

0001

1 PHILADELPHIA POLICE ADVISORY BOARD
THURSDAY, NOVEMBER 15, 2007

2

3 MINUTES OF FORMAL HEARING IN THE MATTER DESIGNATED
06167890

4

5 - - - -

6 LOCATION: City Hall, Room 400
Philadelphia, Pennsylvania

7 REPORTED BY: Renee Helmar,
Court Stenographer

8

9 - - - -

10 HELD BEFORE:

ROBERT S. NIX, Chairman
COMMISSIONER OSCAR ROSARIO
COMMISSIONER ABE A. JORDAN

12

APPEARANCES:

13 DENNIS G. YOUNG, Esquire
Counsel to the Police Advisory Commission

14

15 - - - -

16

17

18

19

20

21

22 CLASS ACT COURT REPORTING AGENCY
Registered Professional Reporters

23 1420 Walnut Street 133 Gaither Drive
Suite 1200 Suite H
24 Philadelphia, PA 19103 Mt. Laurel, NJ 08054
(215) 928-9760 (856) 235-5108

0002

1 I N D E X

2

3 WITNESS PAGE

4

5 OFFICER JOHN R. SMITH

6 By MR. YOUNG 10, 81, 83
7 By COMMISSIONER ROSARIO 64
8 By COMMISSIONER JORDAN 66, 83
9 By CHAIRMAN NIX 79
10
11 OFFICER BRIAN WILLIAMS
12 By MR. YOUNG 84
13
14 OFFICER PABLO POLACO
15 By MR. YOUNG 115, 164
16 By COMMISSIONER ROSARIO 153
17 By COMMISSIONER JORDAN 154, 162
18 By CHAIRMAN NIX 159
19
20
21
22
23
24

0003

1 (Whereupon, the proceedings
2 commenced at approximately 6:55
3 p.m.)
4 CHAIRMAN NIX: Good evening, my name is
5 Robert Nix and I am the chair of this panel,
6 the Philadelphia Police Advisory Commission
7 Panel in the group designated by the
8 Commissioners as 06167890.
9 And on the panel with me, tonight, are
10 Commissioners Oscar Rosario and Abe Jordan, and
11 counsel for the Commission this evening is
12 Dennis Young.
13 And before we start, counsel for the
14 Commission would like to go on record.
15 MR. YOUNG: There are cameras present to
16 videotape and record tonight's hearing. The
17 cameras are not on at this time.
18 Counsel on behalf of the police officers
19 present to give testimony tonight object to the
20 use of cameras and, particularly, that they not
21 videotape of the officers that will identify
22 them.
23 For the record, counsel for the police

24 officers are not present of the time of this

0004

1 statement or made aware of this statement that
2 will be made and choose not to be present for
3 the statement.

4 Members of the Commission present,
5 including the Chairman of the Commission, the
6 executive director of the Commission, deputy
7 director of the Commission and Commission
8 members considered the counsel's request and
9 the Commission contacted the community leader,
10 Rosario Diaz, and based in part in the light of
11 his office, the Commission has agreed to a
12 compromise, which the Commission believes is,
13 specifically, number 8-94, specifically,
14 Section 4F1 which is the Act of the Conduct of
15 the Police Advisory Commission.

16 The compromise is that the cameras will be
17 on during the hearing, but will refrain from
18 being on the officers faces.

19 The Commission further believes that the
20 decision tonight is not a legal one, but the
21 compromise of the counsel and the police
22 officers in the hearing will not be deemed
23 binding at any further hearing proceedings.

24 (Whereupon, a brief discussion

0005

1 was held off the record.)

2 CHAIRMAN NIX: Good evening ladies and
3 gentlemen, my name is Robert Nix and I am a
4 member of the Philadelphia Police Advisory
5 Commission. I am the presiding officer of the
6 panel, here, established to receive testimony
7 in evidence and the matter of Bruno Fuerego
8 (phonetic) by the Police Advisory Commission
9 061678-90.

10 Also participating this evening are panel
11 members Abe Jordan and Oscar Rosario, the
12 counsel to the panel this evening is Dennis
13 Young.

14 Before I call the panel to order, I would
15 like to observe a moment of silence for Officer
16 Cassidy.

17 (Whereupon, there was a brief
18 moment of silence for Officer
19 Cassidy.)

20 CHAIRMAN NIX: Thank you on behalf of the
21 Commission.

22 I will now call this panel hearing to
23 order. The hearing will be conducted in
24 accordance to adopted rules of the Police

0006

1 Advisory Commission.

2 The rules, which apply to the hearings of
3 the Police Advisory Commission states as
4 follows: any witness called to testify may
5 present opening statements not to exceed five
6 minutes prior to giving testimony.

7 Ordinarily, the initial examination and
8 the questioning of the witnesses shall be
9 conducted by counsel to the Commission, or by
10 counsel of designation.

11 At the conclusion of counsel's
12 questioning, panel members may question
13 witnesses in an order determined by the
14 presiding officer.

15 As to the witnesses appearing before the
16 panel, any witness may be accompanied by an
17 attorney, but the attorney may not, otherwise,
18 participate in the hearing. The attorney may
19 confer with the witness, but may not answer for
20 the witness or interfere with the examination
21 of the questioning of the witness. Failure to
22 comply with the Commission shall be sufficient
23 grounds for the exclusion of the attorney from
24 any further participation of the hearing and a

0007

1 witness may not be excused from attending or
2 testifying of the witness for failing to obtain
3 an attorney, or because his attorney is
4 excluded from participation in the hearing for
5 violating the Commission's rules set forth
6 above.

7 The hearing panel has determined as to any
8 witness, on the security of the panel, they
9 will be sequestered and that that would be to

10 preserve the fact-finding process.

11 So, the sequestering of the witness will
12 be in another room and will not be permitted to
13 hear the testimony of witnesses until their own
14 testimony is completed.

15 Finally, let me say, this is an important
16 matter. It is an important matter to the
17 participants and it is an important matter to
18 the citizens of Philadelphia and, as such, I
19 would ask to refrain from any outbursts or
20 expression of emotion in order to maintain the
21 dignity and the process of the proceedings that
22 are being conducted with the same respect that
23 it is a judicial tribunal.

24 In that regard, I request that everyone

0008

1 remaining for testimony, please turn off your
2 cell phone or turn them down or put them on
3 vibrate.

4 Mr. Young, are you prepared to call your
5 first witness?

6 (Whereupon, the officers who are
7 testifying were sworn in.)

8 CHAIRMAN NIX: And Mr. Standshine --

9 MR. YOUNG: Let's go off the record.

10 (Whereupon, a brief discussion
11 was held off the record.)

12 BY MR. STANDSHINE:

13 Q After a long delay and a series of
14 breakdowns, Gary -- officers, you have already been
15 sworn and I am going to ask you a few questions
16 before the testimony.

17 Am I correct that each of you
18 received a court notice to come down today to give
19 testimony?

20 A Yes.

21 Q And am I also correct that you received an
22 actual subpoena as well?

23 A Yes.

24 Q In addition to that, were you told by your

0009

1 commanding officers or supervisors that you are
2 required to be here tonight to testify before this

3 panel and answer to that, that the Commission puts

4 --

5 A Yes.

6 Q And do you understand that, by doing so --

7 I am sorry, that you are compelled to do so under

8 job sanction, you could be dismissed or suspended or

9 punished or, otherwise, for failing to comply by the

10 Commission's word or your supervisor's word as well

11 as the court notice and subpoena that you received;

12 are you aware of that?

13 A Yes.

14 Q And in addition to that, let me make you

15 aware if you are not, that the -- Commissioner

16 Sylvester Johnson and the Commission has final

17 authorization requiring that the Commission has a

18 right to bring officers in to testify and whether to

19 admit into evidence and they have a right to

20 information; are you aware of that?

21 A Yes.

22 Q In addition to that, the mayor has also

23 signed off on that, as well as the council who are

24 present; are you aware of that?

0010

1 A Yes.

2 Q So, let me inform you that tonight, your

3 testimony is compelling both by -- not both, by all

4 witnesses as well as by your own commissioner and

5 your own supervisors and, therefore, the testimony

6 that you give today is compelled testimony that you

7 must do. So, are you aware of that?

8 A Yes.

9 Q Under the U.S. Supreme Court, case of

10 Garrity, that indicates that when testimony is

11 compelled, that job sanctions is considered

12 compelled; are you aware of that?

13 A Yes.

14 Q Thank you.

15 CHAIRMAN NIX: Thank you, Mr. Standshine.

16 MR. YOUNG: First witness, Officer Swift.

17 BY MR. YOUNG:

18 Q Officer Swift, good evening. My name is

19 Dennis Young, Esquire.

20 You have been subpoenaed this evening

21 to give testimony to an incident that happened on
22 November 11th, 2005 on Lazerne Street; do you recall
23 that incident?

24 A Yes, Sir.

0011

1 Q And could you, please, state your name for
2 the record?

3 A Officer John R. Swift, S-W-I-F-T.

4 Q And could you state your badge number and
5 district?

6 A Badge 5600, 26th District.

7 Q And, Officer, I am going to assume -- how
8 long have you been a police officer?

9 A Five and a half years.

10 Q I am going to assume that, in those five
11 and a half years, you appeared in court and you have
12 given testimony; is that correct?

13 A Yes, Sir.

14 Q So, you noticed that there is a court
15 stenographer seated to my right and your left and
16 she is jotting down everything that we say.

17 I want to dispense with a lot of the
18 formalities and just ask that you speak up and speak
19 clear and try to avoid nodding of the head when you
20 answer questions; is that okay?

21 A Yes, Sir.

22 Q And you have a right to give an opening
23 statement, up to five minutes, before I begin my
24 questioning, before the panel begins their

0012

1 questioning; would you like to give an opening
2 statement?

3 A No. Thank you.

4 Q What was your tour of duty on
5 November 11th, 2005?

6 A I believe 6 p.m. to 2 a.m.

7 Q What was your assignment?

8 A 10 to 7.

9 Q Now, I understand that you previously gave
10 an interview with Internal Affairs back on
11 March 21st of this year; do you recall that?

12 A Yes. I recall that.

13 Q I reviewed that statement and I did notice

14 that you were involved in one incident regarding, at
15 least, in terms of what transpired; is that correct?

16 A Yes, Sir.

17 Q And it is my understanding that after that
18 incident, you returned back to the district in order
19 to write up a report; is that correct?

20 A Yes, Sir.

21 Q And before we get into that incident, I
22 just want to make sure that we are dealing with just
23 those parameters. When you were out at the scene,
24 were you involved in any other incidents that night?

0013

1 A No, Sir.

2 Q And how long were you at the scene?

3 A Total, approximately, 45 minutes to an
4 hour.

5 Q And so the incident that you were involved
6 in from beginning to end took, roughly, about 45
7 minutes?

8 A From the time that we were on location and
9 from the time they left, about 45 minutes to an
10 hour.

11 Q And I believe that in your interview, you
12 stated that you were the initial responding officer;
13 is that correct?

14 A Yes, Sir.

15 Q And how were you summoned to this
16 location?

17 A I don't recall if a radio call came before
18 we got there, or we had, kind of, stumbled on it
19 just routinely.

20 Q So, let's talk about when you arrived to
21 the scene; describe for the panel the atmosphere and
22 the environment that you came upon.

23 A Certainly. As we came on Lazerne Street,
24 the middle of Hagert was blocked with several

0014

1 vehicles and, approximately, 200 to 250 juveniles,
2 what appeared to be juveniles, of various races.

3 There were some arguing going on, a couple of
4 physical altercations and a couple of verbal
5 altercations between males, mostly males, and there
6 was a couple of females involved.

7 Q And it is your understanding, your
8 recollection that, you alone, with another officer,
9 was the first officers on the scene; do you recall
10 seeing other officers?

11 A At that point, no, not from the end that
12 we entered. I don't know about the other side.

13 Q And you were with a another officer?

14 A Yes, Sir. I was with my partner.

15 Q And who is your partner?

16 A Officer Smith.

17 Q And is Officer Smith still your partner?

18 A No.

19 Q And who is your partner now?

20 A I don't have a steady partner.

21 Q Tell the panel what happened when you
22 arrived.

23 A When we arrived on location, we exited our
24 vehicle and it was, kind of, chaotic at that point

0015

1 with that many people out there, and we were, of
2 course, outnumbered and outmanned at that point.

3 We tried to gain access to the front
4 of the ballroom to see what was going on. There was
5 just too many people, so we tried to start giving
6 verbal commands to have the crowd move east on
7 Lazerne Street so that we could access from the
8 westbound on Lazerne Street.

9 Q And I believe that you just stated you
10 tried to access on --

11 A Yes.

12 Q What made you believe that the crowd --
13 that the crowd -- did you see the crowd coming from
14 the ballroom?

15 A There was people coming from the front
16 doors or whatever, and there was a certain amount
17 outside, and there were people around me coming from
18 all over.

19 Q So, what happened next?

20 A We, again -- we are, at that point, I
21 believe -- maybe two or four officers show up at
22 that point. We advised them of the situation, that
23 we needed more units to come.

24 Q And did you call them?

0016

1 A No. That, I believe, my partner did. I
2 believe that he got on the police radio. And,
3 again, at that point, it escalated from there.

4 Q I am confused. When you say that he asked
5 for some units, it was not a formal assist?

6 A No. We didn't originally. We didn't ask,
7 specifically, for a formal assist.

8 Q So, you asked for some formal -- you just
9 asked for some additional units?

10 A We asked for some additional -- we had a
11 large crowd; we were trying to get them to move
12 along.

13 Q And when you asked for additional
14 officers, how many officers arrived in response to
15 that?

16 A I would say, approximately, three or four
17 cars arrived within a minute or so.

18 Q And at some point, there was a first
19 assist call?

20 A Yes.

21 Q And was that done by any of your --

22 A I believe it was done by my partner and I.

23 Q How much time prior to receiving the call
24 for the first assist?

0017

1 A I will say, probably, a minute or so.

2 Q So, there was a call for officers and
3 there was a call for first assist?

4 A Correct.

5 Q If you know, why didn't your partner call
6 for a first assist immediately?

7 A I couldn't answer that. I don't know,
8 Sir.

9 Q So, what happened; officers arrived --

10 A Officers arrived, we were trying to move
11 the crowd eastbound on Lazerne Street, and at that
12 point we had some people, verbal commands, move
13 along. Some people weren't complying. But at the
14 same time, the street was very wide and people were
15 around and going back and coming in front of the
16 ballroom.

17 Q And at some point -- tell me what happened

18 next?

19 A We tried to come back the other way and
20 move the crowd on Lazerne Street back towards -- I
21 don't know exactly what street that is, but to get
22 them away from the ballroom. At that point, there
23 was more people coming out of the ballroom and the
24 crowd was getting larger.

0018

1 Q At some point, you came into contact with
2 two Hispanic males; correct?

3 A They were in a group. They weren't
4 separate, but, yes, there were two males when we
5 came there.

6 Q And there was an altercation of some sort?

7 A Yes.

8 Q Why don't you tell the panel about that
9 altercation.

10 A Certainly. When we got almost back in
11 front of the ballroom westbound, there was a certain
12 amount that was very combative with us. We asked
13 them several times to, you know, to move along and
14 directing traffic. We were trying to get the crowd,
15 and he, for whatever reason, he resisted, he was
16 using profanity, saying that his friends or people
17 were inside the ballroom, they didn't want to leave.

18 And at that point, we told the male
19 that he was going to be under arrest for obstruction
20 if he didn't leave. And at that point, he took a
21 defensive stand and started to fight with us. And
22 then that is the point where myself and an --
23 Officer Andraka (phonetic), verbally told them that,
24 you were going to be arrested at this point.

0019

1 Q Let me stop you for a minute.

2 A Sure.

3 Q And then you mentioned to this gentleman
4 to move back?

5 A Yes.

6 Q What did he do and what did he say that
7 made you interpret that he wasn't going to move
8 along?

9 A He used profanity, pointing his finger at
10 us.

11 Q What did he say; what type of profanity
12 did he use?

13 A Can I --

14 Q Sure.

15 A He, several times called us pussy; told us
16 that he didn't have to fucking go any where; he can
17 go there, and that he didn't have to listen to us.
18 And, again, that is repeated several times. And,
19 so, was our verbal command, you need to leave; no,
20 you.

21 Q Is that exactly what you said, you need to
22 leave?

23 A Yes. We told them that you need to leave,
24 you cannot stay in front of the ballroom.

0020

1 Q And he was non-compliant to the command,
2 to the first command?

3 A No. He is not compliant at all.

4 Q And so you asked him again?

5 A Yes. Several times.

6 Q You asked him several times?

7 A Several times to leave. And, again, I
8 guess, maybe, about the third time when we verbally
9 told him that he would be under arrest is when he
10 turned.

11 Q And during these verbal commands, was
12 there a heightening of your voice in order to get
13 him to understand that you meant what you said?

14 A Absolutely.

15 Q And did you, at all, use profanity in
16 order to convince him to move?

17 A No.

18 Q How about the officer that you were with,
19 was that officer all -- was that officer also giving
20 verbal commands?

21 A Yes, Sir.

22 Q And each time that the gentleman didn't
23 abide by those verbal commands, was there a
24 heightening of his voice?

0021

1 A I guess. I don't exactly recall, but I
2 know that it was very loud.

3 Q And, again, you mentioned that at some

4 point that you told him he would be under arrest, he
5 still had things to say?

6 A Yes, Sir.

7 Q And describe this for us; in fact, show
8 us.

9 A Can I stand up?

10 Q Sure.

11 A He turned and put one leg back and I guess
12 he was right handed and, kind of, stood like this
13 (indicating), and I would take that, from being on
14 the street for five and a half years, that is a
15 stance if, you know, that you, either, want to fight
16 or you are not going to go anywhere.

17 Q At that point, did you notice if he had
18 any weapons on him?

19 A No. Not that I seen any weapons.

20 Q Can you describe him for me?

21 A Hispanic male, age, I want to say between
22 16 and 18, approximately, 5 foot 11, 180 pounds.

23 Q Describe haircut.

24 A Haircut, closed cropped hair. I don't

0022

1 know his clothing or if he had facial hair.

