

CENTER for JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

Box 69, Gedney Station
White Plains, New York 10605

By Priority Mail

September 22, 1996

Internal Affairs and Inspections Division
U.S. Capitol Police Headquarters
119 D Street, N.E.
Washington, D.C. 20510-7218
[Certified Mail: P-543-172-740]

Larry Soulsby, Chief of Police
Metropolitan Police
300 Indiana Avenue, N.W.
Room 5080
Washington, D.C. 20001
[Certified Mail: P-543-172-741]

RE: Police Misconduct Complaint

Herewith is my written complaint of police misconduct by officers of the U.S. Capitol Police and the Metropolitan Police.

Sergeant Daniel Palmer of U.S. Capitol Police informed me of the existence of a formal "Citizen Complaint Procedure" and was good enough to send me a brochure outlining the procedures and a complaint form. The completed form is annexed as a coversheet to my within complaint.

According to Ronald Harris, Assistant General Counsel of Metropolitan Police, the Metropolitan Police does not have any forms for complaints against its officers and has no brochure of its procedures. Mr. Harris stated that I should direct my complaint of misconduct by officers of the Metropolitan Police to its Chief of Police, Larry Soulsby.

This was contradicted by Mr. Harris' superior, Terrence Ryan, Deputy General Counsel of the Metropolitan Police, who told me that Metropolitan Police does have a complaint procedure, with complaint forms. However, he agreed that my complaint could be sent to Mr. Soulsby. A copy is, therefore, being sent to him for that purpose.

I feel it incumbent upon me to note--and I so informed Mr. Ryan after Mr. Harris hung up on me--Mr. Harris' unprofessional conduct. In my two telephone conversations with Mr. Harris, he was hostile to my attempts to inform the General Counsel's office of what I stated I believed were violative, illegal, and


Police Misconduct Complaint

September 22, 1996

unconstitutional practices of the Metropolitan Police. Although I repeatedly emphasized to Mr. Harris that I believed the current situation made Metropolitan Police vulnerable to suit and that corrective action should be immediately taken, he was not particularly interested or receptive. Indeed, Mr. Harris told me that if I felt so strongly about it, I should be the one to research the issues I felt were illegal and unconstitutional-- rather than the office of the General Counsel and argued with me that I should hire an attorney to research the law.

Although I repeatedly made known to Mr. Harris that the Center for Judicial Accountability, Inc. was spending its time and money on long-distance phone calls so as to help Metropolitan Police-- as well as U.S. Capitol Police--avoid litigation from some other source, since I stated that I had no intention to sue, Mr. Harris was totally unappreciative and made it appear that there would be no follow-up by the General Counsel's office to anything I was saying.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

P.S. For your information, a copy of CJA's informational brochure is enclosed.

Enclosures

cc: Office of the General Counsel, U.S. Capitol Police
John T. Caulfield, General Counsel

Office of the General Counsel, Metropolitan Police
Terrence Ryan, Deputy General Counsel
Ronald Harris, Assistant General Counsel

ACLU - D.C. Office
Fritz Mulhauser, Coordinator of Litigation Screening

Clerk, D.C. Superior Court
Certified Mail/RRR: P-543-172-742

P 543 172 740

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	INTERNAL AFFAIRS & INSPECTING DIVISION
Street & Number	US Capitol Police
Post Office, State, & ZIP Code	119 D Street NE Wash DC 20510-7218
Postage	\$ 3 —
Certified Fee	1 10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 5 20
Postmark or Date	W.P. P.O. 9/22/96

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Internal Affairs & Inspecting Division
US Capitol Police
Headquarters
119 D Street NE
Wash DC, D.C. 20510-7218

4a. Article Number
P 543-172-740

4b. Service Type

Registered Certified

Express Mail Insured

Return Receipt for Merchandise COD

7. Date of Delivery
SEP 26 1996

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 543 172 741

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	CARY SOULSBY
Street & Number	Chief of Police
Post Office, State, & ZIP Code	300 Indiana Ave NW Room 5080 Wash DC 20001 5080
Postage	\$ 3 —
Certified Fee	1 10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 5 20
Postmark or Date	W.P. P.O. 9/22/96

PS Form 3800, April 1995

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- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Cary Soulsby
Chief of Police
Metropolitan Police
300 Indiana Avenue NW
Room 5080
Washington, D.C. 20001

