

Observing, photographing & filming the New Orleans Police Department



The ACLU would like to acknowledge Christopher Bernhardt, Student Attorney with the Tulane Civil Litigation Clinic, for his substantial assistance in drafting this report.



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Introduction

In 2008, the American Civil Liberties Union of Louisiana and the Tulane Civil Litigation Clinic (“the Clinic”) agreed to represent two young men who claimed that they had been falsely arrested in February 2007 because they had filmed NOPD officers at a Mardi Gras parade. These young men filed a lawsuit alleging violations of their First Amendment right to film police officers in public. The men had a video corroborating their allegations.

Shortly after agreeing to represent these individuals, the Clinic received a report of a very similar event from May 2005, in which a young woman alleged that NOPD officers tried to stop her from filming them and then arrested her under false charges. This woman eventually filed suit against the officers and the NOPD, which was resolved before trial. Next, the Clinic learned about an attorney who claimed he was falsely arrested for observing NOPD officers harass homeless persons on Lee Circle, an incident that seemed oddly similar to what had happened to the new clients and the young woman in 2005. Through research and community outreach, the Clinic learned of other similar stories.

In the end, the Clinic documented fifteen incidents in which people claimed NOPD officers interfered with their First Amendment right to observe, photograph, and/or film police activity in public. These fifteen incidents, which involved over forty officers, suggest a wider NOPD practice of threatening and arresting people who exercise their First Amendment right to observe and film the police.

The purpose of this report is to document NOPD practice and educate the New Orleans community about people’s First Amendment right to observe and film the police. The report begins with a brief description of the First Amendment right and then includes summaries of the fifteen incidents mentioned above. These stories are remarkable for the wide range of people and locations they capture, from journalists to metal workers, from Uptown to the Lower Ninth Ward.

(cont.)

¹ Following a three-day trial in March 2010, a jury rejected the men’s claim of wrongful arrest. The jury did not reach the question whether the NOPD had committed a pattern of First Amendment violations.



Introduction

These stories are also remarkable for the consistent hostile response of NOPD officers when people decided to observe, film, and photograph the police. An appendix includes a number of sworn statements that provide greater detail about these events. The conclusion of the report includes recommendations on immediate steps the NOPD can take to put an end to this unlawful practice. The department must re-examine its training on the First Amendment and ensure that officers who violate people’s right to observe and film police officers are appropriately disciplined.



The First Amendment Right to Observe & Record Police Officers Performing Their Duties

The right to observe the police is guaranteed by the First Amendment of the United States Constitution. Photography and videography are forms of expression protected by the First Amendment so long as members of the public do not interfere with an officer's ability to do his or her job.

When police officers harass and arrest members of the public for observing, photographing, or filming police activities, they are breaking the law. Police harassment and arrests of observers who use cameras or a notepad to record a scene also has a serious chilling effect on the ability of citizens to hold law enforcement accountable. By simply witnessing and documenting possible incidents of police misconduct, individuals can deter police misconduct.

Although members of the public have a right to observe the police, they cannot interfere with police duties. Police work is inherently dangerous, but arrests for "interference" must be based on evidence that the bystander intended to interfere with the police officer's duties. Exercising the constitutional right to observe, photograph, or record police activity in public is not, on its own, "interference." While officers may be unhappy that they are being recorded when they are performing an arrest or conducting other police activity, their discomfort does not make a lawful exercise of a First Amendment right a crime.



Incident # 1

Arquailor Wilson, May 22, 2005²

On May 22, 2005, Arquailor Wilson, a twenty-three year-old resident of New Orleans, was attending a private memorial gathering on private property in the Lower Ninth Ward. At or around 8:30 p.m., seven NOPD officers and two NOPD sergeant supervisors arrived at the gathering and ordered the gathering to cease and the guests to disperse. Several guests protested the police officers' orders on the basis that the gathering was on private property. When the NOPD officers insisted that the gathering cease, several of the guests became upset. NOPD officers then began arresting some of the guests.

Ms. Wilson had been filming the encounter between the NOPD officers and the guests. While Ms. Wilson was filming this encounter and the arrests, another NOPD officer, without warning, walked up to her and grabbed her video camera. The other NOPD officers and supervisors nearby did nothing when this officer tried to stop Ms. Wilson's filming. NOPD officers then arrested Ms. Wilson for resisting an officer, disturbing the peace by inciting a riot, and crossing a police line. These charges were later dismissed.

Ms. Wilson's attorney distributed the video capturing this incident to the local media, and WWL-TV broadcast the portion of the video where the officer grabs Ms. Wilson's camera. Ms. Wilson also filed a lawsuit against the Superintendent of the NOPD and the officers involved in her arrest. In this lawsuit, Ms. Wilson alleged that the Superintendent and the officers, among other things, violated her First Amendment right to film and falsely arrested her. The parties eventually settled this lawsuit.

²

Ms. Wilson testified about this event pursuant to subpoena and under oath on May 15, 2010 in federal court.



Incident # 2

Lucas Oleniuk, September 1, 2005³

On September 1, 2005, Lucas Oleniuk, a photographer for the *Toronto Star* newspaper, was working in New Orleans covering Hurricane Katrina. On that day, he and a *Toronto Star* reporter were reporting on a standoff between about forty NOPD officers and several armed individuals in an apartment block. Mr. Oleniuk took hundreds of pictures of officers shooting into an apartment building. After the shooting ended, Mr. Oleniuk proceeded to take pictures of the officers delivering fierce beatings to two suspects that the police had apprehended.

