people I was with, I guarantee you, it was nothing to obey orders for the police officers, we did not want to break any laws, we did not want to cause any trouble, we didn't want

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to get hurt, we didn't want to cause the police any undue pressure, we understand it's a difficult situation to be in, law enforcement, we weren't looking to make trouble for anybody, so we only wanted to do what would make it easier for everybody involved, we weren't trying to cause any trouble, so it was kind of, it \*4 was scary at that point because other officers started closing in on us, and they're big, you know, and they got their shields, they got their batons, they're probably a little **bit** anxious and want to know what's going on, so apparently the protestors and the bystanders, weren't moving quite quickly enough, and people were getting pushed to go in, and it didn't seem like individual officers so much being individual, it seemed as if they were a command, everybody, everybody must do this, cause it was so uniform consisted with the entire event, and all the other officers, none of them could see each other, you know, so not everyone could see that people were being let out at the south side, not everybody could see that people weren't being let out on the west side, it seemed as if they weren't some considered effort to not let people out and that command came from somebody, it wasn't just people deciding I'm not gonna \_\_\_\_\_, we gonna have to stay or whatever, they considered it \_\_\_\_\_, so when the police started moving in, there was some pushing and some shoving from the police, I didn't see any protestors push back, some people fell down cause they weren't moving quickly enough, the Persian Park know that they're sidewalks and grass, and then some steps, and I think it might street posts and things like that, you try to get out of the way, you try to move but sometimes you just can't, so that was, to me it was very frightening. They funneled us into me southwest corner, where there was a



waiting metro bus, and the police lined up to make a little V funnel into that corner so that if you walked down that way, anywhere you gonna go, the door to that bus, and they started grabbing people, cuffing them with plastic doffs behind their hands, it was the sticker plastic cuffs that they were using at that time, and then they asked if there was any volunteers, at that point, somebody, some protestor screamed, oh, arrest me, and fell down and went limp, and didn't seem that the police liked that too much, so when I volunteered, I was ready to volunteer like to get out of there because I would faint, with all the crush of people, I didn't know what was gonna happen, I, you know, put my hands up about chest high and I'm like, ok, get me the heck out of here, and with cuffs behind my back with the thicker plastic cuffs by one officer, and he escorted me to another officer who escorted me into the bus and just put me on the bus, \_\_\_\_\_, I sat on the bus, that was probably around, I'd say, ten twenty-five I got arrested and put into the bus. We were on the bus probably for, till three p.m., that afternoon, we were transported to the Police Academy in Southwest, and just sat on the bus with our hands cuffed behind us till three o'clock that afternoon, there was several buses behind us, several buses behind us, maybe seven or so buses behind us, we couldn't even see all of them, nobody told us anything that was going on, nobody told us anything that was going to happen. And, when we were taken off the bus, we waited on the front lawn of the police academy about an hour, and people was getting processed inside me police academy, we understood it was some sort of a line to go in, we got in, I got my mug shot taken with an officer, his name was Officer M. Smith, he was just one of the officers that was on my bus, there was,

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they were over thirty people on my bus, maybe like forty-forty-five people on that bus, because there" was two officers, M. Smith and a woman whose first name was Robin, I think she was a bicycle police officer, and they were each told by a superior, by somebody I suppose, to write up \*5 their arrest reports for fifteen people, we had thirty people, so one officer wrote up too many and there was an issue with that, that's the only reason I know the number, I had no idea who Officer M. Smith was, in fact, I know I never seen him before, other than when he got on the bus, I don't think he helped cuff me or anything like that, but he was just my arresting officer. So, I photographed with him, \_\_\_\_\_ for the camera, you know, they processed me, took my shoelaces, patted me down then I went to, getting, I don't know exactly what computers were, processed with this other woman, I'm not sure what her job was, but she wanted to make sure that I had fifty dollars, and I said, no, you don't understand that, I'm not gonna post and forfeit, I'd like to get a citation because I'm a bystander, local, an attorney, I didn't do anything, I didn't want to have anything like that posted or forfeit on my record. She said it doesn't matter, you need fifty dollars, I had forty-six dollars, so I borrowed four dollars from the \_\_\_\_\_ \_\_\_\_\_ down the line like, whatever, I'm not gonna argue. Go to the next room, which was the computer room, there is a bunch of computers around three parts of the room with people sitting behind the computer, computers, and each arrestee was taken to the computer, the computer I went to, there were two women working behind it, and they took my name, social security number, they wanted to know who else live with me, which I didn't understand why they needed that information, I did not give that

information, it seemed \_\_\_\_\_ and unnecessary, and then they asked me if I had fifty dollars to post forfeit, and I can explain I'm not gonna post the forfeit, I want a citation to be released, and they insisted that I had two choices, I can post the forfeit, I could wait in custody before I go to a judge, and as an attorney, I know a little bit about the law and how it works, was pretty sure that I could get a citation and a release for a misdemeanor charge, a local person, and we went back and forth, the two women kept telling me, no, either post a forfeit or you go before the judge, I don't know their names, but if you take names of who does the paperwork, their initials and names would absolutely be there. We were going back and for so much that a male officer came and wanted to know what was going on, we explained the situation, he said that I was right, that I could go ahead and get a citation and release, that they didn't need to worry about me posting the forfeit or fine. We got in the gymnasium, that's where we got our prints taken, \_\_\_\_\_ kind of prints, and then they was three lines, in the gymnasium, one said collateral, one said citation, and one said detention, three different lines, and they said, what you said you wanted to do, I guess that's the line that they put you in, they brought me down there and they, to the gym, and they cuffed us with the \_\_\_\_\_ handcuffs, they, one was around our wrist, one was around our ankles, and then it's another used to close the right wrist of our ankle, so we had like a three link chain between our wrist and our ankle. And, then I sat on the floor for like about four p.m., till like about four a.m., and was consistently told by everybody that I had talked to, that they are going to process out all of the people that doing the collateral, they are gonna do the post and forfeit, they're doing all of

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that first, anybody who wants a citation is going to have to sit here, and the people I was sitting with heard that too, and it was late, it was really late, \_\_\_\_\_ much late, you know, my travel companion had actually made another arrangement to \*6 take another flight out Saturday morning, you know, obviously, I missed that too, I didn't get released until nine o'clock Saturday night. And, they weren't processing any of the citation people, they weren't processing hardly nobody, they'd take people, I'm like, between ten and twenty people at the time, call out their names, and then they'd stand up and they'd go get processed and then they would leave, they would take people from the collateral line, then they'd take a few people from the detention line as well, but nobody from the citation line was ever called the whole time that I was there till four a.m.; except my name was called actually around two and three in the morning, I went, and they said, where your fifty dollars, \_\_\_\_\_ m my pocket, so I'm not going to post a forfeit, and I was told you have to, If you don't, you're going to sit here until you go before a judge, and I kept telling her, no, I'm not interested in forfeiting, I want a citation, I want to be released. And, finally another officer came over and said, fine, told the woman to stop arguing with me, and lead me back and sat me down in the detention line, which I didn't understand, I said, no, I want a citation, he said, look, it doesn't matter, just sit there, so I sat there till four in the morning when I was cut loose and line up with the rest, maybe, twenty other people from the detention line. And, at that point, we were transported to Building B, right down by Judiciary Square, \_\_\_\_\_, I believe that's what it is. And, we were taken downstairs to the holding cells, and put hi a cell with, which was probably

thirty-five of us all together, till we left at four o'clock in the morning. The women that was down there when we came in were very unhelpful in an extremely rude, pretty much the most unpleasant people in the training academy, \_\_\_\_\_, but the people when we got to the holding cell were just rude, and people were told they could post forfeit when they got there, and these women were like, umm umm, you had your chance, this is what you get, you see this is what you get, we're not gonna deal with you, and then they would say no, you better be quiet, don't mess with us because we have to do your paperwork, if your paperwork is not ready, you won't have time to go to the judge, the judge is only there until two thirty on Saturday, if you don't get before that judge, you're sitting in here until Monday morning, no, we want to sit there for any length of time, let alone till) Monday morning, and nobody in my group was putting up any sort of trouble or any sort of fight or any sort of commotion, nothing, not even asking for food, and everybody just wanted to get out of there, and they wouldn't let anybody posted forfeit from that place, let alone get a citation, that was just laughable, there's just no way, there are sometimes laughable, but I was a bystander, you know, you had a right, nobody listen to me. At least in the training academy, it seemed like there's an understanding among some of the officers that, you know what, there's some bystanders here, people knew that there was nurses there, people knew that there was a couple of attorneys there, people, there was students there that were not part of the protest, not the case over at the \_\_\_\_\_. Finally, I guess they must have been a shift change or something like that because it probably was around noon, maybe a little bit before, that some people

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started coming in, it could have been a lot earlier, so one officer particular was Lieutenant Bunner who came in, and when he came in things started to move, he said why are these people being \*7 allowed to post a forfeit, let's move this line out, there's no reason why they can't be, people jumped to life, started processing people out, I talked to Lieutenant Bunner and explained that I wanted a citation, I was local, I had my *I.D.*, I'm an attorney and a bystander, I don't want to, you know, and he said, ok, fine, I was the **only** person interested in getting a citation, so it was a little bit different process, he let me out of the cell like one thirty, and took me to get processed, mere was a question because there was not posted forfeit, some other guy told him, she cannot get a citation because the court is opened, and Bunner was like, you know, he didn't seem happy about it, he was like, ok, whatever, he put me back in the lock up, I told him, look, it's like one thirty, I'm gonna stay here till two thirty, then give me my citation, he said, good idea. So, by two twenty, there were five of us left, everybody else had been able to pay their money and get out, and a couple people I think had been transported over to the courtroom already, and I had said to Lieutenant Bunner, like, you know, it's almost ten, two thirty-five, I can't wait and get my citation, the clerk closes, right, he said, you know what, they called me and they want everybody to go over there, you can't give me my citation then we leave, you know, I want to make clear that I'm not saying anything bad about Lieutenant Bunner, he's the one person that try to do some work and try to do some stuff over there, I bet he can tell you a lot about what went on at mat point, he really did seem to try to clear things up, the only person in my entire time with the Police Department that tried to do

8 anything. When we got transferred over to Superior Court by, you know, the police bus coming in underneath, which I got to tell you, that was the first time I ever entered the courtroom like that, we were taken out by the U.S. Marshall's, put up against the wall, really completely thoroughly frisked, more so than we had been frisked by the police academy people, which was very \_\_\_\_\_ security guys at the airport would have done a better job than the people at the police academy for me at any rate. These people, they were searching, they were patting, they were squeezing, they were totally doing a thorough job. After that, the marshals put us in a cell, and they told us to drop our pants, drop our under pants, bend over, squat and cough, and I thought they were joking, they weren't joking, we all did that in front of each other, in front of three female marshals, and in front of two women inmates that were not related to the protest, who were across the hall from the holding cell that we were in, you know, completely humiliating, I know that you guys aren't the U.S. Marshals, if you we hadn't been detained by the MPD so long, we wouldn't have had to go through that, which you know, press) enable at that, that kind of behavior. We went up and were held in the, it's not a holding cell, but it's a room where prisoner's go, waiting to go before the judge, in these cubicle type things for conversations with lawyers, probably about forty-five or fifty of us were in there, stayed in there till about seven, my name was called, a public defender friend of mine did actually come to the courthouse to see what he could do to get me out, he said the case was gonna be dismissed, about seven o'clock my name was called, and eventually I was no papered, and I had left at just a little bit before nine o'clock on Saturday evening.

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Q: Ok. Just two questions, when you went to Persian Square, did you hear any orders to leave or to disburse?

A: No. No orders to disburse, if I heard orders to disburse, believe me, I would have been out of there, I would have been the first one out of there.

Q: While you were within the police perimeter with police surrounding you, did you observe anybody leave the park?

A: No, but I wasn't watching, when I came in I went to the middle of the park where the drummers was, that was the drumming circle, and when the drummers stopped, I walked up and I was watching the bike \_\_\_\_\_ come in, so I was not looking at the north, the west, or the east section, in fact, I was looking at the middle and then the southern perimeter, it was actually when the bike circus came in, I noticed that there was a police perimeter, I wouldn't have gone into a police perimeter at all, I mean, it wasn't there when I got mere, you know, so when I came up watching the drummers, that was the first time that I noticed the perimeter there and I didn't see anybody leave, no, I didn't see anybody leave \_\_\_\_\_ perimeter.

