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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ALLIANCE FOR GLOBAL JUSTICE, :

et al., :

Plaintiffs, : Civil Action Number

vs. : 01 CV 00811 (PLF) (JMF)

THE DISTRICT OF COLUMBIA, :

et al., :

Defendants. :

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DEPOSITION OF MICHAEL RADZILOWSKI

Washington, DC

Wednesday, May 4, 2005

REPORTED BY:

ERIN AVERY

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1 Thanks for -- you have a different version in that.
2 The highlighting, when photocopied, came out as dark
3 for you and for me, it's light pink or something
4 like that. For this purpose, I'm going to take page
5 2, mark it separately. We can make this 3A.

6 (Radzilowski Exhibit 3A received.)

7 BY MR. MESSINEO:

8 Q I'm going to hand you what's been marked
9 as 3A, which is the second page of Exhibit 3.

10 A Okay. Matthew Andrews.

11 Q Is that your name that's listed in
12 connection with Matthew Andrews?

13 A Yes.

14 Q There is no other M. Radzilowski?

15 A I would be extremely surprised.

16 Q In terms of what this conveys, the way you
17 went through Ms. Butler's two lines as to what it
18 appears to convey, what does this appear to convey?

19 A What it appears?

20 Q I'm going to ask you both. I'm going to
21 ask you what it appears, and I'm going to ask you --

22 A It appears that I'm associated with this

1 arrest. And as I said before, I don't know if it's
2 the arresting officer or the booking officer or what
3 type of officer it is, but my name is here.

4 Q And what is the reality with respect to
5 either --

6 A The reality is, now that I've seen this
7 document, the reality is, is that prisoner control
8 called me and said for their computer system, they
9 need a name for arrests. And I told them, well, if
10 you need a name just for the computer system, you
11 can use my name.

12 Q When you say "a name for arrests," you
13 mean a name of an officer for identification as the
14 arresting officer?

15 A Not as the arresting officer. It was
16 something with this computer format they were using
17 to insert a name. They had to have a name. I don't
18 know if it was the commanding officer's name, or it
19 could be the name of the arresting officer, or some
20 name that they needed to process people. And I
21 can't remember specifically why they -- it was
22 something about a computer and a format that they

1 used. Because, you know, I didn't lock this person
2 up. I had nothing to do with this person making
3 this arrest. But it was a computer glitch, a
4 computer requirement that a name go in there.
5 Maybe -- other than that, I don't know how other to
6 explain it.

7 Q And to ask you to agree to what's apparent
8 from the face of the document, there are other names
9 of arrestees for the same date, April 15th, for whom
10 your name does not appear. But there's, in fact,
11 different officers associated with those arrests.
12 For example, I'm looking at page -- document 3A.

13 A Okay. Yeah, there was -- well, there's
14 another name. But you know, I don't know. I mean,
15 you know, to be quite honest with you, you would
16 have to talk to somebody in prisoner control who
17 would understand this data and this format, because
18 I'm unfamiliar with this. I've never seen this
19 before.

20 Q Let's mark this next one as 3B. I'll show
21 you.

22 (Radzilowski Exhibit 3B identified.)

1 BY MR. MESSINEO:

2 Q I'm going to hand you 3B. And there too,
3 to ask about the obvious, your name is associated
4 with certain arrests on April 15th?

5 A Yes.

6 Q And on the face of this printout, there
7 are other arrests that are identified as April 15th
8 with actual or different -- specific arresting
9 officers, not you. Booking arresting or other
10 officers, associated officers.

11 A I'll assume that there are other names
12 here, that they are officers. Whether they're
13 arresting officers or booking officers or what kind
14 of officers they were, I do not know. But it looks
15 like, you know, if you were to think that they were
16 arresting officers, I was a busy little bee during
17 that time.