2 Q Dark skin, light skin?

3 A Olive complexion.

4 Q Do you recall him being a little lighter
5 or darker than (indicating) --

6 A I would say a little darker than that.

7 Q Now, after the male took this defensive
8 stance, what did you and the other officer do?

9 A At that point, we attempted to arrest him.
10 We went to grab the male, and another Hispanic male
11 jumped in between us and the male.

12 Q Let me just stop you.

13 A Sure.

14 Q We've heard testimony, I guess, now, such
15 -- five and six days, and, Officer, why don't you
16 come up as a matter of fact.

17 A (Witness complies.)

18 Q I am going to give you this so the court
19 reporter can hear you.

20 A Okay.

21 Q I am going to go back and bring you

22 forward. Why don't you tell the panel where the
23 position of the car was when you stopped.

24 A Our car was, approximately, right there
0023

1 (indicating) in this area. That is as far as we
2 could get with the crowd around there.

3 Q Okay. You said that your car was in this
4 area?

5 A Yeah. Around there (indicating), because
6 there wasn't enough room.

7 Q How much time elapsed from the time that
8 you arrived on the scene and the time that you got
9 into the altercation with the male?

10 A I would say about two minutes from the
11 time that I was able to walk around there and start
12 coming back.

13 Q And where were you located when you first
14 had contact with this male?

15 A I'll say, probably, in the middle of the
16 street, somewhere around here (indicating), I would
17 say.

18 Q And were you still in the middle of the
19 street when you went to effect your arrest?

20 A Maybe a little bit further at that point.

21 Q Now, at some point, you and this male and,
22 maybe, even another officer --

23 A Yes.

24 Q -- were up against the fence?
0024

1 A We were against the fence; I believe this
2 is the fence (indicating). Yeah, there was a large
3 -- yeah, I believe this is the fence right here
4 (indicating). I believe it is a black gated fence.

5 Q Okay. Now, you left off at saying, when
6 you went to effect the arrest of the first Hispanic
7 male, that another male arrived?

8 A Yes, Sir.

9 Q And describe that other male for us.

10 A Another Hispanic male, again, probably,
11 between 16 and 18 years of age, almost the same
12 complexion, maybe a little lighter than the first
13 one.

14 Q And as you sit here today, do you happen

15 to know the name of that male?

16 A I believe it is David Norris; I believe
17 that is it.

18 Q Does David Narris make sense?

19 A Yes.

20 Q Does it make sense?

21 A Yes.

22 Q And I just want to make sure the record is
23 clear, your interview, there is a note here that
24 states another Hispanic male, later ID as David
0025

1 Narris, do you know if those are your exact words;
2 do you know why you were given your interview,
3 whether you knew at that time, your interview back
4 in March, that the individual that you later
5 arrested was David Narris?

6 A I believe -- I probably knew from doing
7 the arrest paperwork, and I didn't have -- the only
8 thing I know, that is the last name, but that is the
9 male that I just described from my paperwork and the
10 stuff that I filled out and the paperwork from the
11 job.

12 Q Okay. So -- and we are going to refer to
13 him by name as opposed to saying first male, second
14 male.

15 A Okay.

16 Q Do you know the identify, as you sit here
17 today, of the first male that you initially were
18 trying to arrest?

19 A No. I never got that information.

20 Q So, David never comes up?

21 A Yes. Once. Well, he is with the male
22 this whole time, he doesn't come up.

23 Q While you were telling the first male that
24 if he doesn't leave -- if you don't leave, we are
0026

1 going to arrest you if you do not leave; do you
2 recall what David Narris was doing?

3 A To be honest with you, I don't recall. I
4 was focused on him, because he was very combative.
5 So, I focused on him to cause a problem. In the
6 meantime, I heard the male in front of me say, we
7 had eye contact on him.

8 Q What was the distance between you and, I
9 guess, your other partner, officer -- and David
10 Narris and the other Hispanic male; are we talking
11 about 5 feet, 10 feet?

12 A I guess the officer -- we were, maybe, a
13 couple bodies apart to move the crowd. The males
14 were, probably, never farther than five or six.

15 Q Again, I interrupted you and I apologize.
16 Why don't you tell the panel about what happened
17 when you came in contact with Mr. Narris.

18 A Okay. Again, at that point, we were going
19 to arrest the first male. At that particular time,
20 Mr. Narris jumps in with his back to us and grabs
21 the male. And I said, I will take care of him or I
22 got it or something to that effect. I don't
23 remember exactly when he jumped in between us. At
24 that point, the male that I referenced --

0027

1 Q Let me just stop you. What direction were
2 you facing at the time?

3 A My --

4 Q Were you facing --

5 A I was facing this large parking lot here
6 (indicating). I would have been looking directly at
7 the fence.

8 Q So, your back would have been to the
9 ballroom?

10 A My back would have been to the ballroom,
11 yes.

12 Q And, so, the first Hispanic male would
13 have been facing the ballroom?

14 A He was facing the ballroom, yes.

15 Q And you made a motion to subdue him?

16 A Correct. Yes. We verbally told him that
17 and, you know -- and we grabbed the male to arrest
18 him and that is when Mr. Narris came.

19 Q With his back facing you?

20 A Yeah. He kind of slid and I grabbed him
21 by his shirt in front of us and his back was to us.

22 Q So, tell us what happened next.

23 A After that, the first male, he did not
24 calm down, he continued to use profanity, and the

0028

1 other male, Mr. Ramirez, pointing at us saying, you
2 can't arrest me, I am allowed to be here. Again, at
3 that point we told Mr. Ramirez that we were going to
4 arrest this male right now.

5 Q Was Mr. Narris trying to walk this
6 gentleman away?

7 A No -- I don't know, but the male wasn't
8 going anywhere.

9 Q Okay.

10 A He wasn't going anywhere and was he
11 yelling.

12 Q Was he yelling?

13 A Mr. Ramirez?

14 Q No, the other gentleman.

15 A Yes. Yes.

16 Q So, at that point, you told Mr. Narris
17 that you were going to arrest him?

18 A Yes.

19 Q What happened next?

20 A Mr. Narris then turned to me and grabbed
21 me and my vest.

22 Q Did he say anything?

23 A Something -- either, I got him or I will
24 take care of him or something to the effect. I

0029

1 don't know his exact words.

2 Q And I know that we are slowing this down
3 in frame and I know this is happening fluidly; when
4 you told Mr. Narris that you were going to arrest
5 him, did you make a motion to arrest him?

6 A You mean the first male?

7 Q Yes.

8 A Yes. We went to grab the first male and
9 that is when he jumped in between us and grabbed --
10 and grabbed us.

11 Q Did you -- but after that -- after that
12 when he grabbed his friend --

13 A Right.

14 Q -- and you told Mr. Narris at that point
15 that you were going to arrest the first male --

16 A Correct.

17 Q -- correct?

18 A Yes.

19 Q Did you make a motion to arrest the first
20 male?

21 A I believe we tried to -- I believe he
22 tried to, kind of, walk around Mr. Narris, and at
23 that point, that is when he turned around.

24 Q Did he turn fully around or did he just
0030

1 reach?

2 A I think that I was, kind of, to the side
3 of him and I may have, kind of, turned in a circle
4 toward him.

5 Q And he grabbed you, where?

6 A I had my outer vest, bulletproof jacket
7 on, because we wear a parka, too. Usually we have
8 our hats on. We had the heat on, so I was hot and I
9 hadn't had a chance to put my jacket on, but it
10 would have been very, very rapid. And it is, kind
11 of, thin up here (indicating) and his hand grabbed
12 around like that (indicating).

13 Q The outside of your vest?

14 A The outside. This is the part
15 (indicating).

16 Q So, then what happened?

17 A At that point, me and Mr. Narris were,
18 kind of, struggling with each other. He said
19 something that, you were not going to arrest my
20 friend; I said, I told you that he was under arrest.
21 At that point is when we go back against the fence.

22 Q Let me stop you for a minute.

23 A Sure.

24 Q When he grabbed you by the vest, how did
0031

1 you take that?

2 A I was shocked at first, because I was
3 expecting that from the other male. I wasn't really
4 paying attention to him.

5 Q Did you take it in a threatening manner;
6 did you take it that --

7 A The guy grabbed me and, basically, it
8 looked like he was pissed off; that was the way that
9 I took it.

10 Q And you were facing the fence?

11 A Still facing the fence, yes.

12 Q Still facing the fence --

13 A And Mr. Narris's back would have been
14 toward the fence. I'm sorry, he was facing the
15 ballroom and my back was to the ballroom.

16 Q Now, you mentioned at some point you got
17 over the fence; how did you get over the fence?

18 A Well, he had me still, I grabbed him and
19 at that point, another -- Officer Andraka, who was
20 next to me, sees this happening and ran over and I,
21 kind of, grabbed him by one of his arms. I was -- I
22 believe the front of his shirt. And, I guess, fell
23 against the fence that was on the pavement there.

24 Q What do you think the distance is from
0032

1 where you were in the middle of the street to the
2 fence area?

3 A I'll say -- but Mr. Narris, when he
4 grabbed his buddy, we were on the curbside. At that
5 point?

6 Q Yes.

7 A So, from the curb to Andraka, that is how
8 far it was.

9 Q When the other officer -- what was the
10 other officer's name?

11 A Andraka.

12 Q When Officer Andraka --

13 A Yes.

14 Q When Mr. Narris grabbed your vest, did
15 Mr. Narris let go?

16 A No.

17 Q So, he constantly maintained --

18 A He had a good grip around the vest.

19 Q What was the first male doing at this
20 time?

21 A I have no idea. I completely lost track
22 of the other male at that time.

23 Q Other than you and Officer Andraka, were
24 there other officers around in that immediate

0033

1 vicinity?

2 A I can't answer that. I don't remember if
3 they were immediately around us or not. I don't
4 remember that.

5 Q But, at some point you end up near the
6 fence?

7 A Yes.

8 Q What happened next?

9 A Once we were against the fence, Police
10 Officer Andraka had him by the arm, he was trying to
11 get control of his one arm. As Police Officer
12 Andraka grabbed the male, he was letting go of my
13 vest at that point; that is when he let go of my
14 vest. So, we are trying to, kind of, get on top of
15 him, Officer Andraka was on his right side and gets
16 a hold of the front of his shirt as we were against
17 the fence.

18 Q So, were there any verbal commands given
19 to Mr. Narris?

20 A Yes. Numerous times to stop resisting.

21 Q You told him, stop resisting?

22 A Stop resisting.

23 Q Stop resisting?

24 A Yes.

0034

1 Q Anything else?

2 A No. That is about it, stop resisting.

3 Again, we didn't know exactly what was going on and
4 this male, for whatever reason, was involved in us.
5 When he grabbed me, I told him to stop.

6 Q Did you tell him that you were going to
7 arrest him at that point?

8 A I know that we did tell him that he was
9 going to be arrested for disorderly conduct, but I
10 don't remember asking -- I do know that -- I believe
11 Officer Andraka did tell him that he was going to be
12 under arrest. I don't know at what point, you know,
13 he was on top of him.

14 Q So, at some point, and you mentioned that
15 Officer Andraka was trying to get a hold of his arm?

16 A Yeah. He was trying to hook his arm,
17 because he was on the right side and I was on his
18 left side, trying to, you know, get his arm, because
19 at that point, when we were trying to subdue him.
20 He is doing a chopping motion with his fist and arm
21 to get our hands off his body.

22 Q I know this may sound elementary, but you

23 took that to be resisting?

24 A Absolutely.

0035

1 Q And what was the purpose of both officers
2 trying to grab his arms?

3 A To try to get his arms behind his back,
4 because he probably was going to be under arrest.

5 Q So, what happened next?

6 A At that point, I am trying to -- I, kind
7 of, got pushed to the side of Mr. Narris, because at
8 that point, he had a better grip on me than I did.
9 I am right handed, so, I was on the left side, but
10 I, kind of, got moved off the side of him. So, him
11 and Mr. Andraka -- Officer Andraka were, kind of, at
12 each other, where they, kind of, were at each
13 other's clothes and were face-to-face.

14 Q Face-to-face?

15 A Fact-to-face.

16 Q Okay.

17 A I, you know, told Mr. Narris several times
18 to let go; let go. I struck him on his arm area to
19 try to get his arm off.

20 Q Okay. Let's stop there. Now, you say you
21 struck him, what did you strike him with?

22 A My baton.

23 Q You had your baton on you?

24 A Yes, Sir.

0036

1 Q Did you have any other police tools?

2 A My gun, my mace, handcuffs.

3 Q Okay. Flashlight?

4 A Yes, flashlight.

5 Q Now, you mentioned the baton --

6 A Yes.

7 Q -- did -- did you pull the baton at that
8 time out of your --

9 A Out of my holster.

10 Q So, prior to that, you didn't have your
11 baton out and you didn't have any --

12 A I did, originally, when we got there. We
13 just had it out prior to just let people know to
14 move back.

15 Q Okay.

16 A At some point, I know that I put it back
17 in my loop. I put it back in my belt.

18 Q Do you know when you did that?

19 A I believe it was right before the
20 altercation with the first male, after I knew that
21 there was going to be a problem, I put that away to
22 free up my hands, I believe.

23 Q And I would imagine that it was easy for
24 you when you are trying to make an arrest to have
0037

1 the baton in your holster, than out?

2 A To have two hands instead of one.

3 Q Yes, I understand.

4 So, you mentioned that you struck him
5 twice?

6 A I believe it was twice.

7 Q And where did you strike him at?

8 A On his arm, forearm and up near his bicep.

9 Q And did you say -- I'm somewhat familiar,
10 but just describe for me the baton.

11 A It is black in color, it's -- I don't know
12 what it is made of, I think it is made out of
13 fiberglass or plastic inside, and it has a circular
14 rubber handle so that it doesn't slide through when
15 you put it in your belt, that, kind of, catches
16 there, and on the bottom part it has notches out to
17 give you a grip.

18 Q Okay. How much does it weigh?

19 A That, I don't know.

20 Q Do you know what it is made out of or did
21 you just say?

22 A I believe it is -- I want to say it is
23 fiberglass and plastic mixture, I don't know
24 exactly.

0038

1 Q And can you tell us, and I guess to a
2 layperson, you describe it as a really big gun; is
3 that accurate?

4 A A gun?

5 Q Well, I mean in terms of the shape.

6 A No. It is just a straight stick.

7 Q There is no handle to it?

8 A No, there is a handle, but it is straight.

9 It is straight, 24 inches long, the top part of it
10 is, say, 18 inches. Is just like an oversized
11 broom, almost. All black, and then you get to --
12 there is a rubber circular, rubber insert that is
13 put on it, because if that wasn't there, obviously,
14 it would slide right through the holster.

15 Q I understand that.

16 A That cap is on there to stop it from going
17 through.

18 Q How long is that?

19 A Just about right there (indicating). It
20 is big enough to go around the stick to keep it in
21 place. And below that other place, there are
22 notches beveled out of it so that it gives you a
23 grip on it.

24 Q I understand.

0039

1 How were you holding the baton when
2 you administered the first two blows?

3 A Out in front of me like that (indicating)
4 and just straight down (indicating).

5 Q And you did that to his -- and let the
6 record reflect he is describing a downward motion.

7 A Yes.

8 Q Okay. And you hit him to -- I believe you
9 said his arm, his right arm?

10 A His back was on the fence, it would have
11 actually been his left arm, because I was on his
12 right side.

13 Q So, you were on the right side?

14 A Um --

15 Q His right side?

16 A I was on his right side.

17 Q So, you were hitting across his body that
18 way (indicating)?

19 A Officer Andraka was on his right-arm side
20 and I was on his left, my right, but it was his left
21 arm, though.

22 Q And you were hitting the arm that was to
23 the side that you were on?

24 A Yes.

0040

1 Q Where did you hit him at in the arm?

2 A In this area (indicating), either, like,
3 on the forearm and through the bicep area right here
4 (indicating). I don't know exactly where it landed,
5 but that's where I struck him on his arm
6 (indicating).

7 Q And while you are striking his arm, is he
8 doing anything; is he moving?

9 A Yes. At that point -- at that point when
10 I hit him the second time, he let go of his second
11 hand from Officer Andraka's jacket, and then for
12 whatever reason, he, kind of, turned his body toward
13 me --

14 Q Okay.

15 A -- away from the fence, but toward me,
16 still with Officer Andraka on his right side. Yeah,
17 on his right side of his body at that point.

18 He -- Officer Andraka, I believe,
19 tried to get his arm around the back of him, let go
20 of his mid area section and tried to scoop his arm,
21 which is what we were trying to get behind his back,
22 to, eventually, cuff him. At that point, his arm
23 gets free and we are, kind of, back at each other
24 again, where he grabs me, again, while we are almost

0041

1 against the fence, and he has a hold of my vest,
2 almost the same spot, just a little bit lower than
3 that. At that point, we are face-to-face; I let go;
4 I got my stick and I hit him, maybe, two or three
5 more times to try to get him off me.

6 Q You hit him two or three more times,
7 where?

8 A In the arm area. I want to say down here
9 (indicating) in this area, because he was, kind of,
10 close together.

11 Q And you described the motion, but did you
12 hit him on the outside part of his arm?

13 A Yeah, because I was coming around and he
14 had my other -- I was trying to grab him with his
15 arm (indicating).

16 Q And let the record reflect that you made a
17 motion, a downward angle motion?

18 A Yes.

19 Q And you said that was two or three blows?

20 A Yes, Sir.

21 Q And then what happened?

22 A At that point, Officer Andraka grabbed him
23 and then I went to hit the male again, that he
24 grabbed the arms, that he grabbed Officer Andraka, I
0042

1 went to hit the male again and I struck --

2 Q So, he let go of your vest?

3 A Yes. He let go of my vest on the, I guess
4 it would have been his left arm, again, kind of, let
5 go and when Officer Andraka grabbed him, I guess
6 that is why he let go, and I tried to strike him and
7 at that point, I struck him on the side of his head.