Q: When you . . .

A: Except for the press.

Q: I'm sorry.

A: The press people could leave.

Q: They were the only people allowed to leave?

A: Yes. I even tried to follow the news people, they caught me,

Q: When you decided to be placed, put under arrest and you said you put your hands up, do you recall from which department the person that put the flex cuffs on you was from?

A: I don't, I don't, I was handed off to an MPD person, an MPD was on the bus, and I believe it was Metropolitan Police Department because, Robin, the female officer was on the bus and M, Smith got on the bus, and the people who was on the outside cuffing, it was like a cuffing area, and a walking escort area, real close together, they wanted to know, hey which officer you got in there, and she says, Officer M. Smith, it wasn't a question of jurisdiction who's who, it seemed like they knew each other and work, obviously, they worked in concert with each other. But, it seemed to me that there was an MPD cuffing me and escorting-But, I didn't see any badges, \_\_\_\_\_ the sheriff

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Q: When you were transported on the metro bus to the Institute of Police Science, you say you were, were you on the ground, did you come through the front gate?

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A: Yeah, we came through the front gate.  
Q: And, *the* buses just stopped?

A: We sat in that little driveway . . .

Q: And, worked their way up to the front of the academy. Were you afforded the opportunity to use the restroom, the bathroom?

A: Yes, not initially. And, eventually people started asking and they told us we had to wait, I didn't have a watch so I'm not sure what time people started to be allowed to go, but people were allowed to go one at a time.

Q: While you were on the bus and you were with cuffs on?

A: Correct With my hands behind my back.

Q: Ok. Once you made your way into the Institute of Police Science, you went into the front door?

A: Correct.

Q: And, you went into what we call the cafeteria, where they were soda machines, vending machines?

A: Yes.

Q: And, there were . . .

A: That's where the computers were.

Q: Thank you. Once you left that room, where did you go?

A: Down to the gym.

Q: Once you entered the gym and you were processed some more?

A: That's where they took the prints, they were fingerprinting down in the gym.

Q: And, once you were fingerprinted, what was the next step?

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A: I was let over to the citation line, then they told me to sit down, they got out their plastic cuffs and I put my hands together in front of me, you know, like I had been doing, and they said, no, we just need one of them, and then they cuffed my wrist to my ankle.

Q: I brought along some flex cuffs, does these look like what was used?

A: Yes, these do, these look like, and if you pull it a little bit smaller, yes, it look like those that were used.

11 Q: You were flex cuffed or restrained to the right wrist, the left ankle?

A: Yep.

Q: I'm standing up now and I have the three rings flex cuffs, I have one flex cuffs around my right wrist and one around my left ankle, you were like basically in this position?

A: Yes.

Q: With your foot on the floor, and the flex cuff was singed up to make it tight?

A: Yes. You couldn't be cuffed like that if you're standing up, you had to get cuff like that to the floor, so everybody was sitting down when then got cuffed like that, cause it was, you know, the circle was so close to your wrist, the circle was close to your ankle, and then the circle was depending on who cuffed you was close in the, between your wrist and your ankle, if you stood up, and I don't know if you would be able to stand up.

Q: Could you stand up?

A: No.

Q: How tall are you?

A: I'm 5'9".

Q: 5'9". You couldn't stand erect and be restrained by your right wrist and your left ankle?

A: No way, no, nobody could. I saw one guy got up, I don't know what he had to do, use the phone, the bathroom, visit somebody, get escorted somewhere, he was hopping, and the people, you couldn't straighten out your leg, he was agile, he had his leg fully bent, like, if you grabbed your wrist and hopped, I'm not gonna do that, most of the people done that, and obviously, didn't ask us to do that

\*11

Q: Flex cuffed, it was on your left ankle, could it move off your ankle?

A: It could move off my ankle but not down, cause I had it on my shoe.

Q: Yeah, but I mean, could it move from your, could it move up from your ankle to your calf?

A: Yeah, probably like five inches I would say, depending on how big your calf was, but it was pretty tight, it didn't cut off your circulation but it was there, it wasn't going anywhere and you couldn't slip it off, you couldn't slip it off.

Q: At anytime did you attempt to get off the mat, did you attempt to stand up, try to straighten up?

A: Well, I tried to straighten up when I was sitting down, I wouldn't try to stand up cause it was obvious that you would roll over or summer salted, something bad, I mean when you're tied up like that it wasn't even an issue when I tried to stand up.

Q: Did you observe anybody that was trying to stand up or was told to sit back down?

A: No.

Q: But, were there people standing up, not standing erect, but were coming up off the mat?

A: Were people coming up off the mat?

Q: Yeah, anybody?

A: No, Not unless they were cut off and were lead somewhere, with the exception of one guy I told you that I saw hopping somewhere, he apparently was allowed to hop wherever he was going, and everybody laughing to see him hopping.



Q: Were you given any type of food when you were at the police academy?

A: Yes. I was given a brown bag with a bologna sandwich, four ounce juice box, and two small cookies.

Q: Were you afforded the opportunity while you were in the gymnasium, or within the police academy building, an opportunity to go to the restroom?

12 A: Yes. \*12

Q: Did you?

A: Yes.

Q: Prior to you going to the restroom, you were restrained in a matter, right wrist or left ankle for you to go to the restroom, what did they have to do?

A: They cut the middle link so you still had your right wrist link on and your left ankle link on, just the connector, it was cut, then when you came back from going to the bathroom they said sit down, and instead of having to do three links, they was just three links, that's the main three.

Q: You mentioned that there was confusion in regards to posting forfeit or citation, being offered citation, did anybody at any point come in and give a general speech or were there signs hanging from the ceiling that said, these are your options, did anybody give you any options?

A: Nobody ever gave me any options, I was told you have to pay fifty dollars, there was signs in front of the gym for, the lines that the people were in, the first one was collateral, the second one was citation, the third one was detention, the detention sign was folded over a little bit, I'm assuming that, that's what it said, I could see the D-E-T-E-N, something. But, other than that, nobody told us nothing at all,

Q: Sergeant McGuire . . . (Sergeant McKoy referring to Sergeant McGuire), . .

SERGEANT MCGUIRE:

Q: Were you photographed with the person who arrested you in the park?

A: I don't believe so, I was photographed with Officer M. Smith and to my knowledge he was not the person who arrested me in the park, he was the person that came on my bus. Somebody different, Officer A arrested me, handcuffed me, Officer B escorted me to the bus, and then Officer M. Smith was along with Officer Robin something or the other, the officers on that bus, I was photographed with Officer M. Smith. And, I was also photographed by myself twice hi the gym, and once at the \_\_\_\_\_.

Q: Ok. Were you ever handcuffed in front of you with your hands in the front?

A: No.

Q: They are always either behind you of, and was it right wrist to left ankle?

13 A: Right wrist to my left ankle. \*13

Q: Those was the only two ways you were handcuffed?

A: Correct. Like I did see some people out front at the police academy with their hands in front of them, and nobody seemed to care until some other people came, it seem like they were senior to the regular officers and started yelling making a big scene, get these people cuffed behind their back, so I did see that outside of the academy, I just said I thought \_\_\_\_\_ than over there, told people to fix the cuffs . . . (Side A of tape ends) . . . (Side B of tape continues) . . .

Q: This is a continuation of a statement given by Julie Abbate. Did it appear to you that there was a particular person in charge of the gym?

A: No.

Q: You didn't, so no one really stood out as the person?

A: No. They were, people would take turns paroling up and down, or patrolling up and down the isles, but there were a lot of people, towards the end of the night white shirts started coming in, people started talking about the white shirts were there, and that they were very strict

Q: Did it ever appear to you that someone like that guy or that woman is in charge of this?

A: No.

Q: How about at Persian Park?

A: No, absolutely not

Q: You didn't see like the head guy?

A: I kept looking for the head guy and other \_\_\_\_\_ saying where is the, head guy, you know, where are the people that are in charge, people got, kept getting put in different directions, nobody ever found out who was in charge, and yet people were looking to speak with the judge.

Q: Ok. Just to go back a little bit, when you say white shirt, explain that?

A: White shirts as far as I understand it, blue shirts and white shirts and blue shirts are take orders, and white shirts gives the orders, and I'm sure you got other declinations like sergeants and stuff like that, but that's my understanding.

Q: That's pretty much it. Although, I understand that Chief Ramsey may wear blue shirts . . .

They all wear, well, \_\_\_\_\_ . . .

SERGEANT MCGUIRE:

Q: \_\_\_\_\_ they were white shirts \_\_\_\_\_.

SERGEANT MCKOY:

Q: Would I be safe in saying when you mentioned white shirt you meant somebody of management or have supervisory role?

A: Right. Best that I know, and I don't even know if they were actually wearing white shirts \_\_\_\_\_ the white shirts, someone with the white shirts.

SERGEANT MCGUIRE:

Q: A woman, did you see her?

A: I can't recall that or not.

Q: Not at all?

A: No. There was a woman that I'd noticed who was newly arrived after they was talking about he white shirts, there was a woman, and she was shorter in stature, she didn't seem to be giving any orders, light skinned, African American, I didn't see her give any orders or see her take charge, but that's the only woman that I — saw after that \_\_\_\_\_.

Q: Did you lose any property?

A: No.

Q: And, so I'm clear, you had nothing to do with this protest?

A: No.

Q: You know what the IMF is?

A: National Monetary Fund, yes.

Q: Ok. That's how you know?

15 A: Exactly. \*15

Q: Did you ultimately pay the fine?

A: No.

Q: You elected to see the judge?

A: I didn't elect to see the judge, that's not exactly accurate, but \_\_\_\_\_ a citation so ultimately come back and go before a judge, and said I was suppose to wait and go before the judge as if I was a Jane Doe, for example, and \_\_\_\_\_, I decided \_\_\_\_\_ for any reason.

Q: You gave your name?

A: Always, consistently and showed my I.D., D.C., \_\_\_\_\_ driver's license, I always without question.

Q: \_\_\_\_\_ D.C. driver's license?

A: Yes.

Q: So, you live in the city?

A: Yes, I do, I own a home in Capitol Hill.

Q: Ok.

SERGEANT MCKOY:

Q: Was there ever explained to you why you were being transported to . . .

A: To the \_\_\_\_\_.

Q: To court?

A: To court, yes, to go to the judge, that's what they said, you're being transferred, you have to go to the judge, and if we didn't make it there by two thirty, then we were stuck, we gonna have to wait till Monday morning when a new judge came in.

Q: To your knowledge, did anybody that panted to be provide the opportunity for citation also transported to cellblock then to the Marshall's block?

16

A: No, not with me, not with my group, when I, we were the last people that got transported to Building B, apparently there was some other groups of people in \*16 cellblocks, different holding cells over there that was there already, when I got to the citation line, nobody left from the citation line unless they wanted to go over to the collateral line, a number of people like, you know, look, you told us, you doing a crowd of people with citations, put me in that line, you know, get me the heck out of here. So, when I was transported, it was me in the citation line, and other people were from the detention line, and they were the people that were, well, mostly they hardcore and they are police, and they was you know beat Jane Doe's or John Doe's, and they were gonna fight the system or whatever, which you know, is their prerogative, but it Couldn't have been farther from the opposite of what I was doing, and I never, \_\_\_\_\_ misunderstand, how was I put in that group, you know, and the local attorney, bystander, I just didn't get it, I still don't get it

Q: Who put you in that group?

17 A: It was the, when I walked to the front of the gymnasium by the little stage area, to the right of the stage, that's when they were taking pictures, take your money I guess, make sure you had your money and started the process of releasing you, that's when I had the discussion with me woman, you not gonna pay, you are gonna pay, so the male officer came up and said, she don't have to pay, and then he took me, he was the one who took me and put me in the detention line, so it's him, I asked another officer should I be here, I want to get a citation, he said, don't worry about it. So, there was three people, the woman that tried to make me pay, the man who told me I didn't have to pay, and the man that told me it was ok that I was there that who knew I'd wind up with a citation for that, go to jail, and people were choosing to go to jail, I didn't want to go to jail.

Q: I just have one more question, in any time during your stay in detention at the Police Academy, did anybody give you an explanation of why you were there for so long?

