

Metropolitan Police Department
Office of Professional Responsibility



November 27, 2002

CONFIDENTIAL MEMORANDUM

TO: Chief of Police

FROM: Assistant Chief of Police
 Office of Professional Responsibility

SUBJECT: Update 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 summarizes the investigative activity 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.

Chronology of Reporting

October 24, 2002 - Hearing of the Committee on the Judiciary of the Council of the District of Columbia. Three complainants testify before the Committee alleging improper activity.

November 6, 2002 – MPD Legislative Liaison Monique Lebeach forwards summary of hearing with complainant information to the Office of the Chief of Police

November 12, 2002 – Complaint received by the Office of Professional Responsibility, and assigned to the Civil Rights & Force Investigations Division for review.

November 12, 2002, Written response from the Chief of Police to the Mayor of the District of Columbia forwarded.

Listing of Complainants

This section contains the known list of complaints made regarding this incident.

Office of Civilian Complaint Review

The Office of Civilian Complaint Review has advised the MPD Office of Professional Responsibility that they are currently investigating three IMF/World Bank Protest related complaints. Those complainants are identified below:

Shawna Michelle Bader:
 Address: 1301 15th Street N.W. #202

DC 05481

Complainant states that on 9/27/02 at approximately 1000 hours, she was one of about 600 people arrested in Pershing Square, N.W. She was one of about 40 people placed on a Metro bus. They were informed by an officer that he would be their arresting officer.

The officer allegedly behaved "extremely unprofessionally", and taunted the complainants by saying, "I can't believe you people go to UMD, that's my school. I'm embarrassed. I'm ashamed to be on the bus with you." In addition, when the officer was asked his name and badge number, "He stomped up to her and shoved his name tag and badge within a foot of her face and said to her and me in a loud and rude manner 'go ahead and contact the police department, say whatever you want about me, it will make a difference anyway. No one will listen you.'"

In a separate complaint, Ms. Bader reported that she believed her arrest was "illegal and is an example of MPD abuse and misuse of police powers." Specifically, the complainant "was sitting in the park on a bench, a public space, watching a protest take place across the street. The police circled the park and arrested everybody, without any explanation. We were never given a warning that if we did not leave the park we would be arrested."

Bruce Friedman

Address: 4913 N. 17 Street Arlington, VA

Mr. Friedman reported that on 9/27/02, he commuted by bicycle to work in the District from Arlington. He pedaled to 15th Street, where police authorities had closed the street across from Pershing Park. Subsequently, the complainant reports that he entered the park area and was prevented from leaving along with "others, including tourist and joggers – who had nothing to do with the protests taking place that day."

Furthermore, the complainant reported that "I committed no crime. I committed no act that provided reasonable cause or reasonable suspicion that I had committed a crime... I believe that this was an unlawful detention. Chief Ramsey would be more at home as a police chief in Beijing, where excessive and unlimited police force is permitted, rather than the nation's capital."

Lynn Johnson

Address: 10 Castle Street Asheville, North Carolina 28803

Complainant reports that she was an IMF protestor and maintains the following:

- 1) Detainment – handcuffs too tight
- 2) Detained on buses for 14-15 hours without adequate food or water
- 3) Taken to DC police academy

In addition, complainant reports that he was "wrongfully arrested while exercising her constitutional rights and freedom of speech."

DC 05482

Complaints Made During the October 24, 2002, City Council Hearings

The Office of Professional Responsibility has initiated an investigation concerning allegations made by three persons at the October 24, 2002, City Council Hearings. Those persons have been identified as:

Joseph Mayer—reports that he went to Pershing Square on Pennsylvania Avenue along with his daughter. Mr. Mayer claims that the police came into the park and did not allow anyone to leave.

Julie Abate—reports that she went to Pershing Square out of curiosity and was not allowed to leave after the police moved in.

Michael Eichler—reports that he arrived at the park on bicycle and was denied the opportunity to leave by the police. He also claims that at no point was he ordered to leave the park or move on.

All three claim that they were Flexi-cuffed behind their back, placed on a Metro bus, and transported to a detention facility.

Possible Class-Action Lawsuit filed by the American Civil Liberties Union, National Capital Area (ACLU-NCA)

Information was obtained from Ron Harris of the General Counsel's office, and Jack Grimaldi of the Corporation Council's office that the ACLU has made overt threats to file a class action lawsuit on behalf of numerous persons arrested. However, as of this writing, no official lawsuit has been filed.

Members of the Civil Rights & Force Investigations Division have conferred with MPD's General Counsel, and will continue to interact with that office as the investigation progresses. It appears that that the complainants who have filed with the OCCR and who testified at the City Council Hearings could potentially be, plaintiffs in that lawsuit.

Summary of Investigation

Investigators

Sergeant James McCoy and Sergeant James McGuire have been designated as the lead investigators for this incident. They are being supervised by Lieutenant Jacob Kishter and Captain Matthew Klein.

OCCR

The complainants who have filed allegations at the Office of Civilian Complaint Review will have their complaints addressed by that office. The Civil Rights & Force Investigations Division have contacted that office, and will maintain communication with OCCR representatives.

CRFID

The Civil Rights & Force Investigations Division has identified the three complainants who testified during the City Council Hearings. They are being represented by ACLU Attorney Arthur Spitzer. Force Investigation Team Investigators conferred with Mr. Spitzer, and have arranged

for the interview of the complainants on November 27, 2002.

The Civil Rights & Force Investigations Division has initiated a review of MPD's transport and detention actions during the course of the IMF/World Bank protests. Specifically, investigators are assessing the protocols used, and decisions made, by police managers as they relate to how prisoners were processed during this incident. Investigators will refer to the written procedures enumerated by the Special Services Command for the IMF/World Bank plan, as well as General Order 502.1 (Transporting Prisoners).

It is important to note that preliminary findings *do not* reveal any inappropriate instances of *use-of-force* by members of the Metropolitan Police Department. However, it appears that some of the allegations pertain to personnel assigned to the United States Marshals Service. Accordingly, the Metropolitan Police Department is coordinating with that office.

OGC

As noted above, the Civil Rights & Force Investigations Division will continue to confer with the Office of the General Counsel on an ongoing basis.

Other Comments

I am concerned about the use of the word "*hogtying*." The interpretation of this word is subjective, and it maintains a generally negative connotation. The ACLU (plaintiff attorneys) have chosen that language, and I believe this terminology is inflammatory and not accurate. I suggest we use wrist/ankle restraint, or similar language.

DC 05484