8 Q When you say that you struck him on the
9 side of his head, where on the side of the head did
10 you strike him?

11 A I don't remember exactly. I want to say
12 somewhere up on this area (indicating). I guess it
13 would be his left side, because I was on his left
14 side the whole time.

15 Q Between the time that you -- that you
16 struck him two or three times after he grabbed you
17 the second time --

18 A Right.

19 Q -- and the time that you struck him in the
20 head --

21 A Correct.

22 Q -- was there a pause in your striking of
23 him?

24 A Yes. Yes.

0043

1 Q So, you struck him two or three times --

2 A Correct.

3 Q -- and he reacted --

4 A Kind of reacted toward me at that point.
5 So, the second time that we were struggling, we
6 were, actually, engaged again, and I could only get,
7 you know, when someone is down, you are not going to
8 get a full swing.

9 Q Right.

10 A So, I tried to get a handle on him.

11 Q And then he let go?

12 A Yes.

13 Q Either because the officer -- the other
14 officer -- or because you are striking that arm?

15 A Yes.

16 Q Okay. And, so, you say that he let go to
17 this attention?

18 A With the left hand he let go.

19 Q Okay.

20 A Again, the right hand -- Officer Andraka
21 immediately comes back into the picture and grabs
22 him on this side (indicating) again.

23 Q Grabs him, how?

24 A Kind of, underneath his arms, slightly to

0044

1 the back.

2 Q So, sort of, from the back to pull him
3 away?

4 A No. Officer Andraka, kind of, comes from
5 the side as he has me and hooks his arm over and
6 right like that (indicating).

7 Q Trying to pull his right arm off of your
8 left?

9 A Right.

10 Q Okay. Left arm is already down?

11 A Correct.

12 Q Now, at the time that Officer Andraka was
13 trying to pull his arm down, is that when -- is that
14 when you threw the blows; right? There was no blows
15 with the baton, because this arm had already been --

16 A Yes. On the left side.

17 Q So, what happened next?

18 A That is when Officer Andraka grabs him
19 again; he had his right hand up by his left
20 shoulder, I guess up here (indicating), and his
21 other arm, I believe, was around his right arm, I
22 guess.

23 Q Whose other arm?

24 A Mr. Narris.

0045

1 Q Was around Officer Andraka's arm?

2 A Yes.

3 Q Just tell the panel, what do you think
4 that Mr. Narris was trying to do, beginning at that
5 point?

6 A I don't know, Sir. I am not sure.

7 Q Did it appear that Mr. Naris was trying to
8 get out of the hold of --

9 A It appeared that he was trying to get his
10 hands free, to me, that he wanted to grab or use his
11 hands. I don't know.

12 Q So, then what happened?

13 A Again, at that point, that is when I went
14 to strike him again, to get him off Officer Andraka
15 and I don't know if we went around or, kind of, went
16 down on the side, that is when I struck the male on
17 the head and Officer Andraka and I --

18 Q So, now it is getting to be a little
19 clearer. So, that -- that strike, that is the third
20 set of strikes?

21 A Yes.

22 Q So, those third set of strikes --

23 A The third time there was only one.

24 Q And it hit him, where?

0046

1 A On the side of the head.

2 Q What happened to the hand?

3 A Because Officer Andraka's hand was --

4 Q Oh, you struck the officer; I understand.

5 And that third strike to the head was
6 because you were assisting the other officer --

7 A Yes.

8 Q -- in trying to subdue him?

9 A Yes.

10 Q Why did you strike him to the head?

11 A Well, I didn't intentionally mean to.
12 They, kind of, went sideways. Again, the fence is
13 one of those chain link fences and we bounced off
14 from there, but that is where the stick came across
15 on the side of his head and Officer Andraka was
16 standing right here (indicating).

17 Q Where were you intending to strike him?

18 A Right -- the arm. Again, right in between
19 the elbow and the shoulder, in that area
20 (indicating).

21 Q So, what happened next?

22 A At that point, Officer Andraka actually
23 let go, because I hit him pretty hard. I grabbed

24 Mr. Narris and we, kind of, went down on the ground.

0047

1 Q Now, you're showing us and in your
2 depiction, you are using both of your hands --

3 A Right.

4 Q -- where is your baton?

5 A My baton -- the last motion when I struck
6 him, my baton actually fell and, again, I don't know
7 if somebody struck my baton or my baton got lodged
8 from my arm. My hand went down and that is when I
9 went down on the ground.

10 Q Do you think that someone pushed you from
11 behind?

12 A I believe that they did. I got several
13 things thrown at me and they were very close.

14 Q Now, you just mentioned, and I am glad you
15 mentioned you had several things thrown at you.

16 A Absolutely.

17 Q Describe that.

18 A Debris, a couple of rocks thrown our way,
19 I believe a beer bottle. Again, I don't know if
20 they were directed at me, but I know that it was
21 happening.

22 Q Did they hit you?

23 A No. They didn't, technically, hit me, but
24 -- right then, no.

0048

1 Q Okay. Did you hear anything, either,
2 falling or breaking or feeling them?

3 A Right.

4 Q And you are seeing them?

5 A Right.

6 Q And at this point, your back is toward the
7 crowd?

8 A My back is toward the crowd, right.

9 Q So, you used your baton, because someone
10 pushed you?

11 A As I was going down, correct, and that I
12 can see at that point.

13 Q And you grabbed Mr. Narris?

14 A Correct. We went down on the ground and
15 we both fell.

16 Q So, you both fell?

17 A Yes.

18 Q Did the other officer fall, also?

19 A No. He, kind of, let go, because I hit
20 him on his hand and he was injured, whatever. So,
21 he let go.

22 Q So, what happened next?

23 A At that point, we went down to the ground.
24 He was -- kind of, went down on the side of his
0049

1 shoulder, I was able to get him on his stomach and
2 then Andraka came over. At that point, the crowd
3 was right on the pavement. They were right at us,
4 all yelling. What they were questioning, I don't
5 know, but it is very hostile.

6 Q Did you see any other officers?

7 A Yeah. There was a couple other officers
8 that actually came over after we went down to the
9 ground to help and assist in the arrest, to get this
10 guy handcuffed.

11 Q Did you see any other officers trying to
12 control the crowd?

13 A Yes. They actually formed a semi-circle
14 around me with -- because our backs were still to
15 the crowd, into the -- that semi-circle, so we could
16 get this male in.

17 Q Now, before you said that the crowd
18 literally was on top of you --

19 A Yes. They were able to come in and move
20 them back.

21 Q And when they came in, you say they came
22 in, referring to the other officers?

23 A They ran over to the area from where they
24 came from when they saw the altercation going on,
0050

1 and I guess when they saw officers on the ground.

2 Q And I guess I am trying to find out when
3 they ran over; was it before you fell to the ground?

4 A No. As we went down on the ground.

5 Q Okay. So, you were able to get him on his
6 stomach?

7 A Yes.

8 Q And officers assisted you in --

9 A Just Officer Andraka, and the other

10 officers, again, formed the semi-circle until we
11 could get in there.

12 Q Was Mr. Narris resisting even at this
13 point?

14 A I don't know, because we got his arms
15 behind his back and got the cuffs on him. I don't
16 know how much more resistant, but we had him in
17 cuffs fairly quickly; I would say within 15 seconds.

18 Q Okay. Now, while this was going on,
19 especially when Mr. Narris was grabbing you by the
20 vest, or were you, at the time, aware that you were
21 going down?

22 A Yes.

23 Q Are you or any other officer, either
24 Officer Andraka or officers that may be watching,
0051

1 are they communicating at all, either with you or
2 other officers; is this a point where another
3 officer may say, officer down, for example?

4 A Possibly. I didn't hear that. Again, it
5 was extremely loud that night. You get, almost,
6 like tunnel vision. I really couldn't answer that
7 question.

8 Q So, you had handcuffed him at this time?

9 A Yes.

10 Q At this time, did you have any idea what
11 was going on with the other -- first male that
12 initially instigated this?

13 A I pretty -- can certainly say that I do
14 not remember seeing him; I do not know.

15 Q So, what happened after Mr. Narris was
16 handcuffed?

17 A After that, we waited until someone helped
18 me get him up on his feet. I know that he had
19 something wrong with him, so I called for a medic
20 immediately to meet us at the west side of Lazerne
21 Street, where my car was located at.

22 Q You called for the medic?

23 A Yes.

24 Q And how long did it take for the medic to
0052

1 arrive?

2 A (No response.)

3 Q And you said that you walked him to the
4 west side?

5 A Walked him towards the medic on the east
6 side (indicating).

7 Q That is the east?

8 A East, yeah, I'm sorry. Where my vehicle
9 was.

10 Q I just want to make sure that the record
11 is clear; you walked him east?

12 A Yes.

13 Q Did you give him any instruction where to
14 park?

15 A Yeah. I told him -- I don't know exactly,
16 that might be I Street, off of I onto Lazerne.

17 Q And I am assuming that they arrived?

18 A Yes. I would say, approximately, five
19 minutes or so.

20 Q Okay. And what happened next?

21 A I got him medical treatment and they
22 advised there was nothing life threatening and he
23 could be transported in a patrol wagon at that
24 point.

0053

1 Q Is that standard procedure that you know
2 of, if a medic is called -- I assume you are talking
3 about an ambulance?

4 A Yes. Yes, Sir.

5 Q Was there conversation as to whether an
6 ambulance should take him to the hospital?

7 A Well, standard procedure is, if it is not
8 an emergency, and at that time he was a prisoner,
9 that we take him to the hospital in the wagon, and
10 that becomes a hospital case and he stays in our
11 supervision until he is released from the hospital.

12 Q Okay. And that determination was made by
13 the medics that it wasn't life threatening?

14 A The medic that treated him.

15 Q Do you know who that person was?

16 A No.

17 Q Male or female?

18 A I want to say a male, one male, I don't
19 recall what the second one was.

20 Q So, after you had the conversation and

21 after Mr. Narris was evaluated --

22 A Yes.

23 Q -- and the medic said that it was not life
24 threatening, what happened next?

0054

1 A I called for a patrol wagon to have him
2 transported.

3 Q How long did it take the patrol wagon to
4 come?

5 A Probably another five minutes. I believe
6 that they were down at the other end, at the top.

7 Q Now, at this time that you were waiting
8 for that five minute period where you are waiting
9 for the wagon, are you the one responsible for
10 Mr. Narris?

11 A Yes.

12 Q And you were standing there with him?

13 A He is seated in my car, in the backseat.

14 Q So, he got from the ambulance to your car?

15 A Yeah. Well, actually, the medic came to
16 my vehicle, because they could not go all the way
17 down the street with the ambulance, there was just
18 too many people. So they took their bag with them
19 and came to the back of our vehicle and checked him.

20 Q So, you took them straight to the vehicle?

21 A Yes.

22 Q And how did the paramedics know to get to
23 your vehicle; did you tell them over your radio to
24 come or did you see --

0055

1 A Yeah. Once we seen them arrive, the other
2 -- Officer Andraka told the guy, right here.

3 Q And they evaluated him outside of the car?

4 A Yes. At that point he was outside of the
5 vehicle. I never put him in the vehicle until after
6 he was seen. I waited for them to show up.

7 Q I understand. And he waited outside the
8 vehicle, I guess, roughly, five minutes?

9 A At that point, I put him in the backseat
10 of my vehicle.

11 Q And what happened next, you radioed for
12 the wagon?

13 A The wagon was there. We walked him over

14 to the wagon and we put him in the wagon and took
15 him to Saint Christophers.

16 Q Was anyone else put in the wagon with him;
17 do you know whether anyone else --

18 A Not that I know of, no.

19 Q So, he was transported to District --

20 A To the hospital.

21 Q To the hospital?

22 A Yes.

23 Q Okay. What did you do next?

24 A At that point I, kind of, just gathered

0056

1 our belongings and I was looking for my partner to
2 let him know that we had an arrest and started the
3 paperwork.

4 Q Now, at this point, again -- you mentioned
5 earlier that you were on the scene for about 40, 45
6 minutes; do you think from beginning to end it took
7 about 40 to 45 minutes?

8 A Again, it's exactly 40, 45 minutes, but
9 that is my guess. I would say right around 45
10 minutes. May have been 10 minutes after that or 10
11 minutes less than that.

12 Q After Mr. Narris was put in the wagon and
13 transported, can you describe to the committee the
14 scene, was there still a lot of people out there,
15 the fighting and the profanity, all the things that
16 you described earlier, or had things fairly calmed
17 down?

18 A No. It wasn't calm. Again, I could only
19 see so much, because, again, constraint on the
20 prisoner --

21 Q After the prisoner --

22 A After he left?

23 Q Yes. After the prisoner is gone, you were
24 looking for your partner because you wanted to go

0057

1 back to the district to do the paperwork --

2 A Correct.

3 Q -- describe the scene at that point.

4 A There were still, I'll say, approximately,
5 250 people on Hagert Avenue. The crowd trying to --
6 police trying to disperse them. I'll say 50 police

7 vehicles on location from various districts and
8 units from the city. That's the best that I can
9 describe.

10 Q You described it chaotic?

11 A Yes.

12 Q Would you still describe it at this point
13 as being chaotic?

14 A Yes.

15 Q Why didn't you stay on scene to help
16 control the crowd and calm things down and disperse
17 people?

18 A I spoke to my sergeant; he came up; I
19 spoke to him and he told me that I was advised to
20 leave and do the paperwork.

21 Q Who was your sergeant?

22 A Frasier.

23 Q Did you go to Sergeant Frasier and ask to
24 be relieved?

0058

1 A No. He came up at the end of where my
2 vehicle was.

3 Q Do you know if he was aware of the arrest
4 that you made?

5 A No. He wasn't present for the altercation
6 that I had. I don't think that he was aware till
7 after that happened.

8 Q So, why would he relieve you? I am
9 confused. He doesn't see you in an altercation with
10 Mr. Narris?

11 A I explained I had an arrest. The male was
12 going to go to the hospital. He told me to go ahead
13 and start your paperwork.

14 Q And that is what you did?

15 A Yes, Sir.

16 Q And what did you charge Mr. Narris with?

17 A We don't charge the defendant. I believe
18 it was disorderly conduct on the police.

19 Q I am going to back up just a little bit.
20 After you relieved -- after Mr. Narris was taken in
21 the wagon and left --

22 A Yes.

23 Q -- do you recall whether there was still
24 beer bottles being thrown and things like that?

0059

1 A I don't recall that.

2 Q Did you testify in criminal court?

3 A Yes.

4 Q Against Mr. Narris?

5 A Yes.

6 Q And were you the only officer that

7 testified?

8 A Me and one other officer.

9 Q And who was the other officer?

10 A I believe it was my partner. I don't know
11 if he was present for the altercation.

12 Q I'm sorry, I don't understand that. Who
13 was the other officer that testified in criminal
14 court?

15 A It was my partner, Officer Schmidt
16 (phonetic), who could only give limited knowledge.

17 Q Not Officer Andraka?

18 A Not there.

19 Q I understand. Was this a preliminary
20 hearing or was it a trial; do you remember?

21 A It was a juvenile court; it wasn't a
22 trial.

23 Q He was a juvenile?

24 A Yes.

0060

1 Q What was the outcome of the proceedings?

2 A The case was dismissed.

3 Q Do you know why?

4 A Yes. The DA actually told me that the
5 case was continued, I'll say three or four times,
6 and on the day -- what happened, we were to go ahead
7 and proceed, there was only one other officer there.

8 Q Were you present for all the proceedings
9 prior to that?

10 A Yes. Yes, Sir.

11 Q Was Officer Andraka present for the
12 proceeding?

13 A Yes.

14 Q Was Narris present for those court dates?

15 A I believe so.

16 Q Do you know why they were continued?

17 A No.

18 Q But the date that the charges were
19 dismissed, did you testify on that date?

20 A Yes. I believe so.

21 Q Have you been named in a civil suit?

22 A I'm sorry.

23 Q Have you been named in a civil suit?

24 A Yes.

0061

1 Q And have you given any testimony,
2 specifically, by Affidavit or deposition or anything
3 like that?

4 A Yes. I gave a deposition.

5 Q And when did you give a deposition?

6 A I don't know what the date was. I'll say
7 it was about a month ago.

8 Q Okay. You were represented by counsel?

9 A Yes.

10 Q Now, just in general, you testified as to
11 some of the profanity and language that was being
12 used by the civilians, and I won't say it again, did
13 you hear any officers using any abusive or
14 derogatory language?

15 A I did not, no.

16 Q Did you hear any officers calling, you
17 know, the crowd members spics; you didn't hear that?

18 A No, Sir.

19 Q And you didn't hear Officer Andraka say
20 that?

21 A No.

22 Q Did you hear any other officers using any
23 profanity language?

24 A No. I did not.

0062

1 Q In your five years of being a police
2 officer, have you ever been called to testify in
3 front of this Commission with regard to any
4 allegations of force or abusive language that you
5 may have used?

6 A No, Sir.

7 Q Do you know whether you had any complaints
8 filed against you by a civilian, either, with
9 Internal Affairs or the police department as it
10 relates to your conduct as a police officer?

11 A I believe I did have one other job that I
12 had to go to Internal Affairs for.

13 Q How long ago was that?

14 A I'll say three and a half years ago, I was
15 in a different district.

16 Q And just briefly, what was the complaint
17 for, was it verbal abuse, physical abuse?

18 A I don't recall.

19 Q You don't remember?

20 A No.

21 Q So, one other time you went if front of
22 Internal Affairs?

23 A Yes. Roughly, yes.

24 Q And wasn't that important?

0063

1 A Oh, it was important. I don't recall if
2 it was physical or verbal. Sir, I do know that -- I
3 did receive from -- after the information, that the
4 allegation was not sustained.

5 Q You must have read my mind; that was my
6 next question. Was there a civilian, was there any
7 civil complaints filed against you in that matter?

8 A No, Sir.

9 Q Now, other than the pending civil suit,
10 has a civil suit ever been filed against you as it
11 relates to you as a police officer?