A: No. They did say that the computers' were down, and that's why it was taking so long, they did say that.

Q: Do you know why you were arrested?

A: No, I don't, I know that the charges were Failure to Obey, which is ironic because obeyed everything that I was told to obey, you know, I didn't want to cause any problems with the police, ever, and would have obeyed any order and I did, so it's just ironic that, that was the charge, Failure to Obey.

SERGEANT MCGUIRE:

Q: From the time you were arrested to the time you found out you were arrested, how long was that?

\*17

A: Arrested at 10:25 and on my property bag there was FTO, Failure to Obey and that's what it was and at that time it was Failure to Obey, so that was probably around four o'clock, so between 10:45 to four o'clock, I was, I didn't know that was the charge was1, or why I was arrested.

Q: Ok. Nothing for me, thank you.

SERGEANT MCKOY:

Q: Thank you very much. It is now . . .

A: Can I just say one thing \_\_\_\_\_ . . .

Q: Yes, ma'am, go ahead . . .

A: And, that was to reiterate my request to get either a copy of the tape, or a transcript of this.

SERGEANT MCGUIRE:

Q: Ok. I will explain that to you, we'll explain that

SERGEANT MCKOY:

Q: We'll explain it off the record.

A: Ok.

Q: Thank you again, thank you very much. It's 10:20 . . .

SERGEANT MCGUIRE:

Q: 12:20.

SERGEANT MCKOY:

Q: Excuse me, 12:20 p.m. We're gonna conclude this interview, thank you.

\*18

1 \*1

**METROPOLITAN POLICE  
DEPARTMENT Civil Rights and  
Force Investigations Division**

DATE: November 27, 2002

TIME: 10:47 a.m.

PRESENT: Sergeant James E. McKoy and Sergeant James McGuire of the Metropolitan Police Department, Civil Rights and Force Investigations Division. Also present is Mr. Michael Eichler.

SUBJECT: In reference to Confidential Investigation Number 02-1509. This is the statement of Mr. Michael Eichler.

LOCATION: Metropolitan Police Department, Civil Rights and Force Investigations Division, 51N Street, Northeast, Washington, D.C.

SERGEANT MCKOY:

Q: My name is Sergeant James E. McKoy, Jr., Metropolitan Police Department, Force Investigations Team, along with Sergeant James McGuire, also Metropolitan Police Department, Force Investigations Team. Today is November 27th, 2002, it is 10:47 a.m., we're conducting an interview with Michael Eichler regarding the facts and circumstances surrounding your arrest and detention by members of the Metropolitan Police Department on September 27th, 2002, in or about the area of Persian Square, located within the District of Columbia. Could you please give us your name and spell it?

A: Michael Eichler, Michael is M-I-C-H-A-E-L, Eichler, is E-I-C-H-L-ER.

Q: Do you understand this is a voluntary statement?

A: Yes, I do.

Q: Ok. Please tell me what happened to you on September 27th, 2002, on or about the area of Persian Square and any events that happened thereafter, ok?

A: Well, for starters, at around nine p.m., I arrived at Persian Square . . .

Q: P.M.?

2 A: A.M. Did I say p.m.? \*2

Q: Yes.

A: At nine, about nine a.m., I arrived at Persian Square riding my bicycle *and* I noticed there was a protest taken place at within the parking lot, I wouldn't go as far as to say protest, but the gathering of people who was probably in town for the weekend, they was drums playing, they were people talking, there was press around talking with people, it was, they ere was an energy hi the air that I wanted to investigate, so I lingered in the park for a while to see what was going on to find out what the message was, to experience that for a couple of minutes. I was with my roommate and he was also on his bicycle, at about ten minutes after we arrived into the square into the park, I had noticed that there was a line of policing formed around the perimeter of the park, and I decided it was time to leave, because I had no interest of getting a Tested, anything along those lines, I was just, you know, observing what was happening, I'm not participating in any protest, I wanted to get out of there. My roommate and I had attempted to leave the park to the southeastern corner, and we were instructed by, well, we were, we were instructed by the officers at the perimeter to park there, that we were not allowed to leave the park, and then we were then yelled at to return to the park. Myself and my roommate then returned to the park, and my roommate then again decided he was gonna try to get out, then he eventually did break out through the police lines in a very risky fashion, which I definitely was not interested in participating in. And, this happened, he told me about it afterwards, I didn't know that he got himself out until he called me on my cell phone while I was in the parking saying, I broke out, I'm at work now, good luck, let me know what's going on. So, I just eventually decided on, but it

was pretty obvious it was no way to leave, I rode around the entire perimeter of the park on my bicycle, trying to find a spot where they weren't police in riot gear or police on bicycles or police on horseback forming a line or at the park. I got in, you know I was just interested hi seeing what was happening, I wasn't you know planning on protesting at all for the rest of the weekend, I was planning on protesting anymore that day, I was simply just D.C. citizen who was interested in seeing what was happening in the city. I, so I rode through the entire perimeter of the parking trying to find an escape route, so to speak, and couldn't find a way out, they had closed the \_\_\_\_\_ of the park, actually, I could have if I swam for it, I could have gone through like the ice skating rink area that was a pond at tie time, cause it wasn't frozen, I could have probably done that, but the sluggishness of running or swimming through the water probably would have gotten people a chance to meet me on the other side. So, eventually I just resigned to the fact that I couldn't get out, I locked my bike up to a park bench and found a seat somewhere, and just kind of hung out waiting to see what was happening cause it was obviously no way I could leave. After about an hour or so sitting, milling about, talking to an occasion person who would walk by, the perimeter that the police would have around the park began closing in on us, forcing us into tighter and tighter corners in the south wester perimeter of the park, and eventually we were, you know, shoulder to shoulder, back to chest lined up in this really tight formation, that the police, in this race, the police was surrounding us wearing riot gear, many of which were from \*3 Fairfax County, and they just surrounded us, and eventually the line of people, I guess being arrested, or



volunteering to be arrested or whatever, got so close so I could see what was happening, in the meantime, I had no idea that anyone was actually getting arrested. I kind of looked through some heads, and I noticed a little bit of a scuffle at first, I wasn't sure what that was, I thought I saw a police officer with a \_\_\_\_\_, and I don't necessarily thought I saw him use it, but I know there was definitely a scuffle of or somebody didn't want to go or somebody did, I'm not really sure what was happening. But, I decided that if I was gonna get arrested as it was pretty apparent that everyone that was in this pen was gonna be arrested, I might as well get it over with, so I kind of elbowed my way up to where I saw people being taken away, and I heard an officer say, do we have any volunteers, I said, yes, and I walked up and then I volunteered to go, or I opted to go voluntarily instead of putting up a struggle. The people that had been standing there was like, yeah, we can bust out, or let's all link arms, or you know pulling up their rags on their noses, and I'm like, you guys have got some bad ideas, hopefully you know you cannot take on these people, let's just, you know, calm down. So, I decided I wanted to get out of there as soon as possible, so I walked up to the officer who had asked for volunteers, and he asked me to turn around and placed those kind of handcuffs on my wrist, and then we marched in a line down the staircase, it was a concrete stairs that go down to the southwestern end of the park, and as I was walking down the stairs, there was a series of officers line up, both kind of facing us, and enclosing the stairs, and I don't recall any particular statements, but I do remember that these officers were making comments to the individual arrestees as we were walking towards the metro bus down these stairs, comments

about, well, I'm gonna have a nice weekend at home, or you know other comments about, you know, welcome to Washington, or things that were, you know, I would say inappropriate to say to people who got arrested, especially, since I was planning to have a nice weekend at home, and I already live here, I mean I've lived for like some years, and made the assumption of all these people who was in this park are guilty of something, and B, trucked in from out of town was completely inappropriate, I mean, you know, I don't live in your residence, getting arrested and being told, "Welcome to Washington." So, from there, basically, we were loaded on a metro bus, I believe my bus was labeled, "Special 2," and as people got on the bus the officers walked around and noticed anyone who had back packs or bags, or on them as they was being handcuffed, and cut the straps of the back packs or bags, so they wouldn't be, I guess, like if you put on a back pack and you put on handcuffs, you can't take the back pack off, so they came by and cut everybody's straps of what they had been wearing so that they, I guess, can hold them in their hands, but they couldn't wear them on their bodies or persons anymore. Once the bus was loaded, we were driven down to the Blue Plains, big academy, you know, a bunch of hippyish kids and a couple of older people and I am on the bus being arrested, so people started singing like the wheels on the bus go round and round, all the way to jail. So, we were, you know, being yelled at for singing and being told to shut up, and told to be quiet. Once we arrived at the police academy, basically, sat on the bus for over seven hours without offer of food, eventually, probably, an \*4 hour, five, they brought over some bottles of water so that we were allowed to partake of, and at one point, I

actuality finagled some food out of an officer by telling her I was hypoglycemic, and she gave me a granola bar, but you know, other than that, there was no food made available to us, but by this point, probably at this point, we arrived at Blue Plains at eleven thirty a.m., and we were taken off the bus at six thirty or seven p.m., and we sat outside of the police academy for a while, we were told to, eventually, we were given some food, which consisted of a bag lunch of bologna sandwich on white bread with mayonnaise, two cookies, and a drink box, me being vegetarian, I didn't partake of the sandwich, so I did eat the cookies and drink the juice, and you know, they said, we have some vegetarian sandwiches here, or but we ran out So, I would think after the last three times these \_\_\_\_\_ protest happened, they would know these protestors are gonna be vegetarian, and they could \_\_\_\_\_ on the bologna bag, not bother with the bologna sandwiches at all and just bring something that everybody could eat, but you know, I guess there's no accounting for logic. So, at around sunset, probably about seven thirty, we were finally brought into the front doors of the police academy, where we were, after taken off our shoelaces, felt, pocket contents, any strings involved with, *you* know, hoods, pants, whatever., any drawstrings has to be removed, which you know in some cases, basically renders some clothing \_\_\_\_\_. Some people were complaining about how they weren't wearing underwear, their pants were gonna fall down, I don't, I guess historically from doing the shoelaces and belts is to prevent people from committing suicide while they're in lock up but I don't think it made a lot of sense for us taking our shoelaces off, take our belts off, it was just a little, a little excessive I thought. We were brought

in immediately, we had our photos taken with I guess our supposed arresting officer who we met on the bus an hour before hand, we then were frisked, and handed property bag, to place all our, all of our goods in, including shoelaces, belts, etc., we even had our shoes taken off and the bottom of our feet patted to search for who knows what, box cutters, I guess, and then we were brought to another station where we detailed the contents of the property bag and they was sealed with notes taken and stuck to the side of the bag. The bag was taken away, all that we were left to keep with us was an I.D., and if we had it, fifty dollars in cash for our \_\_\_\_\_forfeit From there I was escorted to the station with some guy who used the computer to enter data about me into the system, from there I was brought into the gymnasium where I had fingerprint taken onto a series of forms, I was, I had, had my property claim form \_\_\_\_\_ I'd need, but that was all I was given, I believe. And, after my thumbprint, I was escorted to a mat on the gymnasium floor, where I had my right wrist handcuffed to my left ankle using three zip ties, and so basically, one zip tie to the ankle, one zip tie on the wrist, one zip tie connecting the two, and there I sat, basically, for fifteen hours, I mean, I guess around midnight, I had given up hope of actually leaving at a reasonable hour. So, I sat there from eight o'clock, till about eleven the next morning, seven a.m., on Saturday morning, when they finally began processing people and getting us out of there. During that time, fifteen hours on the gym mat, you know, the lights were on, officers walking around all the time, people were talking, wasn't necessarily much comfortable, I \*5 would have rather been in a cell at least I wouldn't have been, you know, hogtied, I would have had a place to stretch out and lie down, but I