18 Q Who communicated to you about this
19 computer issue to which you're referring?

20 A Somebody from prisoner control, some
21 official called, it's the system that they use for
22 mass arrests, and said that in order for the

1 computer system to work, they need to put my name in
2 it as the person -- something with the
3 demonstration -- responsible for the demonstration
4 or put it in as the arresting officer or I can't
5 remember exactly what they said. But it was -- but
6 I had the understanding that it was a computer
7 thing, that they just needed to get the computer
8 system up and running. To me, and having that
9 conversation -- so I know that this means to me that
10 I was not the arresting officer. They just inserted
11 my name to get the program to work. And that's as
12 much as I can remember about that.

13 Q Do you recall the identity of the person
14 that communicated with you about the computer
15 problem?

16 A No, I really don't.

17 Q Was it someone within your chain of
18 command?

19 A No, it was somebody from prisoner control.
20 It was somebody outside of SOD and prisoner control,
21 because prisoner control was handled by somebody
22 else, and they do all the computers.

1 Q Did they explain why you, why was Michael
2 Radzilowski going to have his name entered over and
3 over?

4 A Because I'm Mr. SOD. I was the head of
5 SOD.

6 (Radzilowski Exhibit 4 identified.)

7 BY MR. MESSINEO:

8 Q I'll hand you Number 4. If you can just
9 take a look at 4, which is a multipage document. So
10 take your time to look at it sufficiently to
11 recognize it.

12 A I've never seen this document before.

13 Q Have you seen this format of document?
14 And let me -- I'm going ask you more specifically
15 here.

16 A Okay.

17 Q The document has page numbers that were
18 printed on here when this document was produced to
19 us by the District of Columbia. So looking at the
20 page number in the bottom right-hand corner to help
21 distinguish between pages within document Exhibit 4.

22 A Okay.

1 Q Between page numbers 892 and page 904,
2 those are all documents that appear to have the same
3 format. Do you agree with that?

4 A It looks the same.

5 Q Have you ever seen this format of document
6 previously?

7 A Not that I recall.

8 Q It's identified as being a collateral
9 list.

10 A Correct.

11 Q What is a collateral list?

12 A Well, a collateral list, if my memory
13 serves me correctly, is a list that the station
14 clerk would prepare documenting money that they
15 collect for various violations and report to the
16 court. And this particular report, as you can see,
17 is prepared by SID, which is the special
18 investigations division, I guess, but it's not SOD.
19 So we don't take collateral in my particular
20 stations.

21 Q The -- on the pages that I've referred to,
22 under "officer's name," there is entered repeatedly

1 "Radzilowski."

2 A Yes.

3 Q Do you have any reason to believe that
4 this is in reference to your brother?

5 A No.

6 Q And what was your brother's connection
7 again, involvement in these -- was he involved in
8 the processing of collateral or making these
9 arrests?

10 A Not that I recall.

11 Q Presuming this to be a reference to you,
12 do you have any explanation as to why your name is
13 listed as an officer associated with these arrestees
14 who were charged with marching without a permit,
15 according to the document?

16 A Nothing other than the explanation I have
17 given previously, that somebody from prisoner
18 control called and said they needed to use my name
19 as -- for the computer system and to get the system
20 rolling. And, obviously, if they typed this up, or
21 how, if they used the computer, it may have been
22 just easier to use my name as opposed to putting

1 anybody's real name down. But, I don't know. I've
2 never seen this before and don't know why and how it
3 came about.

4 Q If we -- if we at first understood,
5 presumed, that you were identified as arresting
6 officer and we now seek to ascertain who the
7 arresting officer is for each of these individuals,
8 what documents would we need to consult in order to
9 ascertain that?

10 A Probably the best way to go about doing it
11 would probably be the prisoner control computer,
12 which logged in each arrest and supposedly who the
13 arresting officer was. Maybe this other document.
14 The other thing would be to hand research and find
15 the old arrest mass forms.

16 MR. MESSINEO: I'm fine to break at this
17 point.

18 (Whereupon, at 12:40 p.m., the deposition
19 was recessed, to be reconvened at 1:30 p.m. this
20 same day.)
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