12 A No, Sir.

13 Q Do you ever recall seeing a pregnant young
14 lady at the scene?

15 A No.

16 Q Do you ever recall seeing a pregnant young
17 lady at the district when you returned to the
18 district?

19 A No.

20 Q Do you recall seeing Officer Williams at
21 the scene?

22 A No.

23 MR. YOUNG: Nothing further for this
24 witness at this time.

0064

1 CHAIRMAN NIX: Commissioner Rosario, do
2 you have any questions for this witness?

3 BY COMMISSIONER ROSARIO:

4 Q Mr. Swift, what -- my question may be --
5 it is funny, but what does a Hispanic look like; you
6 mentioned one Hispanic, Hispanics; what do they look
7 like to you; can you describe what a Hispanic male
8 looks like, because in the Hispanics we have blacks,
9 we have whites and we have mixed. If you look to
10 your left, you have a mixed Hispanic right there.
11 In order -- you were talking to Hispanics and you
12 referred to Hispanics; how do you know that they
13 were Hispanics?

14 A (No response.)

15 Q You just guess that they were Hispanics.
16 Also, there were Arabs fighting then. And you know
17 that Arabs and Indians and Spanish, you know, we
18 look alike.

19 But how do you know that these people
20 were Hispanic males, Hispanic males and Hispanic
21 males; how do you know they were Hispanics? So, you
22 guess?

23 A No. I didn't guess. Well, I don't know
24 exactly, but from my experience on the job, that he
0065

1 is of olive complexion, and that is the only reason
2 that I said they were Hispanic males.

3 Q Not all Hispanics are olive complexion.
4 This is why I am trying to say to you.

5 Anyway, how tall was this Mr. Narris,
6 taller than you, bigger than you?

7 A I will say about five foot nine, maybe,
8 five feet nine and a half.

9 Q Mr. Narris is five foot nine, and he got
10 hit on the head; how many times, once?

11 A Once.

12 Q Don't we have a picture of Mr. Narris over
13 there? I believe it is twice. Once here
14 (indicating) and once here (indicating).

15 I am pointing to the front of the
16 head and the back of the head, and that is where I
17 went to that day; do you remember? That is the
18 back; how about the front (showing photographs)?

19 Mr. Narris was here last week. I
20 went there myself to Mr. Narris and he pointed that
21 he had a cut right here (indicating) in front of his

22 head, close to his forehead, and he had one right on
23 the side of his head, like, maybe, on the left area,
24 on the side of the left.

0066

1 So, that means to me that he was
2 struck twice, not once.

3 A No, Sir. Also, when we went down on the
4 ground, he banged his head when I fell on top of
5 him.

6 Q Okay. Thank you.

7 CHAIRMAN NIX: Commissioner Jordan, do you
8 have any questions for Officer Swift?

9 BY COMMISSIONER JORDAN:

10 Q How are you doing, Mr. Swift?

11 A Okay.

12 Q And are you having a fair day?

13 A Yes.

14 Q That's good.

15 My question is, you were one of the
16 first officers to arrive on the scene?

17 A Yes, Sir.

18 Q And how many other officers arrived with
19 you at that time?

20 A With me, just one other, which was my
21 partner, and we arrived on location.

22 Q And you said you -- when you arrived, you
23 arrived back here (indicating), where it is marked
24 RPC?

0067

1 A Yes, Sir.

2 Q And the location of the building is over
3 here (indicating) where the pin is at?

4 A Yes.

5 Q And there was a crowd in front of the
6 building?

7 A In the middle of the street, Sir.

8 Q Can you show me, exactly, where the crowd
9 was at?

10 A (Witness complies.)

11 Sure. There was a large crowd here
12 (indicating), there were several people on both
13 sides and people in the street, there was, also, a
14 large crowd, I believe this is the driveway

15 (indicating), I don't know if this is a side
16 entrance (indicating), and there was a large group
17 that was hanging out; this comes out into the street
18 (indicating).

19 Q Okay. When they were coming out into the
20 street and you parked here (indicating) --

21 A Yes, Sir.

22 Q -- this is the front of your car as you
23 parked?

24 A You mean when I pulled up?

0068

1 Q Yeah, when you pulled up.

2 A When I pulled up, they were already out
3 here. That is really as far as we could get in
4 reference to the ballroom, because other vehicles
5 that were parked on the street at that time.

6 Q The reason I am asking that is, because
7 you are showing me -- you are showing the panel here
8 (indicating), and the panel here (indicating), you
9 are showing the side of the building that people
10 were coming out.

11 A I don't know. I'm saying, there were
12 people coming from this direction (indicating). I
13 am guessing, maybe, there is a side door that some
14 people were coming out of.

15 Q So, you are guessing; you are not sure?

16 A No. I am not sure. I really don't know
17 what the case was, but they were coming from this
18 area back here (indicating).

19 Q Okay. You could be seated.

20 Now, your analysis of how many people
21 looked to be there at the time, you said, roughly,
22 230?

23 A Approximately, 200.

24 Q Why would you say 200; 200 is a lot of

0069

1 people. I mean, 200 people would fill that whole
2 block, roughly. Okay. I mean, I could say, maybe,
3 100, 150 people, but 200 would really fill that
4 whole block up. So, maybe you are over judging as
5 far as the number of people that was there when you
6 arrived, you and your partner?

7 A Yes.

8 Q Okay. So, about how many minutes were you
9 there, you and your partner was there, when you
10 first arrived on the scene?

11 A Correct.

12 Q Before help arrived?

13 A Say, within -- you mean the next officer
14 that were on location or --

15 Q Yes.

16 A I'll say within 30 seconds to a minute.

17 Q Okay. And would you say about four or
18 five cars or six or seven?

19 A Three to four cars were the first on
20 location.

21 Q Were they out of their unit?

22 A I don't recall. I don't know where they
23 were from.

24 Q Did you recognize any of them?

0070

1 A No.

2 Q So, therefore, they had to be out of their
3 unit if you didn't recognize them; is it fair to
4 say?

5 A I'm sorry, I didn't hear you.

6 Q I said, if you did not recognize any of
7 the officers that arrived --

8 A No.

9 Q -- then they could not have been out of
10 your unit?

11 A No. Not directly from my unit, no, they
12 were not.

13 Q Okay. So, they could have been from
14 another district?

15 A Yes, Sir.

16 Q Was any plain clothes in that crew that
17 arrived?

18 A Originally, no.

19 Q They were all uniforms?

20 A Yes. Marked vehicles in uniform.

21 Q Did you notice any numbers on the cars,
22 were they highway patrol or regular squad cars?

23 A I don't know, Sir, because of the vehicles
24 couldn't get on the block, they were, kind of, you

0071

1 know, parked further down because of the crowd was,
2 kind of, stopped. So I don't recall the numbers to
3 the vehicles.

4 Q Okay. So, you say about seven or eight
5 other officers arrived after you and your partner
6 arrived; and was any sergeants or captains involved
7 at the time when -- after they had arrived?

8 A No. Not to my knowledge. You are talking
9 within the first couple of minutes?

10 Q Yes.

11 A Not that I remember.

12 Q So, who initiated or ordered of what to do
13 when you all arrived there? I mean, did you take
14 charge or did another officer take charge, did you
15 officers get together and say, okay, we are going to
16 form a barrier to push these people back?

17 A At that point, Sir, no, it was a large
18 crowd and, again, a lot of chaos. We, kind of, just
19 verbally said, let's try to move the crowd, point
20 that way, westbound. That is really all.

21 Q Did you all form a line or something?

22 A No.

23 Q Push them back?

24 A No formation of a line. We were just

0072

1 giving verbal commands to move back, to move back.

2 Q Okay. And, in the process of that, you
3 had said the young man that you had the altercation
4 with, did you notice him in the crowd at that time?

5 A No, Sir. I didn't notice him until he was
6 directly in front of me. I didn't recognize him at
7 all.

8 Q You didn't notice a pregnant woman or
9 woman that looked to be pregnant?

10 A There were females, I don't recall seeing
11 any pregnant females. I don't remember that at all.
12 There were females standing in with the crowd that
13 was out in front of the ballroom. It was mostly
14 males and some females.

15 Q Okay. When, exactly, would you say
16 someone did arrive on the scene that you did
17 recognize?

18 A Probably, within, say, the first 10 cars,

19 2 other guys from our unit were there that I noticed
20 them.

21 Q But you did notice the first, you said six
22 or seven cars arrive --

23 A Yeah. Originally --

24 Q -- you didn't recognize any of them. But,
0073

1 roughly, you are saying 10 cars arrived --

2 A That is not that I am saying.

3 Q Beg your pardon?

4 A That is not what I am saying. Originally,
5 about five or six cars that arrived, originally, I
6 did not know any of those officers. I am saying,
7 approximately, within the next four or five vehicles
8 that showed up after that, there were two guys from
9 my unit there.

10 Q That you did recognize?

11 A Yes, Sir.

12 Q Okay. How long before you would, roughly
13 say, that you all gathered there before a supervisor
14 and command appeared, a lieutenant, a sergeant,
15 someone of authority?

16 A I couldn't answer that question, Sir.

17 Q Okay. Let me put it another way. After,
18 say, around 25, 30 officers have appeared there --

19 A Correct.

20 Q -- would you, roughly say, about -- within
21 15 minutes of the first initial call?

22 A I'll say it was. So, 15 minutes, that's
23 correct.

24 Q Okay. Then, someone would have had to
0074

1 been of command to give you orders what to do. I
2 mean, even though you and the group that was there
3 started to push the crowd back, surely some type of
4 supervisor, supervision, had to appear, a sergeant,
5 a lieutenant or someone of some type of supervision
6 had to appear to tell you exactly how to maintain
7 the crowd or what perimeters to set up; am I
8 correct?

9 A All I can tell you is that, I remember
10 concretely is, I did not see a supervisor until my
11 altercation was done and over with and I had total

12 control. Before that, I cannot tell you if they
13 were on location.

14 Again, there was numerous cops from
15 the west side of Lazerne Street and there was a lot
16 of other cops. So, I cannot give you a definitive
17 answer of when the first supervisor arrived on
18 location.

19 Q Okay. All right. Because we have had
20 officers testify, and their statements, their time
21 frame, kind of, consists with your time frame of
22 certain incidents happening at the time that, I
23 gather it was chaotic out there, because you had so
24 many people to try to control at the same time and
0075

1 to maintain watching your own back at the same time,
2 and it probably would be threatening; wouldn't you
3 say?

4 A Yes, Sir, definitely.

5 Q When did you exactly notice things being
6 thrown at you, 25 minutes, 30 minutes after?

7 A I would say, about, 15 to 20 minutes into
8 the ordeal. Then, again, I didn't exactly see who
9 was throwing the objects at us, they were landing
10 next to us and in the parking lot. And I could hear
11 glass breaking for several blocks, hitting off the
12 fence.

13 But, I couldn't tell you where it was
14 coming from or who was doing it, I just remember
15 seeing those things going on during this
16 altercation.

17 Q Wait a minute, let me recap that. Again,
18 you said you remember seeing or hearing?

19 A Correct.

20 Q You remember seeing or hearing --

21 A Hearing the glass break. I remember
22 hearing the glass break on the concrete, wherever.
23 I know that it was very close proximity to where we
24 were.

0076

1 Q Okay. All right. Okay. If you heard and
2 you saw someone -- the stones coming in your
3 direction and none actually hit you, I guess the
4 crowd was pretty angry and they were voicing their

5 own opinion. Do you remember the first initial call
6 that came out for assistance, police assistance
7 there?

8 A I don't know, Sir. It wasn't me who
9 called. So, again, I believe it was my partner who
10 called for the first assist, but I can't be 100
11 percent sure. I know that is wasn't me.

12 Q No. No. No. What I am saying, the
13 incident that brought you all there --

14 A Right.

15 Q -- you had to get it from the dispatch
16 radio?

17 A No. I believe that we were cruising on
18 routine patrol and, kind of, stumbled upon the crowd
19 coming out of that ballroom. I don't recall the
20 radio call coming through that night. I could be
21 wrong, but I don't recall what happened.

22 Q It seems kind of odd, Sir, because if you
23 don't recall a radio call coming through and you all
24 are in the vicinity of that area at the time that

0077

1 the incident broke out and you just arrived on the
2 scene, what made you all get out of the cars,
3 because of a large crowd?

4 A Yeah. There were people fighting.

5 Q They were fighting?

6 A Yes.

7 Q Okay. So, when you all pulled up, you saw
8 someone fighting?

9 A Yes, Sir. And there were vehicles stuck
10 in the middle of the street both ways, coming east
11 and west. So, we didn't know what was going on at
12 that point.

13 Q Okay. Okay. I could see that you just
14 didn't get a police radio reaction and you went to
15 serve and protect.

16 A And, again, I was driving, but my partner
17 in the car, he would be working the radio, so most
18 of the commands that were given over the radio were
19 done by my partner.

20 Q Okay. Okay. The incident with you and
21 the young man and him falling down, after you struck
22 him the first time, did you fall on top of him?

23 A Yes.

24 Q He could have bumped his head by you

0078

1 falling on top of him?

2 A Absolutely.

3 Q And you could have gave him the second

4 bruise?

5 A Yeah, because we went down to the ground

6 fairly quickly, with me on top of him. So, that

7 certainly could have happened.

8 Q Okay. Do you remember hearing any

9 profanity?

10 A No, Sir.

11 Q None?

12 A No.

13 Q Not from the crowd, either?

14 A Again, I was concentrating on the male I
15 was with, there very well may have been profanity.

16 I just remember the male shouting directly at me.

17 There was other people shouting; there was a lot of

18 noise. I don't remember if they were shouting

19 profanity or not.

20 Q Do you remember hearing any of the

21 officers using any profanity or any ethnic words?

22 A No. I do not. Not within my immediate

23 range that I could hear them. No. I do not.

24 Q Do you remember officers forming a tight

0079

1 line, joining arms together to push the crowd back

2 in any way?

3 A No, Sir.

4 Q Do you remember seeing any plain clothes

5 officers involved in the altercation of controlling

6 the crowd?

7 A No.

8 Q All uniformed?

9 A That I remember seeing, mostly uniforms.

10 There could have been plain clothes. So, I don't

11 remember seeing any plain clothes officers.

12 Q Okay. Because to my knowledge, there was

13 some plain clothes officers that was involved.

14 A Okay.

15 Q I guess the commotion was, maybe, if they

16 were there, they appeared.

17 That is about it. Thank you.

18 A No problem, Sir.

19 BY CHAIRMAN NIX:

20 Q Officer Swift, when you and Mr. Narris
21 fell to the ground, do you know if the falling was
22 -- did he fall or -- you fell together, I understand
23 that --

24 A Yes.

0080

1 Q -- was it him falling; do you recall you
2 going to the ground or was it a combination?

3 A I think it was a little bit of both of us,
4 kind of, momento going together.

5 Q And do you know if his falling was a
6 result of hitting -- the hit to the head?

7 A I don't know, but he did fall directly
8 back. His head went directly back when we went down
9 on the concrete pavement.

10 Q When it seems you are striking, is that
11 right when you both fell?

12 A Correct. Within seconds after that.

13 Q Within seconds. And I know -- I think
14 that I asked this, when you fell --

15 A Yes.

16 Q -- and the police officer falling to the
17 ground, is that -- does that precipitate something
18 that other officers see another officer falling to
19 the ground, does that start an officer down call, or
20 does that, specifically, in terms of an officer
21 shot?

22 A Yeah. I think when it is an officer down,
23 they are in danger and a lot of officers would come
24 to your aid. And I am just speaking for myself, I

0081

1 certainly would respond to that.

2 Q If you saw another officer fall to the
3 ground --

4 A Absolutely.

5 Q -- you would rush to them?

6 A Yes.

7 MR. YOUNG: It would be out of character
8 if I didn't ask any follow up questions. I

9 will try my best to just a few.

10 BY MR. YOUNG:

11 Q Did you suffer any injuries as the result
12 of that confrontation with Mr. Narris?

13 A Not anywhere I lost time from work.

14 Q So, if you did, it was very minor?

15 A Yes.

16 Q Do you believe that your use of the baton
17 was proper and in accordance with how you were
18 trained to use the baton?

19 A Yes, Sir.

20 Q When you arrived on the scene, did any
21 other civilians on the street in any way identify
22 themselves as being part of the ballroom or a part
23 of the function that was going on in the ballroom,
24 other than your observation of people coming out of
0082

1 the ballroom, did anyone say, I am with an
2 organization and we are having a get together in the
3 ballroom?

4 A You mean verbally?

5 Q Yes.

6 A Not to me, no.

7 Q You mentioned that profanity was being
8 used, the "P" word was used; did you actually see
9 the individuals that used these words?

10 A Yes. That was the first male that I was
11 engaged with, that the first male used. That was
12 him.

13 Q Specifically, he used the word pussy?

14 A Yes.

15 Q And he was referring to you?

16 A He was pointing at us.

17 Q Did you hear that word used at any other
18 time?

19 A From anybody else?

20 Q Just in general.

21 A He said it several times, but just him I
22 heard.

23 Q Did you hear any officers call any of the
24 women hos and whores?

0083

1 A No, Sir.

2 Q Did you use that language?

3 A No, Sir.

4 Q So, if someone testified that you said
5 that, they would be wrong?

6 A Absolutely.

7 Q I have no other questions. Thank you,
8 Officer Swift.

9 COMMISSIONER JORDAN: I have one.

10 BY COMMISSIONER JORDAN:

11 Q Officer, have you been trained to use a
12 Taser?

13 A No, Sir.

14 Q Did you see any other officers of
15 supervision using a Taser or having a Taser in their
16 hands?

17 A No, Sir.

18 Q Okay. Thank you.

19 CHAIRMAN NIX: Officer Swift, thank you
20 for taking the time to testify.

21 MR. YOUNG: I do have one other question.

22 BY MR. YOUNG:

23 Q Can you use a baton, to a lay person, to a
24 civilian, that is, could your baton, in terms of how
0084

1 it looked in its description, can that be confused
2 with a Taser?