didn't have that courtesy, instead you know I sat in the gymnasium with three hundred stinky hippies, and basically just sat there, and eventually we were woken up at five a.m., for breakfast, which consisted of bologna sandwich on white bread and some cookies. So, remarkably similar to the dinner the night before, and we were given water, we requested it, it was about eight ounce bottles, which is about enough to swallow a pill, I think, yes much smaller than standard, about five liter or whatever, water bottles. Per request, we were escorted to the bathrooms, on the way they would, the zip tie between our ankle and wrist, so we could actually walk like a human, whereas, request to use the phone or any other reason that someone has to get up and move somewhere else, basically, the arrestees or the detainees were required to either hop on one foot or walk completely hunched over with their arm behind then-ankle, you know, walking, bent over like that, both of which posture of positions I believe were completely, you know, inhumane to have to do that, I mean, usually human beings who necessarily didn't do anything wrong, and here you are, you know, making them walk \_\_\_\_\_ through, you know, \_\_\_\_\_ themselves in weird positions to be able to use the phone, or speak to an officer or whatever, you know other incidents that occurred at this particular time. You know, there was one officer in particular whose name and badge number I took note of, I just don't currently remember but I have it written down, who I thought was particularly abusive and at some point it was a guy who asked to use the bathroom, and a half an hour later after still having not received you know permission to use the bathroom, he stood up and walked towards somebody because he thought that person was saying, hey,

come on and go to the bathroom, so when he tried to stand up, and just kind of hobbled over him with his ankle, and his wrist was kind of connected, and this officer in particular like walked over to him, loomed over him and puffed up his shoulders and began screaming at him for no apparent reason, where do you think you're going, blah, blah, blah, I said, I asked to use the bathroom a half an hour ago, I really got to go, and I just, you know, what I would consider unfair treatment with people, it's unacceptable treatment for animals for that matter of fact, and just a series of just boredom, wondering under florescent lights, too hot at some points, too cold, just like waiting for something to happen, and you know, a long stretch of time waiting for something to happen except for some people getting called by name and escorted out the back door where I assume they all rode on the buses, and brought in for further processing somewhere, that they were looking for the bad asses, who really like to stir stuff up, and just let the rest of us wallow in our mess for a while. And, then eventually, my name was called with a series of others, and told eventually at this point, that I was going to request a citation for the occurrence. I stood up once my name was called, but didn't move once my name was called, cause I refused to you know, to hop on one foot or walk in a \_\_\_\_\_ position, and eventually an officer came over and unshackled me, and I was brought to a mat, I sat on this different mat for about ten minutes, after then a sergeant escorted me upstairs where I began to be processed for suppose to be forfeit, when I got to, in front of the line, I said, I don't want to post forfeit, I want \*6 a citation for appearance, the guy yelled at me, the officer then yelled at another officer and then yelled at somebody else, why these

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people are in this line, they shouldn't be here, you know, \_\_\_ process, we was sent back downstairs to yet another mat, we waited for another twenty minutes and eventually we were brought into the right line for the proper processing and actually take care of our citation for appearance on where we got re-thumb printed on another set of paperwork, and then brought upstairs to another set of desks where we were given an interview, including how long have you lived in D.C., as well as the names of references of people that they can track down in case I went BMA, and from there I was brought to another location where I retrieved my property, and then was escorted to the gates of Blue Plains and just kind of left on the streets of, I guess, deep Southwest, Washington, you know, \_\_\_\_\_ get home. Also, one thing to note is that, is that some of the arrestees that I had spoken to said that as they were being arrested, they noticed that MPD was moving through the park cutting off chains or bike locks, or bicycles that were locked up to park benches, lights, whatever that was there, but people locked their bikes up too, they were cutting off bicycles and taking them, my first question was, well, why, it's perfectly legal to lock your bike up to a park bench anywhere in the city from what I understand. So, that is the first question, obviously, I mean, obviously they're destroying people's property by cutting the bike locks or whatever, but the second problem is that bicycles was to be made available the following Wednesday, and I followed the instructions I received to take my bicycle back and when I arrived at property claim office in Anacostia, I was told my "bicycle wasn't there, and after extensive searches by the officers as well as myself, they brought me back and let me look at the bikes over there that were

taken on that day, my bicycle was not there, and it's still \_\_\_\_\_ MIA, I have sent a letter to Corporation Council asking for them to \_\_\_\_\_ damages that they caused, in this case being a sixty dollar bike lock, which I just purchased, and a bicycle with a value of two hundred dollars, and I haven't even received, I haven't even received a notification that they've received my letter, you know, I have no idea where it had gone, you know, if MPD left it there I'd probably still would have it, cut my bike off the park benches I locked it to, took it somewhere and lost it, you know, I was gonna make a T-shirt that says, who do you call when the police steals your bike, I mean, who do you call.

Q: -----

A: So, that's basically, I personally didn't receive any seriously, you know, vial treatment. At one point in time, I stopped a sergeant and told them very rationally, look, you know, most of these people are vegetarian, a large percent of them are actually \_\_\_\_\_;and they don't consume any animal products at all, including cheese or mayonnaise, like you need to feed these people, we either need some fresh fruits, some dried fruit, some peanut butter and jelly sandwiches, you know, continuing to feed these people bologna sandwiches per our, you know, for who knows how long since, you know, we been here for twelve hours already, who knows how much longer we're gonna be here, you \*7 need these people, you gonna need to feed these people, and you gonna have to feed them something that they want to eat, and they gonna want to eat, and the sergeant actually like, well, thank you very much for your we can see what we can do about it, maybe we'll get some peanut butter and jelly sandwiches in there, something, and I was actually released three and a half hours later, so I never saw anything edible, I But, you know, it was nice, he seemed to listen to me and seemed to want to accommodate me and the rest of us at that point, but you know, when it comes to the treatment, I mean, from my perspective, just spending fifteen hours on a gym mat is cruel and unusual, I don't know, you know, what I, you know, what else I can say about lack of civil rights that I received, you know, under processing by the police in this case. I mean, I'm committing no crime, I did not say nothing wrong, I was standing in a public space, there was no warning to leave, no bull horn, no helicopter flying over dropping leaflets stating, get the heck out of here or we're going to arrest you, it was encircled, arrest, twenty-eight hours

under detention with no cause, no rights to that, no instructions as to why I was receiving the treatment that I was receiving, that I received, and if they said, get the heck out of here, I would have gone home, I would have gone home and I would have gone back to bed cause I woke up early to go, you know, check some things out that day, and you know, and I would have still have a bicycle, it's completely inappropriate.

Q: Just have a couple of questions. You just mentioned that you received no orders to leave the park or disburse?

A: The only order I ever received was to get my ass back in the park.

Q: While you were in the park, did you observe anybody also entering the park?

A: Also, entering the park, yeah, yeah. I, myself entered the park, you know, after stuff had been happening, I actually believe I witnessed Joel Mayer enter the park, because I believe as I was looking for an escape route, he was walking in, cause I distinctly remembered a guy with a suit and tie, older gentleman, probably about sixty-five or seventy years old, walk in the park and then kind of turned around, and then tried to get back out and they didn't let him.

Q: Do you remember anybody leaving the park?

A: \_\_\_\_\_. My room mate left the park because, and the story he told me is that he rode up to the line of police, they said get back in the park, he took five steps back and said I'm not doing anything wrong, either arrest, me now or let me leave, and they said, get back in the park, and then they approached him, they shoved him, fell back, you know, scraped his elbow on the pavement, picked his bike back up, stepped five feet further away and said arrest me now or let me out of the park, and in the course of them like gathering around him, tried to like I guess overwhelm him, they let, they made a gap in the line of the perimeter, and a sergeant somewhere had shouted, "Fall back into the line," so as they like stopped \*8 trying to like grabbed on to him and turned around and tried to find a line they suppose to be in, they left a little gap he picked up his bike, rode through it.

Q: This is what he told you?

A: This is exactly what he told me, and . . .

Q: But, you didn't see it?

A: No, I was not nearby. And, then I heard him say, no, he said he heard someone go, "Hey," as he rode off, but didn't look back, and then he rode to his office and went to work that day.

Q: Ok. You entered the park, the police closed in on you, and you mentioned that they were members of the Fairfax Police Department?

A: Well, you name it, they were out there.

Q: Would you please tell me what other departments you saw?

A: I saw U.S. Park Police on horseback, I saw the metro P.D., bicycle squad, I saw Fairfax County ride police, believe other than like the regular, I believe they were some of the like MPD, Eke . . ., what they call these \_\_\_\_\_, the, like the bomb squad almost, you know those special forces guys were also part of the line up, but mostly what I saw was, well, I saw a wide variety, the majority of them were boys in blue, and then they was horseback, bicycles, riot cops, but the only ones in particular was the U.S. Park Police, the bicycle squad, the Fairfax County riot police and just ordinary, ordinary MPD with \_\_\_\_\_.

Q: And, how were they identified, how did you know the officers were from Fairfax?

A: Well, the Fairfax County police and their riot gear actually said, it said right in white \_\_\_\_\_, on the breastplate of the riot gear, it said, Fairfax County, and I didn't even notice that until some other guy was like, where's Fairfax County, I was like it's right across the river, these guys aren't even from here.

Q: If you remember who put handcuffs or flex cuff on you?

A: Do I remember?

Q: Yeah. On which . . .

A: Which department they were from, I don't remember. \*9

Q: You remember that you walked down the steps of the Persian Square, the officers were making comments to just you, or to everybody that walked through the column?

A: Basically, everybody that walked through.



Q: Could you tell what department these officers were from?

A: I believe they're MPD.

Q: How would you know?

A: Well, I've lived in D.C., for eleven years, I've seen MPD basically on a weekend basis, I know what their uniforms look like, I know what the badges on the sleeve look like, I know what kind of the shape of the badges they were.

Q: So, was from their . . .

A: Yes, their uniform. And, they were also making comments along the lines of welcome to Washington, and implying you know, verbally that we are Washington and you aren't

Q: Ok. Let's go to the Institute of Police Science, Police Academy. You were taken on a metro bus?

A: A metro bus, Special Number 2.

Q: Ok. You were lead into the academy and you went through different?

A: Stations.

Q: Thank you. When you originally arrived, you were handcuffed behind your back?

A: Yes.

Q: At what point were you handcuffed wrist to ankle?

A: Once we arrived in the gymnasium and I was placed on a gym mat.

Q: We brought along, and I am showing Eichler three flex cuffs, do these look familiar?

A: Painfully.

10 Q: I apologize for that \*10

A: That's ok.

Q: I'm standing up now, were they flex cuff on one wrist and then another one on your ankle, your opposite ankle, is that how you were restrained?

A: Yes.

Q: Were they three flex cuffs?

A: Yes. Usually, they was three.

Q: So, I'm in a position now with my left leg in the air and my right arm. . . . (Side A of tape ends) . . . (Side B continues) . . .

SERGEANT MCKOY:

Q: Continuation of Side B. I'm standing up against three flex cuffs, one around my left ankle, one around my right wrist, my right arm is close to my *side*, the flex cuff that was on your left ankle, was it singed in tight, did you move it up your, could it move up your leg?

A: I couldn't get it past my calf, it was . . .

Q: But, it would move?

A: It would move, it wasn't so tight that it could not move, but I could not move it past my calf or my ankle.

Q: So, when you did stand up, or when you could stand up, you couldn't stand erect, but could you stand up?

A: I could actually stand, but I could stand erect, probably the closest I could get to upright would have been maybe at my back at ninety degrees \_\_\_\_\_, that's probably as close as I could get, because the flex cuff around the ankle and the one around the wrist was pulling so tight, so the only stand up room given was the one that connect \_\_\_\_\_, if that makes sense. And, just also to note, there was one point where someone who shared my mat with me actually had flex cuffs, not only from his right ankle to his left, his right arm to his left, but actually his left arm to his right leg, because he had been behaving badly or done something improper and was there for like completely incapacitated, and then I believe about a half an hour later, a series of complaints, not only from him, but from other people near him on the mat, another officer came by and cut off one set of the cuffs.

11 \*11

Q: Did you observe anyone inside the gym not restraint?

A: At times there were people escorted to use the telephone, and instead of walking in a prostate position or hopping on one foot, they would simply, you know un, like slip the cuffs off their wrist and then just walk to the phone, and then they would walk back and slide it back on, and then after they would arrive back, the officer would then tighten the cuff around the wrist, and would not be removed again.

Q: You mentioned that you were afforded the opportunity for nourishment., even though a large majority of the people was vegetarians, and the bag they gave you was non vegetarian bag?

A: Right. And, also I mean, from some including my own perspectives, a bologna sandwich on white bread doesn't really qualify as nourishment, I mean, I'd much rather eat dirt, honestly, white bread is so void of nutrition, and bologna, I mean,

Q: And, you were afforded the opportunity to go to the bathroom?