4a. Article Number
P 543-172-741

4b. Service Type

Registered Certified

Express Mail Insured

Return Receipt for Merchandise COD

7. Date of Delivery
27 Sept 96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 543 172 742

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to <i>Clerk, DC Superior Ct</i>	
Street & Number <i>500 Indiana Avenue</i>	
Post Office, State, & ZIP Code <i>Washington DC 20001</i>	
Postage	\$ <i>3 -</i>
Certified Fee	<i>1 10</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1 10</i>
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <i>5 20</i>
Postmark or Date	<i>WP 9/22/96 P.O.</i>

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: <i>Clerk D.C. Superior Ct</i> <i>500 Indiana Avenue</i> <i>Washington, D.C.</i> <i>20001</i>		4a. Article Number <i>P 543 172 742</i>
4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD		7. Date of Delivery <i>9-26-96</i>
5. Received By: (Print Name) 6. Signature: (Addressee or Agent) <i>X [Signature]</i>		8. Addressee's Address (Only if requested and fee is paid)
PS Form 3811, December 1995		Domestic Return Receipt

Thank you for using Return Receipt Service

I certify that, to the best of my knowledge and belief, the above information is true and correct:

Elena Rull
COMPLAINANT'S SIGNATURE
9/22/96 2:05 p.m.
DATE/TIME

17. COMMANDING OFFICER'S SIGNATURE
DATE

16. REPORT RECEIVED BY
DATE/TIME

18. INSPECTION / INTERNAL AFFAIRS SIGNATURE
DATE

POLICE MISCONDUCT COMPLAINT
U.S. Capitol Police
Metropolitan Police

COMPLAINANT: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc.

DATE: September 22, 1996

This complaint of police misconduct follows my lengthy telephone conversations with, among others, General Counsel of the U.S. Capitol Police, John T. Caulfield, with Deputy General Counsel of the Metropolitan Police, Terrence Ryan, with Assistant General Counsel of the Metropolitan Police, Ronald Harris, and with the Coordinator of Litigation Screening for the Washington, D.C. office of the ACLU, Fritz Mulhauser.

Based upon the cumulative information I have received from them and my own analysis, it appears that:

- (1) §22-1121 is the "Disorderly Conduct" statute. It provides that a person guilty of such charge "shall be fined not more than \$250 or imprisoned not more than 90 days, or both." (Exhibit "A-1")
- (2) §23-1110, entitled "Designation of official to take bail or collateral when court is not in session; issuance of citations", is the statute whereby the judges of the D.C. Superior Court appoint an official of the Metropolitan Police Department "to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible" (Section a). Pursuant to Section b(2) of §23-1110, such appointed official is empowered to issue citations and release from custody persons arrested without a warrant on misdemeanor charges (Exhibit "A-2").
- (3) §23-1110 (b)(1) provides that:

"An officer or member of the Metropolitan Police Department who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the Metropolitan Police Department designated...to act as a clerk of the Superior Court" (Emphasis added, Exhibit "A-2")

- (4) §23-1110 (b)(3) requires that no citation may be issued under §23-1110 (b)(1) or (b)(2):

"unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation."

As shown by the instant complaint, U.S. Capitol and Metropolitan Police did not follow the applicable provisions of §23-1110 in that:

(a) Officers of the U.S. Capitol and Metropolitan Police had no reason to believe that I would either cause injury to persons or damage to property or that I would fail to make an appearance in answer to a citation. Indeed, all indications were to the contrary. Consequently, I was eligible for citation release under §23-1110 (b)(1) or (b)(2).

(b) I was taken into custody by U.S. Capitol Police and transferred to the cellblock of the Metropolitan Police for the express purpose of being jailed overnight until I could be brought before a judge the next morning.

(c) Neither U.S. Capitol or Metropolitan Police made any provision for me to be brought before the official of the Metropolitan Police Department, designated pursuant to §23-1110 (a), "to take bail or collateral when court is not in session" or to issue citations.

(d) Neither U.S. Capitol or Metropolitan Police accurately informed me of procedures relating to my detention and ignored and resisted my attempts to obtain clarification-including clarification from superior officers.

(e) Individual officers of Metropolitan Police acted in excess of their authority by announcing the monetary fine required for my release and insisting that payment thereof would result in my forfeiting any right to contest the "disorderly conduct" charge for which I had been arrested.