3 A No.

4 Q No; could you explain the function of the
5 Taser?

6 A Yeah. The Taser has a -- where the prongs
7 would shoot out, it is clearly marked with a yellow
8 and black parts, almost looks like it has --

9 Q Okay.

10 A -- and it is the size of your hand. There
11 is no way that it would be mistaken.

12 MR. YOUNG: I'm sorry, Mr. Chairman. I
13 have no further questions.

14 CHAIRMAN NIX: No other questions for you.
15 Officer Swift, thank you for your cooperation
16 and for your time and your participation. I
17 appreciate it. Thank you and you are
18 dismissed.

19 THE WITNESS: Thank you very much.

20 BY MR. YOUNG:

21 Q Officer Brian Williams, good evening.

22 A Good evening.

23 Q Once again, my name is Dennis Young and I

24 am going to ask you questions on behalf of the

0085

1 Police Advisory Commission.

2 And as you know, you have been
3 subpoenaed to give testimony as it relates to the
4 incident that happened on November 11th, 2005, on
5 Lazerne Street in front of Diane's Ballroom; do you
6 recall that incident?

7 A Yes, I do.

8 Q And could you, please, state and spell
9 your name for the record.

10 A First name, also?

11 Q First name, also.

12 A Brian, B-R-I-A-N, Williams,
13 W-I-L-L-I-A-M-S, badge 4793. I am assigned to the
14 49th District.

15 Q And how long have you been an officer?

16 A On November 21st it will be four years.

17 Q And I am going to assume that in that four
18 year period, you testified, probably, more times
19 than you would like to recall?

20 A Yes.

21 Q You may have had your deposition taken and
22 you know the procedure. So, for the sake of time, I
23 am going to dispense with any formal instructions
24 and just remind you that you have to talk. Avoid a

0086

1 nod of the head so that the court stenographer can
2 take down everything that is said.

3 A Yes, Sir.

4 Q You have a right to give an opening state,
5 up to five minutes before I begin my questions and
6 the panel begins questions. Would you like to give
7 a statement?

8 A No, thank you.

9 Q What was your tour of duty on November
10 11th, 2005?

11 A 4 to 1.

12 Q And what was your assignment?

13 A I believe it was 2 to 7.

14 Q And just for the record, we heard
15 testimony before and we heard witnesses identify
16 certain people, and, I believe, don't know all the
17 officers names, just like officers don't know all
18 the witnesses names, but at the time of the
19 incident, how much did you weigh?

20 A At the time of the incident how much did I
21 weigh; roughly, I'll say 175 pounds.

22 Q And how tall are you?

23 A About 5'6.

24 Q I am going to assume that you didn't grow

0087

1 --

2 A Yes. I have gained a little weight,
3 though, this is my vest.

4 Q And I noticed, today, as you sit here,
5 that your hair is very, very low cut. I wouldn't
6 say bald, because you are not bald, but very, very
7 low cut. At the time of the incident back in
8 November 2005, what hair style did you have?

9 A Probably the same.

10 Q Probably the same.

11 Now, again, we've heard numerous
12 individuals testify, both civilian and officers
13 alike, and a lot of those people have testified that
14 the atmosphere at the time was very chaotic. People
15 have described it as a mob scene, as a riot; would
16 all those adjectives be how you would describe what
17 you saw when you arrived at the scene?

18 A That would be accurate.

19 Q Okay. Now, we also heard from other
20 officers that there was a first assist call and a
21 second assist call and a third assist call; do you
22 recall whether you were part of that first assist,
23 second assist or the third assist?

24 A I am not exactly -- probably somewhere

0088

1 between the first and the second, because they
2 probably came out not too long after one another.

3 Q Okay. Were you responding --

4 A I am sure after the first assist, because
5 this is my district, I was there. Whether I go

6 first, I am not to sure.

7 Q I understand that, but you would have
8 responded?

9 A Absolutely.

10 Q Okay. And when you arrived on Lazerne --
11 or at Lazerne Street, do you recall at that time
12 that you arrived, roughly, how many civilians were
13 out on the street?

14 A There was a lot.

15 Q More than 100?

16 A No. Not at that time.

17 Q Okay. You are saying, not at that time,
18 at some point while you were there, did the crowd
19 grow to be more than 100?

20 A Yes. It did.

21 Q At the time that you arrived on the scene,
22 how many officers do you recall seeing?

23 A I'll say 20 to 30, maybe a little more.

24 Q And did you arrive with a partner or were
0089

1 you by yourself?

2 A Yes. I was with my partner.

3 Q And who was your partner?

4 A Officer Brennan.

5 Q And is Officer Brennan your partner?

6 A No. Officer Brennan doesn't work in the
7 24th, he got transferred to a different unit.

8 Q Now, I have had an opportunity to review
9 your statements that you gave to Internal Affairs
10 with regard to this incident, there is a statement
11 that took place on May 10th, 2006, another statement
12 that you gave on April 25th of this year; do you
13 recall giving those statements?

14 A Yes. I do.

15 Q Do you recall seeing Antonio Mendez there?

16 A Yes. I do.

17 Q In that statement, and I am going to, sort
18 of, kind of, tell you what is this, that statement,
19 so that we can move this process along, somewhat,
20 although we still need to get some critical
21 information.

22 In that statement, you mentioned that
23 when you arrived on the scene, at some point you

24 took your baton?

0090

1 A Yes.

2 Q At some point, was your baton holstered --

3 A Yes.

4 Q -- when you got out of the car?

5 A At the initial, it was holstered, but it

6 was in the car.

7 Q And when you arrived, I guess your
8 immediate responsibility is to do crowd control; is
9 that correct?

10 A Absolutely.

11 Q And can you tell the panel what you did in
12 order to control the crowd or to get the crowd to
13 disperse?

14 A I got my baton and I placed it under my
15 elbow, and there was a large group of kids, kids
16 fighting amongst themselves. I said, come on kids,
17 the party is over and I made a waving motion and
18 waved them along.

19 Q And you just mentioned, "the party is
20 over," and I am sure that you didn't mean that
21 literally?

22 A Right.

23 Q At least not tonight or you didn't say
24 that to them, or did you think that they were having

0091

1 a party?

2 A Seeing that mass amount of crowd, you
3 know, I wasn't sure if they were having a party or
4 gathering, you know; come on guys, the party is
5 over.

6 Q And what I am looking for is, a
7 differential whether you thought in your mind that
8 this was just people, young people gathering,
9 because an event just let out, or whether you
10 thought that there was something more going on i.e.
11 fighting or some form of violence or arguing
12 heightening or anything like that?

13 A Right.

14 Q And how did you perceive what was going
15 on?

16 A Well, when I first arrived there, it

17 looked like a group of people fighting and we broke
18 them up and I said, listen guys, come on, let's go,
19 it is over.

20 Q Now, at some point you had an opportunity
21 to meet -- I shouldn't say meet, you had an
22 opportunity to come in contact with a young lady
23 that you now know was pregnant at the time?

24 A Right.

0092

1 Q Is that correct?

2 A Yes.

3 Q And I think, according to your statements,
4 in your interview, you said that, initially, you
5 didn't know that this young lady was pregnant?

6 A Right.

7 Q Tell the panel about the interaction that
8 you had in terms with the pregnant young lady? Her
9 name, I think, for the record is Miss La Braun. So,
10 I will refer to her as that.

11 A Okay. As I was walking down -- as I was
12 walking down Lazerne Street toward I Street, I would
13 be in an easterly direction, about mid block. This
14 -- the lady, Miss La Braun, approached me and said,
15 you hit me with a stick. And I said, I didn't hit
16 you with a stick. I don't know what you are talking
17 about. And, you know, she moved a little bit and I
18 saw Officer Mary Powell was standing, maybe, a
19 distance, like me to him, this gentleman here
20 (indicating), and I said, you know, let the young
21 officer take care of you, and, you know -- you know,
22 I passed -- basically, referred her to Mary Powell,
23 and Mary Powell came over and I continued to walk in
24 another direction, because there was another crowd

0093

1 forming. And so I wanted to make sure the traffic
2 got past without any kid or pedestrian or any
3 vehicle having a problem. And at that time, when I
4 went down there, and I don't know exactly how long
5 after that, but Miss La Braun approached me, again,
6 and --

7 Q Let me stop you there, because I want to
8 talk about your first interaction with Miss La Braun
9 and then we will move on in a second.

10 You said she approached you?

11 A Right.

12 Q And she said you hit her with a stick; was
13 she boisterous, was she loud or was she talking to
14 you in the same type of tone and voice that we are
15 talking today?

16 A Yeah. You know, calm, you know, didn't
17 seem -- she said that I hit her with a stick and I
18 never seen her before. I never knew where she came
19 from and I said, I didn't hit you with a stick, I
20 don't know what you are talking about. And she
21 said, you hit me with a stick and I said, I didn't
22 hit you with a stick. And it was, you know, very
23 brief. And I looked over and I saw Officer Powell
24 over there and I said, Mary, this lady said I hit
0094

1 her with a stick, can you just take care of it and I
2 am doing to go over there. And I walked all the way
3 down to, you know, I Street.

4 Q Was Miss La Braun crying at the time?

5 A Not that I saw.

6 Q Was she with anyone; was she with a group
7 of people; was she with friends or anyone like that?

8 A When she approached me, she was by
9 herself.

10 Q At that time that she just approached you,
11 did you know that she was pregnant at that time?

12 A No. I didn't no.

13 Q You didn't know at that time?

14 A No.

15 Q Okay. Do you recall, as you sit here
16 today, do you recall based on your recollection of
17 the statement that you gave, what she was wearing,
18 what she looked like?

19 A I don't remember what she was wearing.
20 There was so many people out there, you know? There
21 was so much going on, you know, I don't remember.

22 Q And your response to her was, I didn't hit
23 you with a stick?

24 A Right.

0095

1 Q And did you say that response,
2 specifically, or did you say, lady, you are crazy, I

3 didn't hit you with a stick?

4 A No. No. No. I said, I didn't hit you
5 with a stick. That whole evening, I never swung my
6 stick, it remained under my armpit as I was moving
7 the crowd along. And when I got down to I and
8 Lazerne, I holstered it.

9 Q How long did you think that you were at
10 the scene before Miss La Braun approached you the
11 first time?

12 A Maybe 10 minutes, 15 minutes.

13 Q And you were doing -- you were performing
14 crowd control immediately in that area when she
15 approached you the first time; is that correct?

16 A No. Actually I was walking to I and
17 Lazerne where the other crowd was going. I was
18 walking down the street.

19 Q Right. You were walking from west to
20 east?

21 A Exactly.

22 Q You were walking from this direction
23 (indicating) to this direction (indicating), am I
24 right?

0096

1 A Exactly.

2 Q This is I Street (indicating)?

3 A Right.

4 Q And you said that you were in this area
5 (indicating)?

6 A Correct.

7 Q And you were performing crowd control in
8 this area (indicating)?

9 A Right. There were kids -- I was moving
10 kids along on this street (indicating), and on the
11 other side of the street kids were moving along, and
12 then I started to walk the other way and that is
13 when Miss La Braun --

14 Q So, you came from this end (indicating)
15 directing kids to this end (indicating)?

16 A Kids were moving west.

17 Q And this is where -- this is the area
18 (indicating) where Miss La Braun approached you;
19 correct?

20 A Right. Somewhere -- well, closer. A

21 little easterly, but that general area.

22 Q So, she approached you in this same area
23 that you were performing crowd control; am I right?

24 A I was walking the other way.

0097

1 Q You were walking this way (indicating),
2 but she approached you before you got there; am I
3 right?

4 A As I was walking --

5 Q She stopped you; right?

6 A Right.

7 Q So, she stopped you short of that area
8 that you were coming from; am I right?

9 A As I was walking, I was moving the crowd
10 right here (indicating), she stopped me right here
11 (indicating), I was moving the crowd over here
12 (indicating) and I was walking here (indicating)
13 and, you know, mainly, probably, like, 10 to
14 15 feet, maybe 20.

15 Q You were walking this way (indicating)?

16 A Exactly.

17 Q Did she approach you from behind?

18 A Probably. I looked over and I seen her.
19 Probably from behind.

20 Q Probably from behind. And you didn't
21 confront her face-to-face; am I right?

22 A Well, I turned around and she said I hit
23 her with a stick and I said, I didn't hit anybody
24 with a stick.

0098

1 Q You said you turned around?

2 A Right.

3 Q So, she was coming from the direction that
4 you were coming from; she wasn't coming from the
5 direction that you were going?

6 A Actually, when I was located over -- the
7 last place that I was, she actually came walking. I
8 seen the big block that she was coming from, the
9 other side of the street, from the south side.

10 Q And coming right there (indicating)?

11 A Right.

12 Q Now, you mentioned Officer Powell?

13 A Right.

14 Q How long have you known Officer Powell?

15 A Since I have been in the 24th District. I
16 probably didn't meet her right away, but I've known
17 her for a good amount of time.

18 Q And you would recognize her on the street
19 with a crowd there?

20 A Yeah.

21 Q You mentioned that you were in this area
22 (indicating), was Officer Powell to the west of you
23 or to the east of you?

24 A She would have been to the west, a little
0099

1 bit.

2 Q Southwest on the street or northwest?

3 A Southwest.

4 Q So, kind of in the same vicinity that Miss
5 La Braun was in?

6 A Right. She wasn't too far from where she
7 was walking from.

8 Q Other than you and Officer Powell, did you
9 see any other officers on this end of the street?

10 A I don't remember seeing any. I am sure
11 there was, but I don't --

12 Q So, Miss La Braun was coming up to you and
13 says, you hit me with a night stick; right?

14 A Yes.

15 Q And did you notice that Officer Powell was
16 there before Miss La Braun approached you?

17 A No. I didn't notice Officer Powell
18 before.

19 Q So, while you were talking to Miss La
20 Braun in that conversation, you saw Officer Powell?

21 A Right.

22 Q And you told her to walk -- okay. Why did
23 you do that?

24 A Because if the lady said that I hit her
0100

1 with a stick and I told her that I did not hit her
2 with a stick, I thought that she would feel a little
3 bit more comfortable with a female officer. And if
4 a lady was accusing me of hitting her with a stick,
5 you know, I just didn't think that, you know, would
6 work to well.

7 Q And Officer Powell came up and took her
8 away?

9 A Exactly.

10 Q And at that point you didn't notice that
11 she was pregnant?

12 A No.

13 Q Now, we received testimony from Officer
14 Powell yesterday, I believe, and Officer Powell
15 testified that she never saw you; is she lying?

16 A I don't know how else she would have come
17 in contact with the lady.

18 Q Office Powell also testified that, when
19 she arrived on the scene, the first thing she saw
20 was Miss La Braun, and she noticed her because she
21 was visibly pregnant. And, in fact, the testimony
22 is that, shortly after this incident, two or three
23 months later, she delivered a baby. So, she was
24 pretty long -- pretty much along in her pregnancy.

0101

1 But Officer Powell said that she noticed Miss La
2 Braun, because she went up to Miss La Braun,
3 specifically, because she thought this wasn't a good
4 environment for a young lady, and she told her to go
5 back to the south side of the street; do you recall
6 any of that?

7 A I really don't know if that is before or
8 after she approached me.

9 Q But Officer Powell said she never had a
10 conversation with you?

11 A I can't explain that. I don't know why.

12 Q How long have you known Officer Powell?

13 A I worked in the same squad with her for --
14 March will be three years.

15 Q So, if she saw you in the street, she
16 would recognize you?

17 A She should. But I understand it was a
18 very chaotic -- I don't know. I can't explain it.

19 Q Did you hear Officer Powell have any
20 conversations with Miss La Braun before you walked
21 off?

22 A I don't know what their conversation was
23 when I left. You got to remember, when I was
24 walking away and Mary and -- Mary Powell and Miss La

0102

1 Braun were standing next to each other, I don't know
2 what the conversation with Miss La Braun was all
3 about. I don't know.

4 Q And I understand that. I guess what I was
5 asking, did you hear a conversation between the two,
6 not exactly what was said, but did you hear a
7 conversation?

8 A No.

9 Q Now, you mentioned that you walked down
10 the street, roughly, 10 minutes later, you, again,
11 are confronted by Miss La Braun; is that correct?

12 A Right.

13 Q And at any time, were you directly -- were
14 you in the street?

15 A I was in the intersection on west -- in
16 the middle of the intersection on the west side of I
17 Street.

18 Q If you would just point to it.

19 A (Witness complies.)

20 Q Well, here is Diane's Ballroom
21 (indicating), were you in front of the ballroom?

22 A No. I Street. No. A little west on
23 Lazerne, that is the general area where Miss La
24 Braun approached me.

0103

1 Q Now, when you are walking from this point
2 (indicating) to this point (indicating), were you
3 performing crowd control?

4 A Not -- there was other cops at that point.
5 I was, you know -- at that point, after -- after the
6 first encounter with Miss La Braun, I went all the
7 way over to the intersection, that was my main
8 focus. I saw vehicles starting to, you know -- a
9 traffic jam, there was pedestrians walking all over
10 the street. That was my main concern.

11 Q Did you ever -- did you ever have to use
12 your baton as you went from this location
13 (indicating) to this location (indicating)?

14 A Never. I never used my baton the whole --
15 I still have never used my baton to this day on the
16 job. I never hit anyone with a stick.

17 Q And how long do you think that it took you

18 to get from this location (indicating) to this
19 location (indicating)?

20 A (No response.)

21 Q You told me it was 10 minutes between the
22 first time that you had any interaction with Miss La
23 Braun to the second time.

24 A I would say, less than a minute. Less
0104

1 than a minute. I was down there for awhile.

2 Q So, it took you less than a minute to get
3 from here to here (indicating), but when you got
4 down here, you were down here for, about, 9 minutes,
5 right, because that makes 10 minutes?

6 A No. No. I wasn't projecting the time
7 frame.

8 Q Oh.

9 A The time -- well, it must have taken a
10 little longer, because I was down there for a little
11 while, actually.

12 Q Okay. Fair enough. Fair enough.
13 While you were walking from this
14 location (indicating) to this location (indicating),
15 tell me what you heard?