A: Right After selective, you know, subject to the selective permission granted by the officers. And, then some people were not allowed to go to the bathroom for over half an hour from placing their request, you know, it was definitely, it wasn't like I need to go to the bathroom, ok, borne with me and go to the bathroom, I'll be back in ten or fifteen minutes.

Q: How many mats would you say were on the gym floor?

A: Well, the mats were assembled, the mats were probably set up in squares, so there's two mats connected to make one mat, and I believe there was a matrix of maybe there by nine, so a total of twenty-seven squares, twenty-seven mats. There was three, three rows, maybe, eight or nine columns.

Q: How many people were in that square ?

A: Probably, between ten and twelve.

Q: And, each square, how many officers, I guess my question is, did any officers watch you or was he watching you and several other people?

A: There was no direct oversight between officer and the gym mat, it was a series of officers wondering through the gymnasium on a relatively random bases, keeping an eye on basically everyone, we had no oversight, there was no one officer who was the guy who watched our mat, there was no one officer who watched our mat and three others, it was basically just people basically walking around, not really

12 \*12 observing anything unless there was anything to be noted as they walked through, it seemed relatively random, there was no direct oversight from any one person.

Q: Could you at any point voluntarily stand up?

A: Yes, I could have just stood up, but I believe that within thirty seconds to a minute of doing so, somebody would have come over and asked me what the hell I was doing, and if it had been that Officer Washington, I believe it was, he probably would have come over, loomed over me and screamed at me and asked me what I was doing.

SERGEANT MCGUIRE:

Q: When you were photographed, were you photographed with the arresting officer?

A: Yes, arresting officer being the one filled hi my ticket when were in the bus, I don't know if he was anywhere nearby when I was actually, you know, handcuffed.

Q: That's what I'm trying to get at, was the guy that, the officer that was photographed with you, was he the one that put the handcuffs on you?

A: No.

Q: You're sure?

A: Yes. I believe the officer that put the handcuffs on me was six foot two, black hair, Caucasian, and maybe even one of the bicycle cops, I'm not positive, but maybe. The arresting officer was five eleven, blonde, maybe forty-five years old, maybe thirty, I don't want to insult him, maybe thirty-five to forty years old, and a little more importantly than the officer that was placing the cuffs on me.

Q: Was he blonde?

A: He was blonde.

Q: He was blond?

A: Right Blondish, contrary to the guy with the black hair.

Q: Now, you said you had a bike when you went down there?

A: Yes.

13 Q: And, you locked the bike? \*13

A: Yes.

Q: Did you see the police officers cut the locks off?

A: I did not see the police officers cut the locks off, however, other detainees did see police officers cut the locks off before they had been arrested.

Q: But, you don't have a bike now?

A: Well, I don't have that bike now.

Q: That bike?

A: That bike is no longer in my possession, I have not seen it since November 27th.

Q: Did you go back hi the park and look for it?

A: My roommate went back to the park at one a.m., Saturday morning to try to find my bike.

Q: Ok.

A: It was not there, none of the bikes were there, the place was completely cleaned out

Q: Did you ever hear the police officers talking about the bikes?

A: No. The only police officer I heard talk about the bikes was the one that brought me to the property claim office, who, you know, said, "Oh, we may get a new shipment of bikes tomorrow, but all we have right now are the ones that are right here."

Q: Yours is not one of them?

A: Mine is not one of them. I actually went down with the fellow arrestee and he actually had two bicycles that was taken, one was the one that he was riding, and one that the \_\_\_\_\_ was riding, and both \_\_\_\_\_, and I rode one of his bikes home.

Q: Ok. I have just one thing you said, I wanted to clarify it, back when you were talking about who the officers were around Persian Park, you said the majority were boys in blue, and I wasn't sure what you.

A: Well, that's just the typical, you know, I mean, probably, I guess typical T.V., expression of, you know.

14 \*14

Q: But, this was when they were asking you to identify officers from which forces were there?

A: Right.

Q: And, I don't know who you were talking about when you said that?

A: I'm referring to regular uniform divisions, Metropolitan Police Department.

SERGEANT MCKOY:

Q: Mr. Eichler, is there anything else you would like to state at this time?

A: If you guys could do anything about finding where my bicycle is or me getting some reimbursement for it, that would really, I'll appreciate it, I mean, obviously my letter to the Corporation Council has got no, has stirred no interest in me getting my, you know, my loss \_\_\_\_\_ for, and that's a non-trivial loss regardless of, you know, there's something, and personally, I think that, that's an abuse of my, you know, civil rights, by MPD as why, why can I not have a bicycle locked up in a public place, was it an implement use of crime, and so why are you charging me with such. And, you know, if there was a, if there was an order to disburse, then that would not be the implement of crime, it would be implement of trying to accommodate the ordinance, I would have ridden away, you know, it doesn't make any sense to me, I want my bike back.

Q: Well, thank you, sir. I'm gonna conclude this interview, it is now 11:27 p.m. Thanks a lot.

15 A: Thank you. \*15

1 \*1

**GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT INVESTIGATIVE FILE REPORT**  
**REPORT OF INVESTIGATION**

On Thursday, January 23, 2003, at approximately 1:2:52 P.M., I interviewed SOD Commander Cathy Lanier via the telephone because she was on annual leave. I specifically asked her if the handcuff technique used during the September 2002, World bank/IMF protests were used during the 2000 protests. She stated "yes" that the same

handcuff technique lyas used during the 2000 protests. She stated that approximately 1197 protesters were arrested and that they were detained in the IPS Academy gymnasium and at D.C. General Hospital, building 25. Furthermore, she stated that they collected intelligence information that the protesters intended to overload the judicial processing system and to protest within the detainment centers. She stated that the handcuff technique was used to prevent escape, protect the protesters from one another, and to prevent them from committing sexual acts with each other. \*1

**Office of Professional Responsibility Civil Rights Force Investigations Division**

\_\_\_\_\_ 51 N Street, Northeast, Suite 400, Washington D.C., 20002 202-724-4269  
**CONFIDENTIAL MEMORANDUM TO:**  
Chief of Police

**THRU:** Acting Assistant Chief of Police Office of Professional Responsibility

**THRU:** Director Civil Rights and Force Investigation Division

**FROM:** Commander Force Investigation Team

**SUBJECT:** Report Relative to Complaints of Alleged Misconduct Made at the October 24, 2002, Hearing of the Committee on the Judiciary of the Council of the District of Columbia, Concerning the IMF/World Bank Protests

This memorandum addresses complaints of alleged misconduct made at the October 24, 2002, Hearing of the Committee on the Judiciary of the Council of the District of Columbia concerning the IMF/World Bank Protests.

**BACKGROUND**

During the weekend of September 27th through the 29th 2002, the World Bank and the International Monetary Fund (IMF) held their annual meetings at their headquarters located in downtown Washington, D.C. Intelligence gathered

prior to the event, coupled with information disseminated to the media by protest group leaders, indicated that several groups sought to "shut down the city" by way of blocking major intersections leading into and around Washington. Moreover, a "Scavenger Hunt" was publicized via the Internet, a game of sorts that sought to reward participants with "points" for acts of vandalism throughout the city.

On Friday, September 27, 2002, approximately 400 international Monetary Fund (IMF)/World Bank protestors, who were part of a larger group of protesters, marched throughout downtown Washington, D.C. and finally gathered at Pershing Park, located at 15 and Pennsylvania Avenue, Northwest. Shortly thereafter, the demonstrators were encircled by members of the metropolitan Police and United State Park Police Departments and were prohibited from exiting the park. \*2

MPD Assistant Chief Peter J. Newsham was responsible for Area IV of the World Bank/IMF demonstration detail, which encompassed the Pershing Park. While on the scene at Pershing Park, Assistant Chief Newsham gave an order to arrest the protesters for "Failure to *obey a police order*" based on his personal observations and discussions with several MPD Civil Disturbance Unit (CDU) command officials on the scene. Specifically, he observed the protestors violate traffic laws in a dangerous manner, turn over newspaper boxes, and ignore officers' orders to get out of the street and onto the sidewalks.

An order was given to Metropolitan Police Department Civil Disturbance Unit managers by Assistant Chief Newsham to arrest everyone in the park and transport them to the Institute of Police Science (IPS) for processing. Metro Buses were used to transport prisoners to the IPS.

Each prisoner was escorted from a transport bus through the front doors of the IPS. Every prisoner was photographed, fingerprinted, and his or her arrest paperwork was completed. In cases where no other charges were pending, arrestees could

elect to be released and pay collateral or receive a citation date to appear in court at a later time. If arrestees had outstanding warrants or other holding charges, they were transported to court to appear before a judge.

During detainment at the IPS the arrestees bat on floor mats and were flexi-cuffed,<sup>1</sup> strong hand wrist to opposite ankle, with a third flexi-cuff in-between their hand and foot. As needed, the prisoners' flexi-cuffs were removed as they were escorted to use restroom facilities and to stretch. The length of detainment varied, but in some cases lasted as long as eighteen (18) hours. (Photographs depicting the type of Fiexi-cuffs utilized are attached to this report.)

<sup>1</sup> The Flexi-Cuffs consisted of three "loops" — one around the wrist of the strong hand, another around the opposite ankle, and an additional cuff between the two thereby extending the space between the arm and opposite leg.

The delay in prisoner processing was due to a temporary failure and scheduled unavailability of the information systems. The digital cameras that were used to take prisoner photographs functioned slowly because they could not handle the volume of pictures taken. The computer server used for prisoner processing crashed, and processing was delayed to trouble-shoot the problem. Moreover, routine updates to the Criminal Justice Information System (CJIS) database scheduled on Saturday, September 28, 2002, at approximately 3:00 A.M., caused additional delays. These delays were compounded by Prisoner Control's failure to immediately implement manual-backup procedures when the automated system became unavailable.

On October 24, 2002, three (3) complainants testified at the hearing of the Committee on the Judiciary of the Council of the District of Columbia. At that hearing, the complainants alleged that they were unlawfully arrested and detained for an unreasonable period of time.

Furthermore the individuals testified that they were "hogtied" while detained by the Metropolitan Police Department. The complaint was \*3 received by the Office of Professional Responsibility, and assigned to the Civil Rights and Force Investigations Division, Force Investigation Team for investigation.

### Metropolitan Police Department Members Interviewed

In order to further this examination, numerous MPD members were interviewed about their recollection of the events that took place in and around Pershing Park on the day in question. Only those members identified as; having specific and relevant information about the events at the park were interviewed The following is a summary of the statements given by each member.

#### Assistant Chief Peter Newsham

Assistant Chief peter Newsham is in charge of the Office of Professional Responsibility, Assistant Chief Newsham explained that his assignment during the IMF/World Bank demonstrations on Friday, September 27, 2002, was Zone IV, which included Pershing Park. Assistant Chief Newsham related that hundreds of demonstrators were converging from different directions and moving toward Pershing Park. Assistant Chief Newsham related that he personally observed demonstrators turning over newspaper stands and ignoring officers' orders to get out of the street and onto the sidewalks.

Assistant Chief Newsham was asked if any warnings were given to the demonstrators prior to the mass arrest at Pershing Park, and replied that the conduct of the demonstrators was such that they were clear y violating traffic laws in a dangerous manner. Assistant Chief Newsham related that some of the demonstrators were warned by officers along their route to get on o the sidewalk and out of the street, however the demonstrators ignored the warnings. Assistant Chief Newsham further explained that it was not



practical to give everyone a warning or to make sure that every person received a warning at the point where all of the protesters converged at Pershing Park. Assistant Chief Newsham related that the demonstrators were arrested for *disorderly conduct* and *failure to obey officer's orders* for violations that occurred prior to their entering Pershing Park.

Chief Newsham was asked to describe Assistant Chief Brian Jordan's involvement on the scene of the arrests. Chief Newsham explained that he recalled seeing Chief Jordan on the scene; however, Chief Jordan was outside of his assigned zone and therefore made no command decisions relating to any operational issues.