De Facto paying a fine does not foreclose a person's right to thereafter obtain a trial. The D.C. Superior Court has a printed form entitled "Motion to Set Aside Forfeiture" for that purpose, available to those requesting it (Exhibit "B-1"). The D.C. office of the American Civil Liberties Union has an instruction sheet regarding such motion entitled: "Undoing 'post and forfeit...'", which states that it is "rarely" opposed by D.C. Corporation Counsel's office (Exhibit "B-2").

I submit that the existence of the D.C. Superior Court's pre-printed "Motion to Set Aside Forfeiture" and the practice of the D.C. Corporation Counsel to accede to such motion requests are a concession that, de jure, it is unlawful to incarcerate overnight on a charge of "disorderly conduct" a person who wishes to contest that charge, while--at the same time--permitting such person to be released if he pays a fine and forfeits his right to contest the charge. I have asked General Counsel of both the Metropolitan and U.S. Capitol Police to get a legal opinion as to same and hereby reiterate that request.

In any event, only the official designated under §23-1110 (a) is authorized to set the amount of the fine or bail, or to issue a citation release to a person taken into custody.

I also wish to reiterate--much as I stated to Mr. Caulfield--that his responsibility is not only to ensure the fairness and constitutionality of procedures employed by U.S. Capitol Police, but of those employed by the Metropolitan Police. This is because Capitol Police turns over its "disorderly conduct" arrestees to Metropolitan police for overnight detention. Consequently, U.S. Capitol Police is obligated to take corrective action when--as now--it is made aware that persons it transfers to Metropolitan Police are being subjected to coercive pressures to get them to forfeit their right to contest the "disorderly conduct" charge for which Capitol Police has arrested them. In my case, being held incommunicado, without the opportunity to make a phone call, had the coercive effect of forcing me to agree to the "fine"--merely so I could call my worried family.

I regard the misconduct of U.S. Capitol Police relating to my arrest on a "disorderly conduct" charge as particularly egregious. As detailed herein, Capitol Police responded to my legitimate questions as to their authority by ignoring those questions and using bullying tactics. Such conduct would not befit the Metropolitan Police, who patrol the city streets where gun-wielding thugs and others engage in violent acts. It surely does not befit the U.S. Capitol Police, whose unique patrol is the U.S. Congress, where patriotic citizens, from throughout the nation, come in the good faith belief that they can contribute to government processes.

Such patriotic citizens are particularly sensitive to the rights of citizens in a democracy. The natural consequence of police failure to deny or dispute a citizen's claim that the police are acting in excess of their authority is that that citizen will continue to do so--leading to his arrest on a "disorderly conduct" charge. It should be obvious that if a citizen's good-faith challenge to police authority is erroneous, the police have a duty to so inform the citizen so as not to "set him up" for arrest when he continues to protest something whose legitimacy the police have neither denied nor disputed.

In my case, I believe my good-faith challenge to the actions of the U.S. Capitol Police were legally grounded--and that the officers arresting me--who had not denied or disputed the legitimacy of my challenge--knew as much.

BACKGROUND:

The background to my complaint of misconduct by the U.S. Capitol Police is set forth in my letter dated June 28, 1996, addressed to Senate Judiciary Committee Chairman Orrin Hatch, with a copy indicated for U.S. Capitol Police (Exhibit "C")¹.

My June 28th letter details that three days earlier, on June 25th, the U.S. Capitol Police were, without cause, summoned to the Senate Judiciary Committee's hearing room during its confirmation hearings on six judicial nominees, among them, Lawrence Kahn. The letter recites how the U.S. Capitol Police officers observed me during the course of the hearings--but made no arrest and, thereafter, that they followed me into the Senate Judiciary Committee office, where they likewise observed me in the public waiting area--but made no arrest.

In pertinent part, page 11 of my June 28th letter (Exhibit "C") reads as follows:

"This should be the end of my recitation of my police-escort for my appearance in the hearing room and waiting area. However, it did not end there. Within a couple of feet of the Senate Judiciary Committee's door, Capitol Police wrongfully arrested me in the corridor on a completely trumped-up charge of disorderly conduct. In fact, what occurred was nothing short of gross police

¹ The U.S. Capitol Police were indicated recipients to that letter and were sent a copy by certified mail, return receipt, under a July 17, 1996 coverletter (Exhibit "G"). As hereinafter described, it came back undelivered (Exhibit "H").

misconduct."

This complaint picks up where my June 28th letter left off and provides the details of the "gross police misconduct" characterized therein.