16 A What did I hear?

17 Q Did you hear anything or was it quiet?

18 A No. It wasn't quiet, there was a lot
19 going on.

20 Q Tell me what you heard.

21 A Specifically?

22 Q Did you hear cursing; did you hear
23 profanity being used?

24 A I don't know exactly what I heard. I
0105

1 really don't. It wasn't quiet by any means. I
2 can't --

3 Q Do you recall hearing derogatory comments
4 like, spic?

5 A No. No.

6 Q Okay. Do you recall hearing the word
7 pussy used?

8 A No.

9 Q Do you recall the "N" word being used?

10 A No.

11 Q Do you recall civilians, hopefully
12 civilians, using the word pig?

13 A I couldn't give you a specific answer; I
14 heard -- it was a lot of commotion, a lot of noise.
15 Specific words, I couldn't -- I don't remember. I'm
16 sorry.

17 Q While you were walking through, were you
18 giving verbal commands to civilians; were you
19 telling them to disperse as you were walking?

20 A At that point, when I was walking down to
21 I and Lazerne, I don't remember coming in contact
22 with anybody, other than Miss La Braun.

23 Q So, you walked from this location
24 (indicating) to this location (indicating) and you
0106

1 are telling the panel that you left Miss La Braun
2 here (indicating)?

3 A Right.

4 Q After she told you that you hit her with
5 your night stick and she walked this whole distance
6 and found you; didn't she?

7 A She walked -- well, there was another
8 paramedic with her.

9 Q Oh, the paramedics were there when you
10 went the second time?

11 A Yes.

12 Q Okay. Tell us about the conversation
13 between you, Miss La Braun and the paramedics.

14 A The paramedics said, this young lady would
15 like your name and your badge number. She claimed
16 that I hit her. I said, my name is Officer
17 Williams, badge number 4793.

18 Q You gave the paramedics your badge number?

19 A Absolutely.

20 Q Was the paramedic a male or female?

21 A I believe a female.

22 Q White, black, Hispanic?

23 A I believe she was white, whether she was
24 Hispanic or not, she wasn't African-American.

0107

1 Q Okay. Did you get her name; she got
2 yours?

3 A No.

4 Q Is that something that you would normally
5 do, if a paramedic asked you for your name and badge
6 number after someone accuses you of hitting them
7 with a night stick?

8 A (No response.)

9 Q No; did you notice at that point whether
10 Miss La Braun was pregnant?

11 A I really wasn't paying attention.

12 Q Even at that point?

13 A Even at that point.

14 Q So, the second time that you talked to the
15 paramedics, you weren't paying attention to her at
16 all?

17 A I looked at her face and I said, I did not
18 hit you with a stick, but from her neck down, I
19 really wasn't paying attention.

20 Q Okay. Did you see an ambulance at the
21 scene --

22 A Yes.

23 Q -- prior to -- let me finish. Did you see
24 an ambulance prior to you being confronted by Miss
0108

1 La Braun and the paramedics?

2 A Yes.

3 Q Okay. Where? Where was that ambulance?

4 A The paramedic was located somewhere in
5 front of the ballroom.

6 Q On the south side on the north side of the
7 street?

8 A I was from a distance, it appeared, like,
9 the middle median, somewhere.

10 Q Do you remember walking past the ambulance
11 on your way to I Street?

12 A The ambulance wasn't there when I was on
13 my way to I Street.

14 Q So, when did you see it?

15 A When I was at I Street. I and Lazerne
16 Streets.

17 Q So, you didn't see it when you were
18 walking down and when you turned around to look --

19 A The paramedics were not on location as of
20 yet.

21 Q How do you know that?

22 A Because I was walking in the middle of the
23 street.

24 Q Okay.

0109

1 A And I, somewhat, recall hearing on the
2 police radio when the paramedics were called.

3 Q Do you know who called the paramedics?

4 A I am not exactly -- I am not exactly sure.
5 I assume it was Mary Powell.

6 Q When you were confronted by Miss La Braun
7 the second time, was she crying?

8 A No. Not that I remember.

9 Q Was Officer Powell with her?

10 A No. Officer Powell was not with her.

11 Q Did she say anything to you at all other
12 than, that is the guy that hit you with the night
13 stick?

14 A No.

15 Q Is it possible that you could have hit her
16 with your night stick while it was in your arms,
17 maybe when you confronted her without knowing that
18 you were confronting her, because there was so many
19 people that, you are turning, you are moving; is
20 that at all possible?

21 A Well, certainly Internal Affairs --

22 Q I am not referring to anything.

23 A I explained to Internal Affairs, possibly,
24 inadvertently, because it was so crowded, maybe she

0110

1 -- not pointing to me. Could possibly, I don't
2 know, because I couldn't tell you. But it is
3 possible.

4 Q Because there was more than one person,
5 and this is the information that I have, that
6 testified that they witnessed you hit Miss La Braun,
7 and I am not saying that they are accurate or
8 anything, I am just telling you that --

9 A Okay.

10 Q -- it's come up more than once, that,
11 coupled with the fact that she located you twice.

12 What is your ethnicity?

13 A I am Italian and Cherokee.

14 Q Were there other officers on the street

15 that had your similar build, your similarity, your
16 bald head, complexion of your skin; do you recall?

17 A I don't know. I don't know. It was a
18 triple assist, that means every police officer in
19 the City of Philadelphia had a duty to respond.
20 There was -- I don't know if you know, but there
21 were hundreds of cops there. So many. Some have
22 bald heads, some are short. I am sure there were
23 guys that matched. I can't remember, I wasn't
24 watching police officers, I was worried about the
0111

1 cars and things of that nature.

2 Q Did you ask the paramedics any questions
3 about Miss La Braun's health when she approached
4 you?

5 A No.

6 Q Now, since this incident back in
7 November 2005, have you had an opportunity to see or
8 have a conversation with or speak to Officer Powell?

9 A I have seen her, sure.

10 Q Have you had a chance to talk to her?

11 A I have talked to her.

12 Q Have you discussed this incident?

13 A No.

14 Q Did you discuss it shortly after it
15 happened?

16 A Um -- not that I can remember.

17 Q Did you ever have to testify in criminal
18 court with respect to anything that happened
19 regarding this incident?

20 A No. Not that I -- to be honest, I didn't
21 lock -- I am not -- I am pretty sure, no, because I
22 didn't lock anybody up. In a different case -- I
23 don't even know who these people are. So, I do not
24 know, not knowing.

0112

1 Q Have you been named in a civil suit as it
2 relates to this incident?

3 A I believe so.

4 Q Is that the same civil suit that Officer
5 Swift was also named in?

6 A Probably.

7 Q Have you seen the lawsuit that was filed?

8 A I am pretty sure.

9 Q I'm sorry, I didn't hear you.

10 A I am pretty sure I was served.

11 Q Okay.

12 A I am sure that is what you are referring
13 to.

14 Q Officer Swift testified that he had his
15 deposition taken in that case; did you, also, have
16 your deposition taken?

17 A Yes. I did.

18 Q Did you guys have your deposition taken at
19 the time, meaning the same day?

20 A (No response.)

21 Q Do you remember taking your deposition?

22 A I think he might have been there that day,
23 I don't know.

24 Q When was that; how long ago was it?

0113

1 A It was recently, within two or three
2 weeks, probably.

3 Q You said that you've know Officer Powell
4 for five years?

5 A No. No. Next week, November 21st will be
6 four years I was in this unit; I started April 14th,
7 2003.

8 Q So, a little over four years?

9 A A little over four years, right.

10 Q Now, have you ever been named in a civil
11 suit, other than a civil suit with regard to this
12 case where there's been allegations of use of force?

13 A Me or the people that are --

14 Q No. You, specifically.

15 A No. Not me, specifically.

16 Q So, the civil suit that you have been
17 named as a defendant in as it relates to this
18 incident, the first time that you have ever been
19 named in a civil suit?

20 A I have only been named in one suit. What
21 it was about, it was a shooting and another officer
22 testified and I got hurt, but I didn't use any kind
23 of force.

24 Q Okay. What was the result of that civil

0114

1 suit?

2 A It is still pending.

3 Q So, you have two civil suits pending?

4 A Right.

5 Q Have you ever appeared before this
6 Commission, the Police Advisory Commission as it
7 relates to any action you have taken as a police
8 officer?

9 A No. Not at all.

10 Q Now, outside of the two lawsuits, civil
11 lawsuits that we just talked about, which may -- the
12 incident in and of itself may have initiated in
13 Internal Affairs, outside of those two incidents,
14 have you ever had to appear before Internal Affairs
15 regarding any complaints, physical or verbal abuse?

16 A None whatsoever.

17 Q Do you recall when you were on the scene
18 at any point, whether there was any bottles being
19 thrown or anything like that?

20 A There was none. I don't recall any.

21 Q When you were walking from one end of the
22 street to the other end; do you recall any of that?

23 A Not that I remember.

24 Q Did you see Officer Swift while you were
0115

1 on the scene?

2 A I don't remember seeing Officer Swift.

3 Q Do you recall whether any of the civilians
4 that were outside, if they had anything that could
5 be interpreted as a weapon, any foreign objects such
6 as a bat or a stick or anything like that?

7 A I don't remember seeing any bat or sticks.

8 Q I have no further questions. Thank you.

9 A Thank you.

10 CHAIRMAN NIX: Commission Rosario, do you
11 have any questions for Officer Williams?

12 COMMISSIONER ROSARIO: No.

13 CHAIRMAN NIX: Commissioner Jordan, do you
14 have any questions for Officer Williams?

15 COMMISSIONER JORDAN: Not at this time.

16 CHAIRMAN NIX: Thank you for your
17 patients, your time and your cooperation for
18 appearing before us, we appreciate it. Thank

19 you.

20 THE WITNESS: Thank you.

21 BY MR. YOUNG:

22 Q Officer Polaco, good evening.

23 A Good evening.

24 Q My name is Dennis Young and I am with the
0116

1 Police Advisory Commission.

2 As you know, you have been subpoenaed
3 to testify regarding an incident that happened on
4 November 11th, 2005 on Lazerne Street in front of
5 Diane's Ballroom; do you recall that incident?

6 A Yes.

7 Q First of all Officer, on behalf of the
8 Commission of the Advisory Board, I want to thank
9 you for the amount of time that you had to wait, and
10 we appreciate that.

11 So, could you, please, state and
12 spell your name for the record.

13 A Full name or my last name?

14 Q Both. And I am assuming that you are
15 going to have to speak up.

16 A Full name is P-A-B-L-O, last P-O-L-A-C-O.

17 Q Officer Polaco, how long have you been a
18 police officer?

19 A Going on nine years.

20 Q I am assuming in those nine years that you
21 had an opportunity to testify numerous times in,
22 either, court or other judicial proceedings. So,
23 for the sake of time I am going to dispense with a
24 lot of the formality and just ask that you try to
0117

1 speak up and avoid nodding your head when I ask you
2 questions; is that okay?

3 A Yes.

4 Q You have an opportunity to give a five
5 minute opening statement to the Commission prior to
6 my questions, prior to the panel asking you
7 questions, would you like to give an opening
8 statement?

9 A No.

10 Q Could you give us your badge number and
11 district?

12 A 9756, 24th District.

13 Q Did you say that already?

14 A No.

15 Q What was your tour of duty on November
16 11th, 2005?

17 A I believe it was 2:30 to 11:30 p.m.

18 Q And what was your assignment; if you
19 recall?

20 A (No response.)

21 Q If you don't recall, I don't know is fine.

22 A I was working patrol car.

23 Q Do you know if you were working alone or
24 if you had a partner?

0118

1 A I was solo.

2 Q Now, we've heard testimony by both
3 civilians and officers who described for us the
4 environment, the atmosphere at the time of this
5 incident. People described it as a melee; people
6 have described it chaotic, mob scene; is that your
7 understanding of what you recall this incident
8 being?

9 A To my recollection, I could recall it as
10 disorderly crowd, disarray.

11 Q So, not quite riot to the level of a mob
12 scene?

13 A At that point when I got there, I might
14 not have felt that, because I was called straight
15 from the -- straight inside by one of the owners of
16 the property.

17 Q What is your ethnicity?

18 A Hispanic.

19 Q I have had an opportunity to review the
20 statements that you gave to Internal Affairs back on
21 September 14th, 2006; do you recall giving a
22 statement to Internal Affairs?

23 A Yes.

24 Q Okay. And in that statement you talk

0119

1 about a time at the scene that you came in contact
2 with Diane Guzman or Guzman; do you recall that?

3 A Yes.

4 Q Now, other than this incident, did you

5 know Diane Guzman prior to November 11th, 2005?

6 A Yes, Sir.

7 Q Okay. And how do you know her?

8 A She is a hair stylist -- a hair stylist
9 and she is a dancer, like, you know, dancer, Spanish
10 music.

11 Q Okay. So, you knew her from the
12 community?

13 A Right.

14 Q And she cut your hair?

15 A Yes.

16 Q Okay. And how long have you known her?

17 A Prior to the incident?

18 Q Yes.

19 A Several years, but I haven't seen her in
20 quite some time before the incident.

21 Q Have you seen her since this incident?

22 A No.

23 Q Describe her to us as a person, how would
24 you describe her as a person?

0120

1 A Well mannered person, you know, she is
2 known throughout the community, because, I guess,
3 her hair styling and her sisters -- I believe her
4 sister was Miss Pennsylvania at one time, that is
5 how I know her.

6 Q Okay. And she is the owner of Diane's
7 Ballroom?

8 A I don't know if she is the owner, but I
9 know her name and that is how I recognized her that
10 night.

11 Q Okay. So, you know her to be associated
12 with the ballroom?

13 A I am not associated with it.

14 Q No. No. I'm sorry. Diane Guzman, did
15 you know her to be associated --

16 A Yes.

17 Q Okay. Have you ever been to the ballroom?

18 A Only at this incident.

19 Q Okay. And prior to that?

20 A No.

21 Q Okay. Have you been there since the
22 incident?

23 A Definitely not.

24 Q At some point during this incident either
0121

1 you recognized her or she recognized you; is that
2 correct?

3 A Yes.

4 Q Did she call you over?

5 A Yes.

6 Q What happened, and tell us about that
7 conversation?

8 A I was going home that night when I heard
9 the call. I went to the location. As soon as I
10 pulled up to the location, she immediately called
11 me, because she was on this side of the fence and I
12 went over to her. I didn't think there was nothing
13 wrong.

14 Q Were you called -- we heard testimony that
15 there was three assists called, first assist, second
16 assist and third assist --

17 A Right.

18 Q -- and at some point before that, there is
19 a response --

20 A Right.

21 Q -- were you called as part of that first,
22 second or third assist, or were you one of the
23 initial responding officers?

24 A I wasn't one of the initial responding
0122

1 officers, I got there, maybe, like, the second, the
2 second assist that went out.

3 Q And that was your district?

4 A 24th, right. In the same district. I was
5 doing something at the time. I was in the middle of
6 something at the time.

7 Q So, if there is a first assist call,
8 correct me if I am wrong, that is a call for all
9 officers in that district to report?

10 A Yes. To start.

11 Q And would that have included you?

12 A Yes. I would have.

13 Q You would have had to stop what you were
14 doing and report?

15 A Yes.

16 Q And is that what you did?

17 A No. I was in headquarters at the time.

18 Q Do you know how long it took you to get
19 down to Lazerne Street?

20 A I heard the second one, because I was in
21 the basement of headquarters. Sometime around -- a
22 minute to have to walk upstairs to get in the car,
23 drive out so, about three or four minutes.

24 Q In your -- and you came to the incident
0123

1 and you said that you just heard the second assist
2 when you were in the basement?

3 A The basement to headquarters, yes.

4 Q Did you hear a third assist call come out
5 while you were in the building?

6 A No. I can't recall.

7 Q Do you recall hearing a third assist at
8 all?

9 A I can't remember.

10 Q Now, when you were on location and you see
11 Miss Guzman, give us a guesstimate of how many
12 civilians were on the street?

13 A It was pretty dark out. This is not a
14 very well lit area. I'll say it appeared to be,
15 like, 50 to 100 people out there.

16 Q Okay. How many officers?

17 A Maybe 30 to 40.

18 Q Okay. Now, Miss Guzman, as you've already
19 testified to -- so, tell me what happened; what kind
20 of conversation did you have when you get to her?

21 A Would you -- I will try to remember this.
22 It was brief. I asked her what was wrong; she asked
23 me to please help her with some kids that are not
24 involved with the situation. And I said -- I
0124

1 believe I asked her what -- she said, those kids are
2 not -- the problem is not with us. And I said,
3 okay, who are the kids, and they were little kids,
4 and I said, okay, fine, point them out; and they
5 were in front of the property and I said, come on;
6 and we went right inside. I took them inside.

7 Q You pulled those kids inside?

8 A Pulled them inside.

9 Q And you went inside the ballroom?

10 A I went inside the ballroom and I started
11 to talk.

12 Q And what did you talk about inside the
13 ballroom?

14 A About what is going on.

15 Q And what did she tell you?

16 A She said that some kids were from another
17 party came to the front of her property and wanted
18 to get in, and there was a fight, a brawl that
19 started between, I guess, people from outside, but
20 she had nothing to do with it. And I said, okay,
21 and then that was it.

22 Q Now, at some point prior to that, do you
23 recall any other police officers inside the ballroom
24 at that time?

0125

1 A No.

2 Q Do you recall seeing, other than you and
3 Miss Guzman, any other adults inside the ballroom?

4 A I seen people inside there, yes, some
5 adults in the ballroom.

6 Q And I wanted to make the difference
7 between kids and adults, how many adults do you
8 think that you saw?

9 A Honestly, I don't know. Maybe four or
10 five --

11 Q Okay.

12 A -- as I can recall, what grown women and
13 grown men.

14 Q About four or five?

15 A Yeah, roughly.

16 Q At some point, one of the adults that you
17 came in contact with was a gentleman that, I guess
18 we now know as Hector Sarano (phonetic); does that
19 name ring a bell?

20 A Yes.

21 Q And do you recall having contact with Mr.
22 Sarano?

23 A Yes.

24 Q Okay. Now, prior to this night, had you

0126

1 known Mr. Sarano?