#### Captain Andrew Solberg

Captain Andrew Solberg is an Assistant District Commander at the Fourth District. Captain Solberg stated that on September 27, 2002, he was assigned as the Fourth District CDU Commander for the IMF/World Bank demonstrations. At approximately 9:00 A.M., while in charge of the Fourth District CDU bicycle platoon, he monitored a group of demonstrators on bicycles from Union Station, through the downtown area to \_\_\_\_\_ Pershing Park located at 15th and Pennsylvania, Avenue. The purpose for monitoring \*4 this non-permitted movement was to ensure that all necessary traffic measures were taken both by the demonstrators and police.

Captain Solberg related that once he arrived at Pershing Park, he met with Assistant Chief Brian Jordan and Assistant Chief Peter Newsham. Captain Solberg explained that he was then instructed to position his CDU platoon in such a way that it blocked off access, to and from the south and east sides of the park. He was informed that everyone inside Pershing Park would be arrested. The parade was conducted without a permit, and in violation of Title 18 of the DCMR (Vehicles and Traffic).

Captain Solberg was asked if he gave, heard, or had any knowledge of an order being given to the protestors in the park to disperse, or that failing to do so would result in arrest. Captain Solberg replied that he did not. According to Captain Solberg, Assistant Chief Jordan relayed to him that an order had been given earlier that morning to a group of people congregating in the intersection of 14<sup>th</sup> and Pennsylvania Avenue, Northwest. This order was given prior to Captain Solberg's arrival at Pershing Park at 9:00 A.M.

#### Lieutenant Jeffery Harold

Lieutenant Jeffery Harold is assigned to the Special Operations Division. Lieutenant Harold was responsible for monitoring the activities of the protesters as well as MPD members and provide assistance and advice as needed. Lieutenant Harold stated that at one point, he was on the scene of the mass arrests at Pershing Park, and was asked if he had knowledge of an order being given to the protesters at the park to disperse or be subjected to arrest. Lieutenant Harold stated that he was unaware if an order was given to the crowd prior to the mass arrests. Lieutenant Harold further indicated that no permits were issued for any parades or marches, either in or around Pershing Park on that day for any of the groups in the area.

#### United States Park Police Major Rick Murphy

The Force Investigation Team interviewed U.S. Park Police Major Rick Murphy via the telephone. Major Murphy was a Captain at the time of this incident, and has since been promoted and reassigned to duties in New York.

Major Murphy explained that he was on the scene at Pershing Park on September 27, 2002, and witnessed the group of protesters being contained within the park. Major Murphy further detailed a conversation he had with Assistant Chief Newsham in which, he in effect, told the chief that he would not arrest the protesters in the park;.

Major Murphy indicated that the protesters' actions in the park did not meet the criteria for mass arrests based on U.S Park Police protocols. He advised that in similar situations, *the* protesters would first be warned to disperse and then given ample time to do so. However, Major Murphy did indicate that he assisted MPD with positioning numerous Park Police officers around the park so as to prevent anyone from leaving. Major Murphy was interviewed via telephone because of his location in New York. \*5 **Inspector Joel Maupin**

Inspector Joel Maupin is the Deputy Director of the Institute of Police Science (IPS). Inspector Maupin was the MPD command official in charge of the prisoner processing facility at the IPS during the IMF detail. When asked about the prisoner processing procedures at the IPS, Inspector Maupin discussed the processing, detainment, release and/or transport of arrestees to court. The inspector explained that each prisoner was escorted from a transport bus through the front doors of the IPS. Each prisoner was photographed, fingerprinted, and his or her arrest paperwork was completed. If there were no other charges pending, arrestees could elect to be released and either pay a collateral or receive a citation to appear in court on a future date. If arrestees had outstanding warrants or other holding charges, they were transported to court.

While detained at IPS, the arrestees were flexi-cuffed-strong hand wrist to their opposite ankle-with a flexi-cuff in-between their wrist and ankle. Additionally, when asked about prisoners being handcuffed during processing, he stated that the prisoners' flexi-cuffs were removed during the processing procedures and were re-flexi-cuffed; one wrist to the opposite ankle in front of their body once the processing was complete. As needed, the prisoners' flexi-cuffs were removed as they were escorted to use restroom facilities and to periodically stretch.

### **Captain Cleora Sharkey**

Captain Cleora Sharkey is the Operations Commander at the Major Narcotics Branch. Captain Sharkey related that she was one of the operations officials in charge of the prisoner processing facility. Captain Sharkey stated that she prepared the operational plan and scheduled the personnel for the IMF detail. Captain Sharkey was asked if a briefing was given to the officials detailed to the IPS for prisoner processing. She replied that a briefing was indeed given to discuss the operational plan. According to Captain Sharkey, several officials with prisoner control responsibilities were in attendance, although she could not recall exactly whom.

When asked about the detainment procedures used while the arrestees were inside the gymnasium portion of the Institute of Police Science, Captain Sharkey explained that the arrestees were flexi-cuffed, strong wrist to their opposite ankle with a flexi-cuff in-between. Captain Sharkey related that the middle flexi-cuff was removed when the arrestees were escorted to the restroom. She further stated that it was necessary to use this technique to handcuff prisoners because there was no holding facility and this measure was taken so that prisoners could not run around freely. Additionally, she stated that there was no specific written policy in the IMF/World Bank operational manual for handcuffing procedures at the processing facility.

Captain Sharkey was asked if there were any Information Technology (IT) problems at the processing facility. She related that there was a delay because she could not handle the volume of prisoner photos taken. She advised that the prisoner \*6 processing computer server overloaded and "crashed" during the midnight tour of duty for the next day. Additionally, due to updates on September 28, at approximately 3:00 A.M. to the CJIS database, major delays to prisoner processing occurred.

### **Civilian Witnesses**

The following witnesses testified at the October 24th, 2002 Hearing of the Committee on the Judiciary of the Council of the District of Columbia concerning the IMF/World Bank Protests, Extensive interviews were not conducted with these individuals due to pending litigation and the presence of counsel.<sup>2</sup> **Statement of Mr. Joseph Mayer**

<sup>2</sup> NOTE: ACLU Attorney Arthur Spitzer refused to provide MPD with the address or contact information of these complainants. He advised that all police contacts with these complainants have to be made through him.

Mr. Mayer stated that he was arrested in Pershing Square in relation to the IMF/World Bank protests. The complainant reported that he went to Pershing Square on Pennsylvania Avenue along with his daughter. Mr. Mayer explained that the police came into the park and did not allow anyone to leave. Mr. Mayer further related that he was subsequently handcuffed, placed on a bus, and driven to the police academy where he was later processed.

Mr. Mayer went on to describe how he was restrained during his detention. Once the bus arrived at the training academy, the hand cuffs were moved from behind his back to the front so that his hands were now placed in front of him. Once at the academy, Mr. Mayer was allowed to use the restroom, and his handcuffs were removed until he was finished. Mr. Mayer further related that once inside the gymnasium, he was restrained and placed on a mat. Mr. Mayer described the restraining as having a wrist attached to his ankle, "short enough so that you couldn't stand up or stretch out if you were laying down."

#### **Statement of Ms. Julie Abbate**

Ms. Julie Abbate stated that she was arrested in Pershing Square in relation to the IMF/World Bank protests. Ms. Abbate further explained that she went to Pershing Square out of curiosity and was not allowed to leave the park after the police

moved in. Ms. Abbate related that when she later realized that arrests were inevitable, she volunteered to be placed under arrest. Ms. Abbate explained that once arrested, she was moved onto a bus and transported to the police academy. Upon arrival at the academy, Ms. Abbate was photographed along with her arresting officer. Ms. Abbate related that when asked to pay the fifty-dollar fine, she refused and requested a citation because she was just a bystander and an attorney, and did not want a record of any sort. \*7

Ms. Abbate explained that she was then moved to another processing line so that she could be accommodated and receive a citation date instead of paying the fine. However, she was first restrained and placed on a mat inside the gymnasium. Ms. Abbate related that she was told that once all of the prisoners that elected to pay the fine were processed, those electing for citation release would be processed immediately thereafter. Ms. Abbate further related that she later learned that she could not receive a citation as the courts were open for business at that time. Ms. Abbate was later transferred over to the District of Columbia Superior Court where she was turned over to the United States Marshals Service, Ms. Abbate described in detail the way she was thoroughly searched by the Marshals, including having to remove several articles of clothing in front of female Marshals and other inmates. Ms. Abbate stated that her case was eventually "no-papered."

Ms. Abbate was again asked to describe how she was restrained while inside of the gymnasium at the police academy. Ms. Abbate explained that in order to be "cuffed," one had to sit down on the floor because a "circle" was placed around the wrist, another placed "dose to your ankle," and another connecting the two. Ms. Abbate further explained that the cuff around the ankle was Placed loosely enough so that it could be moved up and down. Ms. Abbate related that the cuff was not placed so tightly so as to cut off circulation. According to Ms. Abbate, when she and other

prisoners were allowed to use the restroom, the middle link would be cut in order to allow them to walk.

### Statement of Mr. Michael Eichler

Mr. Michael Eichler stated that he was arrested in Pershing Park in relation to the IMF/World Bank protests. He further reported that he arrived at the park on a bicycle and that once he entered the park, he was denied the opportunity to leave by police. He also testified that at no point during his detainment in the park was he ordered to leave the area. Mr. Eichler stated that he was subsequently arrested and placed on a Metro bus. From there, Mr. Eichler was transported to the training academy where he explained that he was detained on the bus for several hours awaiting processing. Mr. Eichler explained that he was later photographed and fingerprinted, then placed on a mat inside of the gymnasium. According to Mr. Eichler, a "zip" was placed around his wrist, another around his ankle, and one in between the two. According to Mr. Eichler, the middle "zip" between the arm and ankle was removed when prisoners were escorted to the restroom. Mr. Eichler further described the restraints as follows: "It would move, it wasn't so tight that it could not move, but I could not move it past my calf or ankle," Mr. Eichler was asked whether he was able to stand while in the restraints, and replied that, "I could actually stand, but I could not stand erect, probably the closest I could get to upright would have been maybe at my back at ninety degrees." Mr. Eichler related that he was detained for approximately fifteen hours.

All three complainants explained that on the day in question, they were prevented from leaving the park, placed under arrest and subsequently transported to the Institute of Police Science for processing. While at the IPS, they were restrained by having one of their wrists flexi-cuffed to an opposite ankle. All three complainants related that they were during their detention, given restroom

breaks, and had room to move as the flexi-cuffs were not placed so tightly so as to cut off circulation or remain fixed in one place,

### Video and Photographs

Members assigned to the prisoner processing detail at the IPS took still digital photographs of the detention area in the gymnasium. The photos depict the detainment area along with the handcuffed prisoners. The photos further depict groups of prisoners flexi-cuffed-wrist to opposite ankle-sitting on blue mats on the gymnasium floor. Some prisoners are sitting upright and talking to other prisoners nearby. Other prisoners are seen laying down sleeping.

Attached to this report are digital photographs of the flexi cuffs utilized during the detainment, and a close-up photo of an MPD member while restrained in this manner.

Videotapes were obtained that were taken by MPD personnel assigned to record the demonstrations. The video segments depicting the events at Pershing Park commence after all of the protesters were lead into the park. The video further shows MPD and U.S. Park Police (both on foot and mounted on horses) surrounding a large group of protesters. Finally, the video depicts MPD officers entering the cordoned-off area, physically grabbing hold of individual protesters, and placing them under arrest. There is no video of the detention facility at the IPS. Force Investigation Team investigators and managers scrutinized the videotape at length. The tape does not reveal any new information relative to this review.

### Policy Review

The Force Investigation Team conducted a policy review of the facts surrounding the department's arrest, transportation, and detention procedures used during the IMF/World Bank protests. Specifically, investigators and managers assessed the protocols used by police commanders as they relate to arrests and prisoner processing during this incident.

Moreover, decisions made by MPD command officials during the events at Pershing Park were evaluated. FIT members have reviewed the written procedures enumerated in the operational manual that was created and implemented by the Special Services Command during the IMF/World Bank demonstrations.

The following is a precise dissection of each category identified in this report as either a possible policy violation or one that is ambiguously written, thereby leaving certain aspects open to individual interpretation. Recommendations to remedy any noted deficiencies are presented immediately following this review. \*9

## ARREST

On September 27, 2002, there were numerous protest groups that later converged into Pershing Park. For instance, Fourth District CDU bicycle squads monitored a group of bicyclists traveling from Union Station to Pershing Park. Based on interviews with Captain Andrew Solberg-the command official that oversaw the monitoring of the bicyclists toward the park-no warnings were given to the riders that they might be subjected to arrest. Moreover, they were followed to Pershing Park and were allowed to enter the area blocked off by police.