THE ARREST BY U.S. CAPITOL POLICE:

As I exited from the Senate Judiciary Committee office, the three U.S. Capitol Police who had waited with me in the Senate Judiciary Committee offices, left as well. We exchanged amiable parting words. In the course of our good-byes, one of the two male officers asked if he could see some identification.

I assumed that the reason for such request was that the officer wanted my name for purposes of writing a report as to how he and his fellow two officers had spent the preceding hour or so. I may have said as much. I myself explicitly stated that I intended to write-up the Kafka-esque story of the Senate Judiciary Committee's staff's mistreatment of me--only partially observed by the officers--and that I was happy to provide my identification so long as he and his fellow officers provided me with their badge numbers so I could include it in my write-up.

I then handed the officer who had requested the identification my wallet--on the outside of which was my photo I.D. New York State driver's license. While he and the other male officer examined it, I described to the woman officer who was beside me how four years earlier I had been similarly mistreated when I attempted to bring to the attention of then Senate Judiciary Committee Chairman Joseph Biden the misconduct of the Senate Judiciary Committee staff. I recounted how I had travelled down to Washington and that, without cause, U.S. Capitol Police had been summoned to remove me from Senator Biden's Senate office. I contrasted the despicable behavior of Senator Biden's office personnel--who were completely disinterested in learning about the reason for my visit--with the conduct of the U.S. Capitol police whose first question to me upon arriving on the scene was "what's the problem?". I told the woman officer that I had written up what had taken place at that time in a letter addressed to Chairman Biden--a copy of which I had mailed to the Capitol Police, to the attention of the officers involved, who had given me their names (Exhibit "D").

As I was telling the woman officer the story, the police officer who had taken my I.D. interrupted to ask whether the number on my driver's license was my social security number. I responded in the negative. When he asked me for the number, I stated that I did not believe he was entitled to that information and that I regarded such inquiry as "intrusive". The officer did not respond to my objection. Nor did either of the other two

officers. I then resumed my not yet concluded story to the woman officer about what had occurred four years earlier. However, moments later, I became aware that the officer to whom I had given my driver's license was reading aloud information from it into his walkie-talkie in an attempt to obtain my social security number.

I immediately turned to the officer and reiterated my objection that he had no right to the information he was seeking and that his inquiry was "intrusive". Still, neither he nor the other male officer responded--nor the female officer.

Instead, the female officer endeavored to distract me from what the officer with my driver's license was doing by encouraging me to continue my story. Meanwhile, that officer simply proceeded, over my objection, with reading the information from my driver's license into the walkie talkie.

As a result, I moved away from the female officer and demanded that the officer with my license return it to me. He refused. I asserted that I had been under no obligation to have given him my license in the first place, that he had no right to it, and that I wanted it back. Neither he nor the other officers countered with any statement as to their right to my license. They simply refused to give it back and threatened me with arrest if I continued to insist.

I told them that that's what they had been waiting to do all afternoon, that they could go ahead and arrest me, but that they had no right to my license.

Still, not one of the three officers addressed the issue about which I was reacting so strongly--their right to my license and, beyond that, to my social security number. Instead, the officer who had my license lunged at me with handcuffs, announcing that I was under arrest.

With my wrists handcuffed behind my back, I was taken outside the Dirksen Senate Office Building, body searched on the street outside, and transported by police car the half-block to the U.S. Capitol Police station. The officers who arrested me also went to the station.

PROCESSING AT THE U.S. CAPITOL POLICE STATION:

Upon arriving at the U.S. Capitol Police station, I was asked a series of questions by an officer who sat behind a glass window. After the first couple of questions--which I readily answered--the officer's questions prompted me to ask him whether I was required to answer. In a scenario reminiscent of the circumstances that had led to my arrest, the Capitol Police

officer did not address my legitimate question as to whether he had a right to the information he was seeking. Instead, he snarled at me that "if that's the way you want it, I'll just write down that you refuse to cooperate".

I immediately objected to the officer's mischaracterization and requested to speak to a supervisor about his reaction--which I stated was similar to the reaction of the officers who refused to respond to my question as to their right to my social security number and to my license. I was then taken to a room and shackled to a wall. Meanwhile--outside my presence--my possessions were examined and inventoried (Exhibit "E").

Thereafter, the officer who had taken my wallet came into the room and read me my Miranda rights--which I waived. I spoke to him at great length about all that had happened. In particular, I protested that U.S. Capitol Police run rough-shod over the rights of citizens by disregarding legitimate questions as to their authority.