2 A Not at all.

3 Q So, this was the first night. Why don't
4 you tell the panel about how you met Mr. Sarano.

5 A I met him from that incident.

6 Q I mean, tell us about it; tell us about --
7 if you had a conversation or if you heard him saying
8 something or you heard him doing something, whatever
9 transpired.

10 A What I recall him saying, something -- at
11 the point I didn't know who he was and he had
12 mentioned something on the microphone, you know,
13 inside the property. And that is when I turned to
14 Diane and I said, what is that guy saying up there?
15 So I spoke to him; I said that I am going to go out
16 there and try to see what was going on. That is
17 when I first came in contact with him. And then I
18 told him to stay inside, and he had said that the
19 police officers were outside doing bad stuff. And
20 that is when I told him, don't say that, because
21 that is not right. Since I didn't know, what,
22 exactly, what was going on since I had pulled up.
23 And I then went back outside.

24 Q You mentioned that you saw him with a
0127

1 microphone saying things, do you recall,
2 specifically, what he was saying?

3 A I was just wondering if -- I know that it
4 wasn't -- I felt that it wasn't appropriate, because
5 I was standing with Miss Guzman and everything
6 looked to me --

7 Q So, it was inappropriate because you were
8 a police officer and he was saying something
9 inappropriate as it relates to a police officer?

10 A Right. Not toward me, because he didn't
11 know that I was standing there. You know, I was
12 just inside talking to Diane.

13 Q But at the same time you had police
14 officers that wouldn't think that it was fine?

15 A Yeah.

16 Q But you don't recall, specifically, what
17 he was saying?

18 A They were beating kids outside, that is
19 what it was. That is what I told Diane, tell him,

20 don't say that.

21 Q So, he came down or he came over --

22 A Right.

23 Q -- and you talked to him --

24 A Yes.

0128

1 Q -- one-on-one. Did he, also, repeat that
2 they were beating kids outside?

3 A He didn't mean it that way. That, you
4 know, they were taking care of something outside,
5 but it -- he blurted it out wrong at the time that
6 he said it. He apologized. He wanted to see what
7 was going on. I'll go see what is going on and
8 whatever, you know? I wanted to find out, get to
9 the bottom of it. So, I just went back outside.

10 Q Now, you said he didn't mean it that way;
11 did he tell you in conversations with him that he
12 didn't mean it that way, or you interpreted what he
13 was saying to be meant differently?

14 A Right, because to me, he was a well
15 mannered guy and he was little irate of whatever was
16 going on. I mean, I couldn't understand it, and I
17 just let him speak his mind, you know?

18 Q Did he apologize; you said that he
19 apologized to you; did he apologize to you there?

20 A I think, as I recall, he apologized to me,
21 you know, for saying that, and then I went back
22 inside to resolve whatever it was, you know?

23 Q You mentioned that he was a little irate
24 and you could understand; what could you understand;

0129

1 what was it about what he was saying about what he
2 was feeling that you had an appreciation for?

3 A Well, he was -- I wasn't there when
4 anything happened, so I can't -- I can't go through
5 his mind, but he just appeared that, whatever he was
6 going through at this point, he seemed a little
7 upset.

8 Q When you -- when you initially approached
9 the scene and got of your cruiser and ran into Miss
10 Guzman, did you get an opportunity to see what was
11 going on around you?

12 A I was pretty much short of -- everybody

13 was away from me, so I had a clear path for my
14 patrol vehicle to the gate, so there was nothing
15 around me that impeded in my route.

16 Q Did you see any officer performing crowd
17 control around you?

18 A Yeah. Everybody was just standing around
19 saying, go home; go home; go home, you know, while
20 people were just chanting, you don't have to take
21 that from the police.

22 In most crowds that I have been to,
23 that is what they normally say anyway, so I didn't
24 think nothing of it. They are going to say it

0130

1 anyway, regardless, for whatever reasons.

2 Q Did you see any officers at the time with
3 their batons in a prone position or any type of
4 position?

5 A No.

6 Q Did you recognize any officers at that
7 time?

8 A I recognized a few.

9 Q Do you know who they are as you sit here
10 today?

11 A (No response.)

12 Q Did you see Officer Williams who just
13 left?

14 A No. I didn't know that he was there.

15 Q How about Officer Powell, Mary Powell?

16 A I didn't know that she was there either.

17 Q Did you see Sergeant Frasier in plain
18 clothes?

19 A In plain clothes; you say plain clothes?

20 Q Yeah.

21 A No.

22 Q Did you see him at all?

23 A Yeah.

24 Q But he wasn't in plain clothes?

0131

1 A I don't think so.

2 Q Any other officers that you recall seeing?

3 A (No response.)

4 Q How about Officer Swift?

5 A No. I never saw him.

6 Q Massashosee (phonetic)?

7 A (No response.)

8 Q Massashocki (phonetic)?

9 A (No response.)

10 Q Officer Massashocki; do you know Officer
11 Massashocki?

12 A Is that a female?

13 Q No. That is fine.

14 So, you had this conversation with
15 Hector Sarano inside the ballroom?

16 A Inside and then outside.

17 Q Hector Sarano made statements suggesting
18 that officers were beating on kids?

19 A Right. That is what he said.

20 Q Did Diane Guzman make any such statement?

21 A I don't know. Not to me.

22 Q Did she say anything like, I can't believe
23 what the police officers are doing?

24 A Oh, yeah. People said that.

0132

1 Q I am not talking about people, I am
2 talking about someone that you've known for quite
3 some time that had a sister who used to be a former
4 Miss Pennsylvania; did she say anything like that?

5 A She was upset that day.

6 Q Okay.

7 A Yeah.

8 Q Did she tell you that she was upset?

9 A No. I don't think that she had to tell
10 me.

11 Q She didn't have to say it, you could see
12 it, you noticed it?

13 A Right. Because --

14 Q Go ahead. Please don't let me interrupt
15 you.

16 A That is fine.

17 Q So, you could visibly see her upset; did
18 she say why she was upset; did she say, I can't
19 believe what the police officers are doing; my kids
20 have nothing to do with this; can you help us
21 please; anything like that?

22 A It all related to -- she said -- she
23 mentioned something about someone's sister being

24 arrested. That's what I kept hearing from her, and
0133

1 then that is when Hector, also, said the same thing
2 and I said, all right, I have to do back out there
3 with my fellow officers to see what is going on, you
4 know, who is -- I have no idea what is going on.
5 And, you know, he told me -- I think she told me the
6 heavysset girl is in one of the patrol cars, but she
7 can't go out, she is stuck inside, because the cops
8 are not letting her out.

9 Now, keep in mind, a lot of cops go
10 to those assists. I don't know each individual one,
11 you know, from each district. They come out of the
12 15th, they come out of 22nd. I don't know them by
13 face. The only ones that I recognize is from my
14 squad.

15 At that point, when I got there, I
16 could not recognize everyone, because everybody has
17 blue, you know, all I see is a woman calling me; I
18 go over and I come back. I go and look in each car
19 where there is a person and explain that she is out
20 already. And, that is my sister; that is my sister;
21 from the fence over I said, okay, come on, go
22 upstairs, don't come back out until I find out what
23 is going on.

24 At that point, I walk over to my car,

0134

1 lock my car up, because I don't know who is around,
2 and I started to walk back to where all the cops are
3 being taunted by these kids and that is where I
4 stayed.

5 And then from there, you can ask me
6 more questions.

7 Q Okay. I will do that.

8 You mentioned that the children were
9 -- the kids or the civilians were talking to the
10 police officers; what were the officers response to
11 that?

12 A It was a little loud out there. All I can
13 recall, everyone go home; go home; don't stand here.
14 They just kept walking. And by the time that I got
15 there, it was pretty much settled. There was
16 nothing they could have done that they already

17 hadn't done. So, I couldn't do anything, you know,
18 there.

19 Q You mentioned earlier that you heard some
20 people say that the police --

21 A Right. That was from a distance.

22 Q Okay. That is fine. Now, I am asking you
23 what you may have heard, either, from a distance or
24 close by or in a conversation; did you hear any

0135

1 other profanity being used, other than the "F" word,
2 damn, shit?

3 A That is said on a regular basis.

4 Q By police officers?

5 A No. Like, I don't know from whose voice
6 it came out of, but --

7 Q Literally, it is said on a regular basis
8 by both civilians and cops?

9 A Yes.

10 Q So, you heard those types of words, but
11 you weren't sure, because you weren't sure who they
12 were coming from?

13 A No.

14 Q Could have been a police officer, could
15 have been a civilian?

16 A Yeah.

17 Q And it wouldn't surprise you in the least
18 bit if you heard a police officer using it, given
19 the context and the atmosphere. You heard police
20 officers say shit, damn or "F" or get the hell back
21 or anything like that?

22 A (No response.)

23 Q And, of course, it wouldn't surprise you
24 to hear --

0136

1 A Right. I hear that -- a lot of stuff from
2 civilians and from officers, too.

3 Q Did you hear any derogatory language or
4 any ethnic slurs being hurled by either party?
5 There was testimony that the word spic was used.
6 There was testimony that officers called women
7 whores, hos and the "B" word.

8 A Well, I could be honest with you on that
9 part, there is just certain things that I can

10 tolerate, slang words like that, and even as a
11 civilian or if I am a civilian or officer, I don't
12 tolerate it. I don't like to say it and if I did --
13 would have heard it, it would have -- I would have
14 felt that it was toward me as well. And, you know,
15 in that way. So, therefore, I did not hear it from
16 anybody.

17 Q Now, just going back to where you left
18 off, at some point you met Mr. Sarano, you were
19 inside the ballroom, you then went outside; when you
20 went outside, did you tell Hector Sarano to stay
21 inside?

22 A Yes. I did.

23 Q And at some point you met him, again,
24 outside?

0137

1 A Yes. I did. That was funny.

2 Q Why was that funny?

3 A Because I told him to stay inside.

4 Q We, also, listened to -- well, did you
5 tell him, I told you to stay inside?

6 A Yes. I did.

7 Q Did you tell him to go back inside?

8 A Actually, I had to take him out of the
9 car, out of the patrol car, because Diane called me
10 again, because I was still nearby. I was still
11 nearby. I believe she had ran up to me again. She
12 was actually able to come out of the gate and say,
13 now they got Hector. I was like, oh, Jesus Christ.

14 Once again, officers from another
15 district, I don't know them by name or, you know,
16 maybe if I see them, maybe that was the guy, but
17 once again, he is in a patrol car. So, I pleaded
18 with the officers, listen, he is one of the guys in
19 charge of the situation inside there. He doesn't
20 have nothing to do with things outside, I said. No
21 problem. Can you, please, let him out so he can
22 calm these kids down?

23 Apparently, he was the one in charge,
24 you know, he was the one that threw this affair. I

0138

1 had to plead to the cops, I don't know this guy from
2 a can of paint, and they said, all right, you are in

3 charge of this guy. I told Hector, they are going
4 to let you go if you go back in there, and that is
5 when they let him out and I let him walk inside.

6 Q Did you escort him inside?

7 A No, I didn't. That was my mistake.

8 Q Just so it is clear, when you saw him in
9 the police car, do you remember where the police car
10 was?

11 A The corner, right there (indicating).
12 There you go. Right there (indicating). That is
13 the corner that I saw him.

14 Q So, when the officers turned him over to
15 you and they said, now he is your problem?

16 A Right.

17 Q Did you escort him back or --

18 A No. I stood there.

19 Q Okay. Did you watch him walk back?

20 A No.

21 Q Okay.

22 A I didn't watch him, I just let him go back
23 in there and take care of -- at that time, that
24 corner was full of kids as well. So, I stood there
0139

1 -- I stood at this corner (indicating) looking and
2 talking to the officers, the ones that were -- that
3 let him out and looking away from the property.

4 Q Okay.

5 A So, I had -- I am thinking -- my point is,
6 there was nothing going on.

7 Q Right. When you saw Hector inside the
8 police cruiser, and I am assuming that he was in the
9 backseat?

10 A Yes.

11 Q Was he handcuffed?

12 A I can't remember.

13 Q Do you remember when he got out of the
14 car, did the police officer have to take handcuffs
15 off him?

16 A No, because he got off on the other side
17 and I was still looking -- I was still, like, people
18 were chanting and I didn't know whether they were
19 going to throw anything at all.

20 Q You mentioned that they were chanting, do

21 you remember what they were chanting?

22 A The police are pigs, you know, the regular
23 stuff.

24 Q Did you hear civilians chanting, free
0140

1 Hector; free Hector?

2 A No. I don't remember that.

3 Q Did you notice when Hector exited the
4 police cruiser, whether he had any visual signs of
5 injury?

6 A He was crying.

7 Q He was crying?

8 A Yeah.

9 Q Okay. Did you ask him why he was crying?

10 A Like I said earlier, the guy seemed to be
11 a very sentimental guy. So, you know, I didn't see
12 any -- he didn't tell me that anybody beat up on
13 him. I assumed he was just crying because he was
14 upset because he was in a patrol car. I would, too,
15 if I was getting locked up.

16 Q And I am glad that you mentioned that he
17 didn't say anything to you about being beaten up;
18 did he say anything at all to you about his face at
19 that point?

20 A Then he told me briefly that is La Braun,
21 the girl. I mean, it was just conversations with
22 him, because I was talking to the officer that let
23 him out and he tried to control the crowd.

24 Q And you said two officers let him out?
0141

1 A There was -- there was several officers
2 around the car, but I don't know who was the
3 actually arresting officer.

4 Q And whichever officer you spoke to that
5 had control over Mr. Sarano that released him to
6 you, since he gave you authority to take him and I
7 am assuming some officer had to be --

8 A Right.

9 Q -- there, can you describe that officer to
10 the panel?

11 A White male.

12 Q Okay. Older, younger?

13 A Appeared to be a younger kind of guy,

14 black hair.

15 Q Black hair; short black hair or --

16 A I just know that he was a white male with
17 black hair. I don't know the car. I know it wasn't
18 from our district. It was a newer version car.

19 Q Was the officer taller than you or
20 shorter; I'll assume he is shorter?

21 A I really wasn't measuring him, but it is
22 kind of hard to tell, because he was inside the car,
23 writing. So --

24 Q So he never stood up; I understand.

0142

1 A His partner came out and just let him out
2 to there (indicating) and he walked away and I just
3 kept directing traffic and whatnot.

4 Q And I know that it is hard at this time of
5 night, just bear with me, the officer that walked
6 out to release Mr. Sarano, was he, also, a white
7 male, also?

8 A I can't remember.

9 Q Okay. That is fine. Do you know whether
10 that officer was shorter than you or taller than
11 you?

12 A This is what, two, three years ago?

13 Q Yeah. Almost to the day.

14 So, Hector Sarano, because of your
15 kind gesture, was released and you told him to go
16 back into the ballroom; what happened next with you?

17 A What happened with me?

18 Q Yeah. What did you do next?

19 A Directed traffic.

20 Q Directed traffic?

21 A Yeah.

22 Q Were you assigned to do that by a
23 supervisor on the scene, or was it something that
24 you would have done naturally?

0143

1 A I do naturally.

2 Q Was it congested?

3 A Yes, because the kids were in the middle
4 of the street and I was telling them to go home,
5 because they were impeding traffic from going north
6 and west.

7 Q What happened next?

8 A I started walking back to my patrol car.

9 Q Which would have been, where?

10 A Parked in front of the property.

11 Q Okay. Now, while you were walking back to
12 your patrol car --

13 A It was parked between those yellow lines
14 in the middle of the street in the median, further
15 back.

16 Q When you say, further back, to the right
17 or to the left?

18 A To his left.

19 Q Okay.

20 A I was further back there (indicating), a
21 little more, right around there (indicating).

22 Q Okay. So, you walked, basically, from one
23 end of I Street to the end of the block?

24 A Correct.

0144

1 Q And I am assuming that you walked that as
2 part of your responsibility directly -- the foot
3 traffic, telling people to disperse, or was it empty
4 at that point?

5 A It was empty. It was fairly empty.

6 Q Okay. Did you see officers, any officers
7 making any arrests at that time?

8 A No.

9 Q Did you see any officers making any
10 arrests the whole time that you were there?

11 A No.

12 Q Did you see any officers at that time
13 using any crowd control tactics?

14 A No. Not at that time.

15 Q While you were walking back to your
16 cruiser, did you come in contact with Miss Guzman?

17 A Yes. I did come in contact with her,
18 again, but I saw Miss Guzman with other people, with
19 other cops.

20 Q You saw her having a conversation with
21 other cops?

22 A Who?

23 Q Miss Guzman.

24 A Oh, no. No. No.

0145

1 Q Okay. So, he just returned?

2 A Who, Hector?

3 Q Hector Sarano, the guy that you said to go
4 into the ballroom, you saw him outside having a
5 conversation with police officers?

6 A Yes.

7 Q Do you know what was being said?

8 A No, because I wasn't close enough, he was
9 toward the gate.

10 Q Okay. Do you know how many officers he
11 was talking to?

12 A He was -- I don't know exactly, but he was
13 talking to a bunch of, maybe, about four or five.

14 Q Did you go over to see what he was talking
15 about or did you just go over and say, hey, Hector
16 --

17 A No.

18 Q -- I just got you out of the car, I told
19 you to stay inside, what are you doing back out?

20 A No.

21 Q And why not; was it because at that point,
22 the things got under control?

23 A Yeah. I didn't feel nothing was wrong.

24 Q Okay. And when you got to your cruiser,

0146

1 did you then get in and resume --

2 A Pretty much, yeah. I mean, there was --
3 geez, I am trying to remember. What did I do in the
4 car; yeah, at that point, I got in the car to go
5 home.

6 Q Now, according to your statement, your
7 interview, you, at some point know that a police
8 officer had a Taser drawn; do you remember that?

9 A Right.

10 Q And can you tell us about that incident?

11 A (No response.)

12 Q I mean, other than you saw officers with a
13 Taser drawn, do you know what the officers were
14 doing?

15 A Well, to be honest with you, the time
16 frame, I am going through flashes of the incident.
17 The time frame I can't pinpoint at which point. Did

18 I see it; I remember seeing it, because it was on
19 the floor and I found the cartridge on my way back
20 from the corner. So, at which point I remember
21 seeing it, but because of the melee of what was
22 going on and trying, you know, figure out what was
23 going on, did they need me, you know, I had to focus
24 on what was behind me. What was going on inside,
0147

1 trying to evaluate the situation, to see if I could
2 be of help. So, I couldn't really focus on the time
3 frame. I know I remember seeing it, and that is
4 what I had told -- I had said in my report.