Based on interviews and other facts gathered in this case, it is possible that there were individuals in the park that were not part of an/ groups headed toward the park under continuous observation by police. There is no evidence that the park had been cleared before the larger group of protesters was allowed to enter the park.

With regard to arrests, the following specific questions were raised in order to further this review:

Why were the protesters in Pershing Park arrested?

The order to arrest the protesters in the park was given by Assistant Chief Peter Newsham. Based on his account of events that lead up to the order to arrest, groups of protesters were moving through the streets and advancing toward the park. Assistant Chief Newsham personally observed some of the violations, while other violations were observed by other members of the department, and were relayed to him at a later time. Specifically, Chief Newsham was aware of the following:

Assistant Chief Newsham personally observed a large group marching in the street and overturning newspaper stands. It was relayed to Assistant Chief Newsham that several protesters broke a bank window a few blocks away and were becoming increasingly violent. It was relayed to Assistant Chief Newsham that various protesters had illegally marched in the street and were ordered innumerable times to get back onto the sidewalk.

Based on Assistant Chief Newsham's explanation, the protesters in Pershing Park had committed violations before entering the park. Groups of protesters were marching in the street and were supposedly warned by officers to get back on the sidewalk. Moreover, a group of bicyclists had illegally traveled in a large group from Union Station toward the park, in violation of District Columbia traffic laws. Assistant Chief \*10 Newsham essentially used the park as a roadblock of sorts, in which protesters who had already broken the law were stopped and arrested.

### *Analysis:*

It appears that the decision to arrest everyone at the park was based on incomplete information. The demonstrators that violated specific laws should have been separated or stopped at the time the violations were observed and arrested. Pershing Park was used as the holding area until the arrests could be affected. It is possible that numerous persons inside of the park had arrived there lawfully. Several clusters of demonstrators



who committed separate violations were all combined into one large group in the park and charged with *Failure to Obey a Police Officer*.

It is a much easier task employing hindsight and evaluating the decisions made by command officials months later, than being in a position responsible for making those decisions in the field. Furthermore, the decision must be evaluated in a specific context and not in a vacuum. Specifically, protesters had threatened to "shut down the city" on numerous occasions both to police and the media. The MPD was tasked with not only safeguarding life and property in the immediate area of the demonstrations, but also for maintaining clear and safe passages into and throughout the city due to heightened terrorism alerts. (See the attached flyers posted by protest groups on the Internet threatening to "shut down the city").

It is clear that the judgment to arrest the protesters in the park was made in good faith, and following an assessment of all of the facts and circumstances. However, it cannot be established that all of those persons in the park were part of any particular group engaged in unlawful behavior.

Were the charges placed on the Pershing Park demonstrators correct?

All of the demonstrators in the park were charged with *Failure to Obey an Officer*. This is a District of Columbia traffic regulation<sup>3</sup> utilized primarily for purposes of ensuring that officers tasked with directing traffic have the authority to direct motorists and pedestrians in a proper and safe manner. The field arrest forms from Pershing Park indicate that each arresting officer personally attested to the fact that he or she saw the protester depicted in the form engaging in unlawful activity, and individually gave a warning to cease such activity.

<sup>3</sup> District of Columbia Municipal Regulations, Title 18, Chapter 20, Section 20002: No person shall fail or refuse to comply with any lawful order or direction of any police officer, police cadet, or civilian crossing guard invested by law with authority to direct, control, or regulate traffic.

### *Analysis*

As previously stated, each arrest form from Pershing Park indicates that a specific officer saw the listed demonstrator engaging in unlawful activity—in this case, walking in the street—and subsequently issued an order to that particular demonstrator to \*11 cease that activity by returning to the sidewalk. Further review of this matter exposed that this was in fact not the case—none of the officers could actually testify that he or she gave the defendant described in the field arrest form a warning. In other words, officers could not be accurately linked to the defendant pictured and arrested. It is likely that several officers along the impromptu parade route shouted at demonstrators to return to the sidewalk, but none could be truly linked to a specific demonstrator.

It appears that this was an improper charge for this particular event, and was somewhat of a departure from previous mass demonstration arrest charges. The *Failure to Obey an Officer* charge could have held up to judicial scrutiny if every arresting officer was able to conclusively substantiate each of his or her arrests.

A more appropriate charge would have been *Parading Without a Permit* for the protesters marching in the street, and *Incommoding or Disorderly Conduct* for those engaged in that specific behavior a few blocks away. In this manner, officers tasked with arresting protesters could more easily explain the conduct they observed as long as command officers on the scene of the mass arrests ensured that each field



arrest form properly illustrated that the listed officer observed the listed defendant part of a group engaged in whatever illegal activity.

It is important to stress the point that each arresting officer, by current MPD mass arrest standards, can arrest up to a maximum of 15 demonstrators at one time, but must be able to testify that he or she saw the defendant engaged in illegal activity as part of a group. In other words, each officer will not necessarily be able to identify each and every defendant in his cluster of arrestees, but *will* be able to testify that the defendant was part of a group of protesters that he or she observed engaged in illegal activity. Moreover, the field arrest form and photograph of the defendant will further strengthen this assertion. In the Pershing Park case, the arrest paperwork could not support the claim that each officer personally warned each of the defendants listed in the form.

Why were warnings to disperse not given in Pershing Park?

In the preliminary stages of this review, much of the focus surrounded around the question: *why were the protesters in the park not warned or given an opportunity to leave?*

According to MPD's Mass Demonstration Handbook, at least two documented warnings prior to arrest must be made. This has been the practice in previous mass arrest situations—a Civil Disturbance Unit command official would normally issue the warnings by utilizing a bullhorn. In this manner, the demonstrators would be informed as to which law they were violating, and that they would be subjected to arrest if they fail to disperse. A key component of this strategy is enabling the demonstrators to leave after the initial warnings are given. \*12

The examination of the Pershing Park arrests has revealed that no warnings were given to the demonstrators in the park. A review of the videotape, which captured the arrests at the park,

does not reveal any warnings given. Moreover, Assistant Chief Newsham, Captain Solberg, Park Police Major Murphy, and numerous other interviewed individuals stated that they heard no warnings to disperse given by police.

### *Analysis*

Assistant Chief Peter Newsham, the MPD command official in charge of the zone encompassing Pershing Park, stated that no warnings were given to the demonstrators because they had essentially been warned before entering the park. According to Chief Newsham, prior to arriving in the park, the protesters had committed violations while en route to the park, and had been warned countless times by officers to disperse, to get back on the sidewalk, and to cease their disorderly doings.

There is no conclusive evidence to support the fact that demonstrators were warned before entering the park. However, once carefully examined, the relevancy of whether warnings were given *in the park* came into question. Chief Newsham explained that warnings were not given, nor were any required because in his mind, the demonstrators had already violated the law and were technically already under arrest. In other words, the warnings were not only unnecessary, but would have proven to be completely counterproductive to the task at hand.

After considering the totality of the circumstances of this incident, it appears that the lack of warnings was based on the assumption that the demonstrators had already been warned prior to entering the park, and that the park was merely used as a holding area for affecting the arrests.

## TRANSPORTATION

Once prisoners were placed under arrest, they were flexi-cuffed, in most cases behind their backs, and placed on Metro buses that were driven to the Institute of Police Science. This review did not uncover any particular issues with transportation of prisoners, with the exception of

delays in processing, which led to longer periods in which arrestees were kept on buses. Due to a backlog in prisoner processing, once brought to the IPS, some groups of arrestees spent several hours sitting on buses, or waiting outside of the building until brought in for processing.

## DETENTION

Arrestees were transported to the Institute of Police Science gymnasium for detention and processing. The MPD currently does not have a permanent processing facility capable of handling hundreds of arrests. The IPS, along with satellite operations, was set in place in anticipation of the possibility of hundreds of arrests arising from this

13 \_\_\_ event. \*13

Once prisoners were brought to the IPS, they were flexi-cuffed strong wrist-to opposite ankle, with one flexi-cuff in between. The flexi cuff between the two binding cuffs was placed in order to extend the area between the wrist and leg approximately 10 to twelve inches,

### *Analysis*

Complaints arose prior to, and during this review, alleging that prisoners were improperly restrained. The complainants described the restraint as "hogtying".<sup>4</sup> The interpretation of the word "hogtying" is subjective, and it maintains a generally negative connotation. In common vernacular, "hogtying" is generally viewed as the restraint of legs and arms together on some type of pole or device. It should be made clear that this did not occur in this case.

<sup>4</sup> Webster's Dictionary defines *hogtying* as:  
*1.* to tie the four feet or the hands and feet of 2 [collog.] to make incapable of effective action.

Based on the accounts of several officials with extensive experience working in Prisoner Control, they must rely on a fairly simple and easy-to-maintain system which would prevent hundreds of prisoners from walking around freely in the

gymnasium. This was vital for several reasons. For instance, allowing prisoners to remain unrestrained could give them opportunity to regroup and stage additional protests inside of the facility. This would cause enormous delays in processing time and could subject both prisoners and officers to injury. More importantly, once arrestees are taken into custody, the MPD becomes responsible for their safety until they are released.

It should be noted that this restraint technique was utilized in April of 2000 during the IMF/World Bank protests. During that weekend, approximately 1197 demonstrators were arrested, Arrestees were restrained in this same manner in the two main "open-area" processing facilities-the Institute of Police Science gymnasium, and DC General Hospital Building 25. The majority of arrestees were flexi-cuffed in the same manner in which the prisoners at the IPS were restrained on September 27, 2002. To date, no complaints have arisen from the April 2000 arrests with regard to restraint techniques.

The investigation revealed that there were hundreds of arrestees confined in the gymnasium, with no holding facilities. Moreover, Police officials in charge of prisoner processing were concerned about officer safety and the possibility of escapes because of the large number of prisoners. Captain Cleora Sharkey made the decision to restrain the prisoners with flexi-cuffs strong wrist to ankle as this method had been utilized in the past. Inspector Joe) Maupin authorized this method. Both of these police officials indicated that prisoners were unrestrained to use the restroom, and were subsequently escorted by officers on a regular basis for such breaks. This decision appears to be sound, based on the circumstances faced by the officials. The situation was fluid and rapidly evolving, requiring an immediate decision.

Additionally, there were apparent computer related malfunctions that delayed prisoner processing. Some prisoners may have been detained for up to

18 hours. These delays were not illegal, and were remedied as soon as practicable. A decision to institute \*14 manual backup procedures should have been implemented immediately, rather than waiting for technicians to trouble-shoot and repair automated systems. Operational tests should be conducted prior to major events to ensure that the Prisoner Control server is operating properly, and scheduled maintenance to information technology systems should be rescheduled or postponed to avoid negative impacts on information systems availability.

MPD General Order 502.1 (Transportation of Prisoners) states in part:

"Members shall not attach handcuffs to leg restraints in such a fashion that forces the legs and hands to be close to one another (i.e.-hog-tying), or place a person in a prone position, lying face down."

The departmental order stipulates that legs and hands cannot be tied to one another as that is considered "hog tying." In the case of the actions taken by prisoner processing personnel at the IPS, it is evident that arrestees' arms and legs were not tied together, but rather, only one wrist was tied to the opposite ankle, making them capable of some movement. The purpose of this type of restraint was to prevent arrestees from walking around, and not to incapacitate them completely. Photographs and personal experiments by Force Investigation Team investigators clearly show that this type of restraint allows for limited movement, and does not meet the criteria for "hog tying."

### **Additional Handcuffing Techniques**

The Special Services Command's, IMF Operational Manual used during the World Bank protests does not include a written policy for prisoner handcuffing techniques while prisoners are detained at the IPS. When the IPS is designated as the prisoner processing facility during mass demonstrations, it is common practice for arrestees to be flexi-cuffed, strong wrist to their opposite ankle with a flexi-cuff in between.

The middle flexi-cuff was removed when the arrestees were escorted to the restroom and while they were permitted to stand up and stretch. Prisoners are handcuffed using this technique because there are no holding cells to prevent prisoners from escaping or run freely about the gymnasium.