I requested to speak to a supervising officer. I believe it was at that point that the arresting officer informed me that the female officer who had attempted to divert my attention while he read my driver's license information into his walkie-talkie was a sergeant and his superior officer. This news was truly repugnant to me--and I made known my disgust and outrage that a superior officer on the Capitol Police force not only took no steps to prevent subordinate officers from disregarding my legitimate and plainly good-faith challenge to their conduct, but was complicitous therewith.

During our conversation--in which I further objected to the utter waste of taxpayer money that would be represented by a prosecution of me for such trumped up "disorderly conduct" charge--I was informed that I would be transported to the Metropolitan Police and held overnight². In response to my queries on the subject, it was explained to me that this was because D.C. did not have any night court. I believe it was following such news that I asked about making a phone call so that my family back in New York would not worry when I did not return home. I was told that I would be permitted to make a phone call after I was taken to the Metropolitan Police station.

² That U.S. Capitol Police knew that this would be an uncomfortable experience may be seen from their response to my question as to whether I could leave the expensive suit jacket I was wearing at Capitol Police station with my other possessions. I was told that I might need it because it might be cold in the jail and that I wouldn't want to use the blankets that might be available.

PROCESSING AT THE METROPOLITAN POLICE STATION:

Immediately upon my entry into the Metropolitan Police station from the underground garage, I requested to speak to a superior officer. I protested that Capitol Police had made no inquiry as to whether I was a "flight risk", that, indeed, I was not, and that I wished to be released either on my own recognizance or with the posting of bail. I also made known that I had requested to make a phone call at the Capitol Police station and had been told that I would have that opportunity at the Metropolitan station.

No response was forthcoming and I was escorted by a female officer for further processing. She took a further set of finger prints--much as had been done at the Capitol Police station. All the while, I repeated my right to a phone call and for bail--if I were not released on my own recognizance.

As to my phone call request, this female officer informed me that making a phone call was "a privilege", not a right--as I had, until then, believed it to be based on T.V. and movies. However, the officer did not respond to my repeated request that I be accorded such "privilege". As to bail, she informed me that if I had \$25 I could pay it as a fine and be released. This was the first I had heard of such a thing. I insisted that I did not wish to pay a fine--because I was innocent and wanted to contest the charge--but that I was perfectly willing to deposit that sum as bail. I believe the officer responded by telling me that there was no bail because I remember arguing with her that if I could be set free upon payment of \$25--meaning, at very least, that I was not a "threat to society"--then surely that sum could be posted as bail--if I were not to be released on my own recognizance. I was then taken to a room with a series of jail cells on either side. I was locked inside one of the middle cells for overnight confinement.

Based upon what I had seen on T.V. and movie depictions of prisoners in jail and my readings of the Soviet Gulag experiences of Alexander Solzheneitzin and Anatoly Scharansky, I decided to try to find out who was in the other cells. Calling out an inquiry, I discovered that in the next cell, beyond mine, was a woman. Like myself, she had been arrested by Capitol Police on a "disorderly conduct" charge. This was not her first arrest on such charge, and she confirmed to me that previously she had not had to stay overnight in jail, but had paid a \$25 fine and was released. She told me that this time she did not have the \$25 to pay her way out.

As the time passed, with no one coming to speak with me about my phone call "privilege" or request for bail or r-o-r release, I called out for an officer. I reiterated my request for bail--or release on my own recognizance--objecting as anomalous that such

should be denied me--even while, for payment of a \$25 fine, I could be released. The officer confirmed that that's the way it was. I protested that I was ready to remain in jail overnight, rather than paying a fine and conceding culpability for the charge against me, but that I needed to make a phone call to my family. I stated that my family expected me back home in New York that evening and would be worried sick if--in addition to not arriving home--I failed to call them to let them know where I was. The officer responded by telling me that if my family were really worried they would eventually call the police. I objected that I did not consider it appropriate that my family should be unnecessarily put in a position where they were so frantic with worry as to call the police--when I could call them to let them know I was O.K. I believe the officer balked about the phone call being long distance. I stated that I was perfectly willing to "call collect" and then, as a further "solution", stated I had a friend in Virginia and if, at least, I could call him, he could telephone my family. The best the officer was ready to do was to make the local call for me--and took out a pen and paper to take down my friend's number--which I did not know.

