

respect to the forfeitures of collateral. While police contend that as a matter of formal policy, citation release was to be liberally available, as a matter of practice arrestees were told that if they wished to contest the legality of their arrest they would have to languish in police custody until potentially the following Wednesday or longer. See Exhibit 22, Dep. of Barham at 101-104 (was told he could give his name and “pay out” \$50 to be released or would stay in jail for as long as 250 days); Exhibit 23, Dep. of Garcia-Spitz at 139-140 (was told had to pay \$50 to be released, or could stay in police custody until the following Tuesday if he wished to contest the charges); Exhibit 24, Dep. of Jackson at 81-82 (Jackson wanted to post bond or collateral and receive a court date to challenge his arrest, but was told he would have to stay in police custody until the following Tuesday if he wanted to assert his innocence); Exhibit 25, Dep. of Djeddoui at 96-98 (release options were confusing); Exhibit 26, Dep. of Young at 121-124 (was told she could either post and forfeit and be released, or if she wanted to challenge the legality of her arrest she would remain in jail through the following Wednesday); Exhibit 11, Dep. of Passacantando at 52-54 (was told that if he wanted to challenge the legality of his arrest he would have to stay in police custody until the following Monday).

4. The period of processing was unnecessarily delayed because law enforcement insisted on collecting as much information as they could on these political arrestees, including taking a full set of fingerprints even though all were arrested solely for violation of a traffic regulation. See Exhibit 10, MPD General Order 502.1.A(E); Exhibit 21, Prisoner Control Plan at 8 (arrestees who post collateral or take Citation Release were to not have a full set of prints taken).

5. The manner of handcuffing of arrestees, which prevented full extension of the back and forced arrestees into painful and constricted or contorted positions, inflicted pain, including in some instances agonizing and excruciating pain, upon arrestees. See Exhibit 11, Deposition of Passacantando; Exhibit 12, Djeddaoui Affidavit; Exhibit 13, Legler Affidavit; Exhibit 14, Norton Affidavit; Exhibit 15, Wood Affidavit; Exhibit 16, Canales Affidavit; Exhibit 17, Swanson Affidavit; Exhibit 18, Phelan Affidavit; Exhibit 19, Durham Affidavit; Exhibit 20, Young Affidavit.
6. Plaintiff Nicole Djeddaoui was so restrained for 20 hours. See Exhibit 12, Djeddaoui Affidavit at 1. John Passacantando was like this for twelve hours. See Exhibit 11, Dep. of Passacantando at 51; See also Exhibit 13, Casey Legler Affidavit at 1 (14 hours); Exhibit 14, Norton Affidavit at 1 (11 to 12 hours); Exhibit 15, Wood Affidavit at 1 (10 to 11 hours); Exhibit 16, Canales Affidavit at 1 (8 to 9 hours); Exhibit 17, Swanson Affidavit at 1 (8 - 9 hours); Exhibit 18, Phelan Affidavit at 1 (5 to 10 hours); Exhibit 19, Durham Affidavit at 1 (7 to 8 hours); Exhibit 20, Young Affidavit at 1 (6 - 7 hours).
7. The manner of cuffing caused pain and injury that for some persisted long after release. See Exhibit 11, Deposition of Passacantando at 64-65; Exhibit 12, Djeddaoui Affidavit at 2; Exhibit 13, Legler Affidavit at 2; Exhibit 16, Canales Affidavit at 2; Exhibit 18, Phelan Affidavit at 2; Exhibit 19, Durham Affidavit at 2; Exhibit 20, Young Affidavit at 2.
8. The manner of restraint was humiliating and degrading. See, Exhibit 13, Legler Affidavit at 2; Exhibit 15, Wood Affidavit at 2; Exhibit 16, Canales Affidavit at 2; Exhibit 17, Swanson Affidavit at 2; Exhibit 19, Durham Affidavit at 2.
9. The wrist-to-ankle manner of restraint is not a normal manner of restraint in handcuffing.

See Exhibit 6, Deposition of Broadbent at 200. It is not appropriately used where an arrestee cannot fully extend his or her back. Id. at 199.

10. The initiator of this manner of restraint intended for it to be used only for prisoners who were disruptive, and not generally. See Exhibit 4, Deposition of Acosta at 174, 170.
11. The use of this manner of restraint is unprecedented prior to its implementation by the MPD in connection with the April, 2000 mass protest arrests. See Exhibit 8, Deposition of Lanier at 122-125; Exhibit 2, Deposition of Herrold at 249-250.
12. There is no known documentation of the safety of this manner of restraint. See Exhibit 8, Deposition of Lanier at 153-154.
13. There are no formal policy guidelines regarding this technique, and no maximum duration it can be imposed upon an arrestee. See Exhibit 8, Deposition of Lanier at 140; Exhibit 7, Deposition of Herrold at 47.
14. There would not be a substantial increase in the risks of escape or assault with an additional link to the cuffs. See Exhibit 1, Deposition of District of Columbia at 118-119. The Chief of Police concedes the feasibility of adding sufficient connecting cuffs to avoid pain. See Exhibit 9, Deposition of Chief Ramsey at 235-236.
15. The use of this painful manner of restraint was punitive and unjustified.

Respectfully submitted,

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