Force investigation Team members reviewed the current practices, and offer the following suggestions as alternatives to the current technique:

Utilize the current technique with minor variations. This technique is the most cost effective and manageable. The only suggestion is to add another flexi-cuff between the strong hand and opposite ankle in order to extend the distance between the arm and leg. This technique would still prevent prisoners from roaming freely in an open space, but would allow for more room to stretch or move to less awkward position. However, this method should be illustrated in greater detail in the Prisoner Control Plan.

\*15

Use a fixed object placed on the floor between prisoners, who are in turn handcuffed to the fixed object

Purchase fenced cages used as determined holding cells-in this manner several prisoners can be detained in one holding cell under the constant watchful eye of officers assigned to the detail.

### **RECOMMENDATIONS**

After careful review of the facts surrounding this case, several issues arose as areas of concern with regard to MPD practices that are either lacking in precise policy, or somewhat nebulous and thereby open to interrelation, it is recommended that the following issues be considered prior to future large scale events involving the MPD:

Reexamine the current command and control structure utilized during major events to ensure that command officials receive timely and accurate information from which to base decisions on during large-scale events.

Review the procedures used for arrests during mass demonstrations and update the Mass Demonstration Handbook to reflect the current operational plans and methods that have been utilized by the department.

Implement manual backup procedures immediately upon receiving notification that the Prisoner Control automated booking programs are, or are about to be, off-line and not available for service.

In closing, it is concluded that the actions of police officials during the September 27, 2002, arrests at Persing Park were made in good faith. However, it is also concluded that police officials on the scene made procedural errors as ft relates to the affecting of arrests, choice of criminal charges, and manner of arrest documentation. Further, it is concluded that technical equipment problems and the failure to implement manual backup booking procedures led to processing delays, which in turn caused longer than usual periods of detention. Finally, it is determined that allegations of excessive force are unfounded and that the restraint techniques utilized by prisoner processing personnel were reasonable given the circumstances. \*16

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**Handcuffing Technique urea during World Bank/IMF Protest in September 2002** \*20

**Handcuffing Technique urea during World Bank/IMF Protest in September 2002** \*21

The People's Strike:

**A Day of Non-Compliance and Resistance**  
*September 27th, 2002*

**In direct opposition to the International Monetary Fund, the World Bank and all they represent we will shut down Washington DC the day before their Fall Meetings. These institutions exemplify how global capitalism promotes poverty, racism, sexism, environmental destruction, and the concentration of power and wealth in the hands of a few. We are calling for creative, confrontational opposition to capitalism and the crippling effects it has here in DC and around; the world. This time around wk are not just shutting down the meetings but extending our protests to disrupt all of the institutions headquartered in DC that play a part in this system.**

\* GET TO DC ! \*

**KICK THE IMF and WORLD BANK OUT Direct Action — Sept 27 / Convergence September 25-26**  
**wvmAr.abolishthebanlf.org 703-276-9768 (box #7)**

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT**

**MEMORANDUM**

**TO: The Honorable Anthony A. Williams Mayor, District of Columbia**

**FROM: Charles H. Ramsey Chief of Police**

**DATE: March 13, 2003**

**SUBJECT: Final Decisions on Recommendations Following Review of Actions Taken by Members of the Metropolitan Police Department During the Fall 2002 IMF/World Bank Protests**

The purpose of this memorandum is to inform you of the final decisions I have made as a result of the investigation conducted into allegation of police misconduct made during the October 24, 2002, hearing of the Committee on the Judiciary of the Council of the District of Columbia. As previously reported to you, I reviewed the January 25, 2003 report prepared by Civil Rights Force Investigations Division of the Office of Professional Responsibility and concurred with the findings. The investigation had not revealed any inappropriate instances of police use-of-force or application of prisoner restraints. The investigation had determined, however, that the charge placed against persons arrested in Pershing Park was not appropriate. These points are clarified more fully below.

The report made three major recommendations:

1. Reexamine the current command and control structure utilized during major events to ensure that command officials receive timely and accurate information from which to base decisions on during large-scale events.
2. Review the procedures used for arrest; during mass demonstrations and update the Mass Demonstration Handbook to reflect 5 current operational plans and methods that have been utilized by the department.
3. Implement manual backup procedures immediately upon receiving notification that the Prisoner Control automated booking programs are, or are about to be, off-line and not available for service.

Upon further review, and after consultation with members of my executive staff, I have determined that our existing policies for handling mass

- 2 demonstrations are adequate. The \*2 policies concerning mass arrests are contained in the MPD Handbook for the Management of Mass Demonstrations (January 1996). These policies address crowd management techniques, including dispersal (which incorporates issuance of at least 2 warnings), arrest and prisoner processing. However, since the handbook was last published in 1996, I have directed that it be revised and updated to include any changes that have occurred.

I have approved the recommendation that manual back-up procedures be implemented automatically when the automated booking; system is unavailable. Further, I have directed that the procedures for processing prisoners be reviewed and updated as needed to reflect our current technologies and operations. This alone should insure against processing delays as experienced this past September.

I have also concluded that the best method to secure prisoners during mass arrests is to continue use of the plastic "Flexi-Cuffs", although MPD officers at processing and detention sites will add a sufficient number of cuffs to ensure that the prisoners can sit in comfort while awaiting processing. MPD General Order 502.1 (*Transportation of Prisoners*), as well as any other applicable manuals and/or handbooks, will be amended to mandate that use of "Flexi-Cuffs" as recommended in the report does not amount to "hog tying", and that the prohibition on "hog-tying" is intended to ensure that prisoners are not restrained in such, a way that may cause or contribute to positional asphyxia.

In addition, I have directed that the policies set forth in the Mass Demonstration Handbook be adhered to in the future. To ensure that this is clear, all individual operational plans for specific events in the future will incorporate the Mass Demonstration Handbook, and the command staff will now be required to review procedures with appropriate subordinates who will be supporting



the event. Such actions will ensure that the procedural errors that occurred during the September 27, 2002 arrests at Pershing Park are not repeated,

Finally, I have determined that since the actions of the police officials involved in making the decisions to arrest at Pershing Park under rapidly evolving circumstances were made in good faith, there is no need to subject them to disciplinary action at the adverse action level. As you are aware, police officers frequently make arrests based on facts observed by them or made known to them. In some instances the charges are modified or dropped depending on what information is obtained subsequently. In the aftermath of the arrests made at Pershing Park we learned that although many of the persons arrested for "failure to obey" had in fact engaged in illegal conduct, there was not a sufficient basis to link the particular suspect to warnings issued along the route of the march. Thus, the officers assigned to handle the arrestees under our mass arrest procedures were not able to assert with particularity that they had knowledge of the warning and that the individual arrestee had received the warning. This failure will not occur again, as we have taken steps to ensure warnings are given and adequate time provided to leave the area for those wishing to avoid arrest. \*3

I have counseled each member of the command staff to ensure that these procedural errors are not repeated in future large-scale events where mass arrests may occur. I believe that under the circumstances in which the decision to arrest was made, this is a sufficient level of corrective action.

These approved recommendations will be implemented prior to the IMF/World Bank meetings April 2003.

As you know, I share your deep concern about protecting the rights of individuals to express their opinions, petition their government, and demonstrate about their causes in the Nation's Capital. That protection must be balanced against

ensuring the public's safety. Just as protestors constantly change their techniques and strategies, so must the Metropolitan Police Department. In hindsight, we may question the judgment made by officials on the scene, but we must also recognize that they made their decisions in a very different context than we are now making our evaluation of their performance. The United States Supreme Court recognized this in the context of examining the reasonableness of the use of force when it stated in *Graham v. Connor*, that "[t]he reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that the police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation." It is with this in mind that I determined counseling was the best course to take in addressing the decisions made at Pershing Park.

Thank you for your continuing support of this Department and our efforts to secure the appropriate balance between safety and liberty in the District of Columbia. \*12

The examination of the Pershing Park arrests has revealed that no warnings were given to the demonstrators in the park. A review of the videotape, which captured the arrests at the park, does not reveal any warnings given. Moreover, Assistant Chief Newsham, Captain Solberg, Park Police Major Murphy, and numerous other interviewed individuals stated that they heard no warnings to disperse given by police.

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Assistant Chief Peter Newsham, the MPD command official in charge of the zone encompassing Pershing Park, stated that no warnings were given to the demonstrators because they had essentially been warned *before* entering the park. According to Chief Newsham, prior to



arriving in the park, the protesters had committed violations while en route to the park, and had been warned countless times by officers to disperse, to get back on the sidewalk, and to cease their disorderly doings.

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satellite operations, was set in place in anticipation of the possibility of hundreds of arrests arising from this event. \*13

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It should be noted that this restraint technique was utilized in April of 2000 during the IMF/World Bank protests. During that weekend, approximately 1197 demonstrators were arrested.

Arrestees were restrained in the same manner in the two main "open-area" processing facilities—the Institute of Police Science gymnasium, and DC General Hospital Building 25. The majority of arrestees were flexi-cuffed in the same manner in which the prisoners at the IPS were restrained on September 27, 2002. To date, no complaints have arisen from the April 2000 arrests with regard to restraint techniques.

The investigation revealed that there were hundreds of arrestees confined in the gymnasium, with no holding facilities. Moreover, Police officials in charge of prisoner processing were concerned about officer safety and the possibility of escapes because of the large number of prisoners. Captain Cleora Sharkey made the decision to restrain the prisoners with flexi-cuffs strong wrist to ankle as this method had been utilized in the past. Inspector Joel Maupin authorized this method. Both of these police officials indicated that prisoners were unrestrained to use the restroom, and were subsequently escorted by officers on a regular basis for such breaks. This decision appears to be sound, based on the circumstances faced by the officials. The situation was fluid and rapidly evolving, requiring an immediate decision.

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### **Additional Handcuffing Techniques**

The Special Services Command's, IMF Operational Manual used during the World Bank protests does not include a written policy for prisoner handcuffing techniques while prisoners are detained at the IPS. When the IPS is designated as the prisoner processing facility during mass demonstrations, it is common practice for arrestees to be flexi-cuffed, strong wrist to their opposite ankle with a flexi-cuff in between. The middle flexi-cuff was removed when the arrestees were escorted to the restroom and while they were permitted to stand up and stretch. Prisoners are handcuffed using this technique because there are no holding cells to prevent prisoners from escaping or run freely about the gymnasium.

Force Investigation Team members reviewed the current practices, and offer the following suggestions as alternatives to the current technique:

Utilize the current technique with minor variations. This technique is the most cost effective and manageable. The only suggestion is to add another flexi-cuff between the strong hand and opposite ankle in order to extend the distance between the arm and leg. This technique would still prevent prisoners from roaming freely in an open space, but would allow for more room to stretch or move to less awkward position. However, this method should be illustrated in greater detail in the Prisoner Control Plan.

Implement manual backup procedures immediately upon receiving notification that the Prisoner Control automated booking programs are, or are about to be, off-line and not available for service.

In closing, it is concluded that the actions of police officials during the September 27, 2002, arrests at Persing Park were made in good faith. However, it is also concluded that police officials on the scene made procedural errors as it relates to the affecting of arrests, choice of criminal charges, and manner of arrest documentation. Further, it is concluded that technical equipment problems and the failure to implement manual backup booking procedures led to processing delays, which in turn caused longer than usual periods of detention. Finally, it is determined that allegations of excessive force are unfounded and that the restraint techniques utilized by prisoner processing personnel were reasonable given the circumstances. \*16

15 \*15

Use a fixed object placed on the floor between prisoners, who are in turn handcuffed to the fixed object

Purchase fenced cages used as temporary holding cells-in this manner several prisoners can be detained in one holding cell under the constant watchful eye of officers assigned to the detail.

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## RECOMMENDATIONS

After careful review of the facts surrounding this case, several issues arose as areas of concern with regard to MPD practices that are either lacking in precise policy, or somewhat nebulous and thereby open to interpretation. It is recommended that the following issues be considered prior to future large scale events involving the MPD:

Reexamine the current command and control structure utilized during major events to ensure that command officials receive timely and accurate information from which to base decisions on during large-scale events.

Review the procedures used for arrests during mass demonstrations and update the Mass Demonstration Handbook to reflect the current operational plans and methods that have been utilized by the department.