Only when it became plain that I would not have an opportunity to make a phone call and that no arrangement was going to be made for bail or release on my own recognizance did I agree--from my jail cell--to pay the \$25. However, I vigorously asserted that I regarded the Metropolitan Police's refusal to allow me my reasonable request for a phone call as coercive--since the consequence was that I had no choice but to pay the \$25 fine or else subject my family to endless hours of worry about my whereabouts.

The officer having confirmed from my inventory receipt (Exhibit "E") that I had sufficient cash in the custody of the U.S. Capitol Police to pay the \$25--indeed, that I had sufficient money to also pay for the release of the woman in the next cell, which I stated I wished to do--made arrangements for my transport back to the U.S. Capitol Police station.

Throughout the trip back, I continued to protest, as anomalous, that I could pay \$25 as a fine, thereby securing my release, but that I could not be released by payment of that sum as bail. Indeed, the officer who escorted me was absolutely insistent that the \$25 fine I would be paying would foreclose me from contesting the "disorderly conduct" charge. For this reason, when we arrived at the Capitol Police station and I had to sign a ledger acknowledging my withdrawal of the \$50 (for myself and my still incarcerated fellow prisoner), I added a notation to the effect that such monies were being withdrawn solely to secure my release and that I intended to contest the charge against me at a

hearing³.

As I was taken to an unfamiliar police station to deposit the money, the officer continued to goad me that I could not contest the charges and that payment of the fine would close the matter.

At the station, the clerk who took the money and filled out a Collateral Receipt made no inquiry of me as to whether I intended to forfeit my \$25 or wished to stand trial--the two possible dispositions pre-printed on the Receipt. On her own, she marked the box relating to forfeiture (Exhibit "F")⁴.

I protested such notation on my Collateral Receipt as soon as I saw it--which was as I was leaving the police station. Yet, even though we were just steps away from the clerk, the police officer refused to take me back so that the Receipt could be corrected. Throughout the return trip to the U.S. Capitol Police station he vigorously maintained--much as he had when he transported me from the jail to the Capitol Police Station--that my \$25 was gone forever--together with my right to contest the charges.

Back at the Capitol Police station, my continued complaints about the forfeiture issue--and my desire to contest the charge against me--resulted in my being threatened by with re-arrest for "disorderly conduct" by the police officer there. Eventually, however, the officer on duty took my Collateral Receipt and, on the back, wrote where I could write to request a court date (Exhibit "F"). He wrote:

"500 Indiana Ave
Finance Office
Request Court Date"

AFTERMATH:

By letter dated July 17, 1996, sent certified mail, return receipt, to the address which the Capitol Police officer had given me, I requested a court date (Exhibit "G"). Enclosed therewith was a copy of my June 28, 1996 letter to Chairman Hatch. The Priority Mail envelope came back to me undelivered (Exhibit "H").

³ I respectfully request that a copy of my ledger entry be secured.

⁴ The clerk also filled out a Collateral Receipt for my fellow prisoner, asking me her address, which I did not know. I am unaware as to which box the clerk checked on that Collateral Receipt. I respectfully request a copy since I was not given one.

On August 14th, I telephoned U.S. Capitol Police to find out why my Priority Mail envelope had been returned and to discuss the foregoing issues relating to what had occurred following my arrest. I initially spoke with Officer Dan Hughes (Communications: 202-228-2800), who was extremely helpful. He believed I should have been released on my own recognizance, but described what I had to say as being "not an uncommon problem with central cell block". He told me to speak with the Supervisor of the Patrol Division and indicated that Sergeant Daniel Palmer was on duty⁵.

Sergeant Palmer was also extremely helpful and opined that I should have been permitted to have made a phone call while at Capitol Police station.

As to the reason my Priority Mail envelope was returned (Exhibit "H"), although I had properly addressed it to 500 Indiana Avenue, it should have indicated the D.C. Superior Court as its recipient--not, as it did, the U.S. Capitol Police which had arrested me.

The unopened Priority Mail envelope, with its July 17, 1996 letter requesting a court date to contest the charges, is being sent to the Clerk of the D.C. Superior Court, with a copy of this police misconduct complaint in support of my "Motion to Set Aside Forfeiture" (Exhibit "I").

⁵ I believe Officer Hughes transferred the call. In any event, while waiting to speak with Sergeant Palmer, I heard a small voice, reciting the telephone number from which I was calling--following which the connection went dead. When I called back, I immediately reported such strange occurrence to Sergeant Palmer.