5 Q Did you see the officer discharge the
6 Taser at all?

7 A I didn't see an officer discharge it, but
8 I found a brand new cartridge and let me to believe
9 that they couldn't have discharged it without it.

10 Q Okay.

11 A And that is when I found a brand new
12 cartridge, you know, so I gave it to the supervisor,
13 because they are the ones that carry it. I wasn't
14 going to give it to an officer.

15 Q Do you remember which supervisor you gave
16 it to?

17 A I believe that I gave it to Sergeant
18 Frasier, and that is when I saw Sergeant Frasier,
19 when I gave him the cartridge.

20 Q Now, when you found the cartridge, it
21 wasn't at the same time that you saw the officer
22 with the Taser -- that you assumed that you saw the
23 officer with the Taser earlier in the incident?

24 A I think it was earlier in the incident

0148

1 when I saw the red light. I am not quite -- can't
2 quote me on that exactly, but I believe it had to be
3 at an earlier time frame, because the time -- it
4 took, what, 30 minutes altogether, between 30 to 40
5 minutes from the time that I was there.

6 Q Okay. Who was your commanding officer at
7 the time?

8 A My commanding officer?

9 Q Your supervisor.

10 A My supervisor, okay. That day, oh, man.

11 Q Has it changed since today; I am assuming
12 that it has?

13 A Yes.

14 Q That is fine if you don't recollect.

15 Now, would you describe most of the
16 kids and the civilians that were coming out of the
17 ballroom that night and on the street, would you
18 describe them mainly as Hispanic?

19 A Yes.

20 Q Were there any -- did you notice any
21 blacks on the street, also?

22 A No.

23 Q How about white kids?

24 A No.

0149

1 Q Mostly Hispanic?

2 A (Witness nods head.)

3 Q I appreciate your testimony and appreciate
4 your time and candor and the information that you
5 provided. And I have one last question.

6 Given your experience as a police
7 officer, given the fact that police officers are
8 responding to a group of children that happen to be
9 Hispanic, given the fact that you are Hispanic, is
10 there anything that you would like this panel to
11 know that could have been done differently by the
12 police officers that just wasn't handled properly?

13 A (No response.)

14 Q Anything that you think the police
15 officers could have done better, anything that you
16 don't agree with something that was being done that
17 you thought that was in any way offensive to you or
18 be offensive to the Hispanic kids that were out
19 there?

20 A Honestly, I could only worry about what I
21 do, because I can't think for others. I can't think
22 for other cops. If the problem was with me, then I
23 could gladly explain what I have done, but because
24 you feel, you know, to me, I don't feel threatened.

0150

1 You know, it wasn't derogatory to me; I didn't
2 really feel -- they were doing what they had to do
3 for whatever reason was, because, you know, they

4 really didn't go out and try to hurt anybody, you
5 know, who hadn't tried to hurt us.

6 So, that is all I can say about that.

7 Q And you, as a Hispanic officer, you
8 weren't offended or didn't hear any derogatory
9 comments being made?

10 A Honestly, I didn't. Honestly, I kind of
11 wish that I did and then I would have been able to
12 address it.

13 Q Did you see a lot of the children out
14 there being, either, aggressive toward the police
15 officers or noncompliant?

16 A When I got to the point, they were, at
17 least, 20 feet away from me when I parked. So, I
18 wasn't able to engage in anything or see anyone
19 engaged. Everything was way ahead of me, because
20 Diane was this way, and anything that happened this
21 way, kind of, she was just gesturing at me to come
22 over, so, I went over. Other than that...

23 Q We heard the testimony of Hector Sarano
24 and he mentioned at one point in his testimony that

0151

1 Officer Polaco apologized; do you remember
2 apologizing to Mr. Sarano?

3 A Yeah, I did.

4 Q What did you apologize for?

5 A He -- like I said, once again, he was an
6 emotional kind of guy, and I wanted him to calm
7 down, so I listened. If anybody offended you, look,
8 I wasn't there when they did it, but because I am
9 wearing a blue suit, I apologize. And if you need
10 me to do something, just let me know and I will try
11 to help you out. And that is what I did, kindness.

12 Q At what point during the incident did you
13 offer this apology, was it when you first got there?

14 A I can't remember.

15 Q Was it after he was arrested or after he
16 was detained, I shouldn't say arrested?

17 A I can't remember at which point. I know
18 he was irate through the whole situation.

19 Q But after the apology that you gave, it
20 wasn't specific to anything that you saw or heard
21 the officers do?

22 A Right.

23 Q It was more of an apology that there was a
24 situation and he was --

0152

1 A Emotional.

2 Q -- emotional and thought that there was
3 some type of wrong that was being against him or
4 against his kids or whatever the case may be. So,
5 it seemed more like a quell?

6 A Well, because of my conversations. He,
7 you know, kind of, categorized everybody, every cop
8 is wrong and I said, wait a minute, not every cop is
9 wrong. Whatever that person who is doing the crime
10 or doing whatever they do, you know, just judge
11 everything for the whole circle. And he was like,
12 you're right. And I apologized for your grief and I
13 will go out there and try to get your sister back,
14 you know, try to resolve the situation so that you
15 can calm down, because he was crying.

16 Q Okay. Officer Polaco, thank you for your
17 testimony.

18 CHAIRMAN NIX: Commissioner Rosario, do
19 you have questions for Officer Polaco?

20 COMMISSIONER ROSARIO: Mr. Chairman, for
21 the record, I would like to say that Miss Diane
22 Guzman's sister was not Miss Pennsylvania, she
23 was Miss Philadelphia.

24 THE WITNESS: Miss Philadelphia, something

0153

1 like that.

2 BY COMMISSIONER ROSARIO:

3 Q Good evening, Officer Polaco.

4 At this time I don't have any
5 specific questions, but I have a statement.

6 Out of all the police officers, in my
7 humble opinion, you have been the first one to act
8 as a true police officer, and I would like to
9 commend you for that.

10 You have the guts and honesty to
11 personally calm the situation down by talking to the
12 people, I commend you for that. Like you did with
13 Hector, I think that when you also apologized, he
14 apologized because that is the thing to do. And as

15 a true police officer, he is not apologizing because
16 of what they did wrong, all he was trying to do is
17 calm the situation down. Mr. Sarano, he was very,
18 very upset and all he was doing was trying to calm
19 him down, and he listened. If I have to apologize,
20 I have to apologize just to calm a person.

21 Council, I think that this is the
22 mess, and they should help him to talk to Officer
23 Polaco, so that they can learn how to act in
24 situations like this.

0154

1 He should be commended. Thank you.

2 CHAIRMAN NIX: Commissioner Jordan, do you
3 have any questions for Officer Polaco?

4 COMMISSIONER JORDAN: Yes. I do.

5 BY COMMISSIONER JORDAN:

6 Q Officer, you stated that when you went
7 outside, they had Hector in a squad car; am I
8 correct?

9 A Yes.

10 Q And you pleaded with these officers to let
11 him go so he could go inside and calm the situation
12 down, and these officers, being that you had the
13 same blue shirt on that they had, took your honesty
14 and respect as another fellow officer and released
15 him into your custody, gave you that courtesy as
16 well as trust, but when they released him into your
17 custody, you just let him go, didn't watch where he
18 went?

19 A No. I didn't.

20 Q Because you indicated that.

21 A Right.

22 Q That you didn't look at the direction that
23 he went in?

24 A Because he told me -- I trusted his word.

0155

1 He told me he was going to calm down.

2 Q And those other officers released him into
3 your custody --

4 A Yes.

5 Q -- because of the code blue --

6 A Right.

7 Q -- into your trust; so, shouldn't you have

8 watched him, and which way he went?

9 A Well, I figured at that point, he was
10 free, there was, you know, nobody fighting, nobody
11 doing nothing. So, I had to control everything that
12 was behind me when I was talking to Sarano. And at
13 that point he said, I am going inside and I trusted
14 him, I am not going to do nothing. I said, come on,
15 don't let me down, I am going to take care of this
16 situation here and I will meet you back over there.
17 And that is what I did. I let him go and I turned
18 around and went to my little traffic post, and that
19 is when he left.

20 Q And he went inside to calm the crowd down?

21 A He went inside, but I don't know what he
22 did after that. That is when I started walking back
23 to my patrol car, as I recall. That is when I found
24 the Taser stuff.

0156

1 Q And you gave it to the sergeant?

2 A To the sergeant.

3 Q And as far as the girl incident that was
4 arrested and put in that squad car --

5 A I didn't know anything about anybody being
6 arrested. I didn't see no arrest, nothing. I just
7 walked toward my car.

8 Q Okay. When you arrived on the scene, you
9 saw a commotion; correct?

10 A About 20 to 30 feet away from me, yes.

11 Q What did you immediately do when you
12 arrived on the scene?

13 A Went over to Diane's place.

14 Q Okay. Then didn't your fellow officers
15 push the crowd back at the time?

16 A It appeared there was a lot of cops in the
17 area, one additional person from my -- was doing
18 control of the situation, so if I didn't know the
19 situation, so I took the initiative, because Diane
20 had called me over.

21 Q So, as an interpreter?

22 A Not as an interpreter, because she spoke
23 English, but just to see if I could be of help in
24 that respect, because you try to mediate the

0157

1 situation and I am not good, if there is fighting
2 over there and I don't know the situation, what can
3 I do? I don't know what it is, so I had to -- as
4 soon as she called me over, I went straight to her.
5 I didn't bother to -- there was enough officers
6 30 feet away. I didn't need to be, you know, if
7 they are moving the crowd away, let me do that, see
8 what was done.

9 Q When she told you that Hector was in a
10 squad car --

11 A No. Hector was inside when I first
12 approached. He was inside the ballroom.

13 Q Well, how did you know that he was in a
14 squad car?

15 A Because when I went back outside -- when I
16 went back outside -- let me slow down. I spoke to
17 Hector inside, he was in a squad car when I told
18 Hector to stay inside. And at some point, his
19 sister was in a squad car, his sister was being
20 locked up.

21 Q He was in a squad car?

22 A She was in a squad car and not Hector.
23 Not Hector at first.

24 Q So, you got the sister out of the squad
0158

1 car?

2 A Yes. Go back inside.

3 Q And then you got Hector out of the squad
4 car?

5 A Because I went outside. Once I came
6 outside and I went on L Street for -- some point,
7 Hector ended up in a squad car. Diane had called me
8 and said, Hector is in a squad car. So, that is
9 when I talked to him to go inside.

10 Q The squad car to the walk back, the time
11 frame, is a little confusing?

12 A I am trying to recollect everything that
13 happened.

14 Q Yeah. I think you are having flashbacks
15 and that makes you remember a different situation.
16 But first, when you got out of the squad car was the
17 assist?

18 A Yes.

19 Q And then you went and got Hector?

20 A Yes, but not at the same time.

21 Q No. No. Separate times.

22 A Right.

23 Q But you had officers that had him held
24 inside of the squad car?

0159

1 A Right.

2 Q And to let both of them loose?

3 A This is almost at the end of the
4 situation. Almost when everything was clearing up.
5 So, I assisted officers at that end of I Street,
6 that is when Hector was there, I assisted him there
7 -- excuse me, I assisted officers there. Once I let
8 Hector go, that is when I stood there.

9 Q But first you got the sister out?

10 A Earlier, when I first arrived.

11 Q Okay. Thank you, Officer.

12 BY CHAIRMAN NIX:

13 Q Officer Polaco, did you see Lieutenant
14 Cruz there that evening?

15 A I don't know who he is.

16 Q Did you see any white shirts, any of the
17 high ranks?

18 A Yes.

19 Q Did you identify them on any pictures?

20 A In here, no.

21 Q Can you identify them, for us now, who any
22 of the white shirts or higher ranking officers?

23 A Honestly, I wasn't even bothering to look
24 at their face, all I know, there was a white shirt.

0160

1 And -- wait a minute, as a matter of fact, I believe
2 he had boots on. That he had boots and a white
3 shirt with boots. That is all I can remember from a
4 quick glance.

5 Q That was Lieutenant Cruz?

6 A I don't know who it was.

7 Q And when Hector and Diane, when you talked
8 to them and at one point when you apologized to
9 Hector, had Hector or Diane, and I know that you
10 said you didn't hear anyone say the word "spic"
11 outside; did Hector or Diane tell you that they had

12 heard officers call people spics?

13 A They might have, but I can't remember.

14 Those words don't stick out to me. If they did, I
15 probably didn't -- I can't remember if they did or
16 not.

17 Q And last thing is, did you ever, when
18 Hector was upset, you said that he was sentimental
19 and crying, did you ever advise him to write down
20 badge numbers of specific officers?

21 A I advised him that I didn't know all these
22 people and if you, you know, feel that something is
23 bothering you, you have the right to do that. You
24 can go ahead and write badge numbers.

0161

1 Q Okay.

2 A I can't say I can go up and say, this is
3 bothering Hector, I can't do that. Whoever the
4 problem with him, he can freely, if he feels, you
5 know, but maybe not at that moment, because that is
6 kind of tough. Everybody's blood is boiling; I
7 don't think that is a good idea to do it, but I
8 don't know what he did.

9 Q But do you recall that specific words, if
10 you have a problem, you just write down badge
11 numbers, with Hector?

12 A Yeah. I told him, because I said, you can
13 tell me, you know, if I had a problem with Hector,
14 write down my badge number and my name. But as
15 anybody, when I approached him for the disturbance,
16 where people that feel that I did something wrong or
17 that I am not delivering the satisfaction that they
18 expect, okay, you can write it down, I don't have a
19 problem. If I am doing something wrong, people
20 write down my badge number if that is going to help
21 him or her on the situation.

22 Q And you said that you don't know if Hector
23 did that or not?

24 A Yeah. You know what, I think he must have

0162

1 took down the wrong contact and that is why he ended
2 up -- this is my perception, that is why he ended up
3 in the patrol car. You know, when I got him out,
4 because he probably did that on his own. That is

5 just my theory of why he ended up in a patrol car.

6 BY COMMISSIONER JORDAN:

7 Q One more question. Do you know, that
8 night, if anyone was arrested?

9 A No.

10 Q You don't know of anyone that they took
11 down to the station?

12 A No. Not at all. I went home. I turned
13 my car around and went home, because that was my
14 tour of duty. I was just ready to go home.

15 Q Yeah, but before you go home you have to
16 check out; am I correct; you have to go to the
17 precinct to clock out, you just don't drive home?

18 A No. No. No. I parked my patrol car and
19 I walked inside.

20 Q Inside the precinct?

21 A Inside the precinct.

22 Q Okay.

23 A But like I said, there were officers from
24 all over, and not in the precinct.

0163

1 Q They wasn't in your precinct, the precinct
2 that you checked out at; correct?

3 A I checked out in my own precinct.

4 Q Right. So, the officers that were there
5 at this time, wasn't at your precinct; were they?

6 A No.

7 Q Okay. So, therefore, when you went into
8 your precinct, the only ones that was in there was
9 the officers from your precinct?

10 A Right.

11 Q Okay. Then, when you went into your
12 precinct, didn't you see any of your fellow officers
13 making out reports?

14 A No.

15 Q You don't know of anyone in that
16 particular incident was in custody; you didn't see a
17 pregnant woman --

18 A No.

19 Q -- that was in custody or a fellow that
20 was in custody?

21 A No. I have heard someone -- I think that
22 I heard someone say they got -- but I didn't,

23 physically, see them, you know, because somebody got
24 locked up, I can't check up on them because it is
0164

1 not my arrest, you know, I don't go check on other
2 people's arrests. No. I wouldn't see the people
3 who may have gotten locked up, because it is inside
4 of a shell. When I pass through, I don't see the
5 cell room; is that what you are saying?

6 Q No, not per se, that you would have to see
7 them in the cell. Being that you were going to the
8 precinct to check out, you would see fellow officers
9 make out paperwork or maybe, I got to make out this
10 paperwork, something of this nature; you didn't hear
11 of any of that from the other guys or, oh, I am glad
12 that the job is over?

13 A (No response.)

14 Q Or a riot situation was out there, I am
15 glad we can go home; you didn't hear any of that
16 from your fellow officers?

17 A (No response.)

18 Q Okay. Thank you.

19 BY MR. YOUNG:

20 Q Was the answer -- did you answer that
21 question; was that a no, or I don't know; I just
22 want to make sure the record is clear?

23 A Honestly, I can't remember. I can't
24 remember. It wasn't something, again, that sticks
0165

1 out for me, to follow up on what happened that
2 night. I just like to go home.

3 BY COMMISSIONER JORDAN:

4 Q It would seem like, after the incident of
5 probably 150 people and officers, that -- okay,
6 thank you.

7 CHAIRMAN NIX: Officer Polaco, again,
8 thank you for appearing before the Police
9 Advisory Commission for providing your
10 testimony and thank you for your time and
11 patients. We appreciate your coming out. You
12 are dismissed.

13 And these hearings are now in recess
14 until, I believe, Tuesday the 20th at 6 p.m.

15 Thanks.

16 (Whereupon, the proceedings
17 concluded at approximately 11:15
18 p.m.)
19
20
21
22
23
24

0166
1 C E R T I F I C A T E
2

3 I, RENEE HELMAR, a Shorthand Reporter, and Notary
4 Public, certify that the foregoing is a true and accurate
5 transcript of the proceedings which were held at the time,
6 place and on the date herein before set forth.

7 I further certify that I am neither attorney, nor
8 counsel for, nor related to or employed by, any of the
9 parties to the action in which these proceedings were taken,
10 and further that I am not a relative or employee of any
11 attorney or counsel employed in this action, nor am I
12 financially interested in this case.
13
14
15
16

17 Renee Helmar
18
19
20

21
22 Shorthand Reporter
23
24