When several of the police officers realized that Mr. Oleniuk had captured the beatings on film, the officers approached him and grabbed at the cameras around his neck. The NOPD officers took two of Mr. Oleniuk's cameras and his press pass, breaking a camera strap in the process, and removed the memory cards from the cameras. Only after Mr. Oleniuk begged did the officers return his cameras to him. When Mr. Oleniuk asked for his memory cards to be returned as well, the officers threatened him with physical violence if he did not leave immediately. Mr. Oleniuk and the reporter he was with promptly left.

³

An article describing this event appeared in the *Toronto Star* on September 2, 2005 and was titled "New Orleans on a Hair Trigger: A Chilling First Person Account."



Incident # 3

Gordon Russell, September 1, 2005⁴

On September 1, 2005, Times-Picayune reporter Gordon Russell and a New York Times photographer were driving in New Orleans when they came upon a large group of NOPD officers at the scene of what appeared to be a shoot out. As the photographer slowed the car to take a photo, the police officers aimed their weapons on the car. The police officers then ordered Mr. Russell and the photographer to get out of the car. NOPD officers pushed the two men face-first against the car and a nearby wall with their hands up. The same NOPD officers threw the reporters' notebooks and camera equipment to the ground and ordered Mr. Russell and the photographer to leave.

Incident # 4

Rich Matthews, October 8, 2005⁵

On October 8, 2005, Rich Matthews, a producer for Associated Press Television News (APTN), was working with a camera crew in the French Quarter. That evening, Mr. Matthews and his camera crew observed three NOPD officers arresting and beating 64-year-old Robert Davis. The APTN film crew recorded this incident.

When one of the officers noticed that the APTN crew was filming the incident, the officer ordered Mr. Matthews and his camera man to stop recording the police officers and Mr. Davis. Mr. Matthews told the officer that he was a journalist and showed him his press credentials. The officer then pushed Mr. Matthews against a car, shook him, and yelled at him. An APTN cameraman captured the interaction between Mr. Matthews and the police officer on film. The footage of this interaction was later shown on CNN and other major news outlets.

⁴ An article that Mr. Russell wrote for the Times-Picayune about this event is titled, "Shot or Not: Dead or Alive? Two Men's Fate Lost in Chaos." *New Orleans Times Picayune*, December 13, 2009. Mr. Russell testified about this event pursuant to subpoena and under oath on March 16, 2010 in federal court.

⁵ A *New York Times* article describing this event is titled "3 Police Officers Deny Battery Charges After Videotaped Beating in New Orleans." *New York Times*, October 11, 2005. Mr. Matthews testified about this event pursuant to subpoena and under oath on March 16, 2010 in federal court.



Incident # 5

Richard Webster, October 10, 2005⁶

On October 10, 2005, Richard Webster, a reporter for New Orleans CityBusiness, was taking pictures of two NOPD officers confronting volunteer doctors in Washington Square in the Marigny neighborhood of New Orleans. The NOPD officers were trying to expel the doctors from the park. When the officers noticed that Mr. Webster was taking photographs, they ordered him to delete the pictures he had taken. Mr. Webster then identified himself as a member of the press, but the officers insisted he hand over his camera or risk arrest. One of the officers then forcibly removed Mr. Webster from the park.

Incident # 6

Greg Griffith, November 10, 2005⁷

On the evening of November 10, 2005, Greg Griffith was inside the Common Ground Health Clinic, a free primary care clinic in Algiers where he worked. Mr. Griffith and other Common Ground staff saw several law enforcement vehicles pull up in front of a house across the street from the clinic. Mr. Griffith saw the officers get out of their vehicles so they could speak with a group of young African-American men gathered there. At this point, Mr. Griffith went outside so he could observe the police because there recently had been complaints that police officers were harassing young African-American males in Algiers.

Mr. Griffith then filmed an NOPD officer and other law enforcement officers interacting with the group of young men on the other side of the street. (cont.)

⁶ An article that Mr. Webster wrote about this event is titled “NOPD Officers Hide ID’s While Chasing off Charity Workers.” *New Orleans City Business*, October 11, 2005. Mr. Webster testified about this event pursuant to subpoena and under oath on March 16, 2010 in federal court.

⁷ A signed statement by Mr. Griffith describing this event is attached.



Shortly after the officers noticed that Mr. Griffith was filming them, they ended their conversation with the young men and drove down the street. Mr. Griffith and his co-workers followed the police officers down the street and observed and filmed from a distance as the officers began to arrest someone else. Mr. Griffith and his co-workers then walked towards the officers and asked why they were arresting that person.

The NOPD officer told Mr. Griffith that if he did not immediately leave the scene he would be arrested. When Mr. Griffith asked the officer on what grounds he would be arrested, the officer approached him and knocked his camera out of his hand, breaking it. The NOPD officer then arrested Mr. Griffith and charged him with crossing a police line. This charge was later dismissed. On November 11, 2005, Mr. Griffith and his coworkers held a press conference outside of NOPD's headquarters and described Mr. Griffith's arrest for filming police activity. Mr. Griffith and a coworker also submitted a complaint to the NOPD's Fourth District precinct office.

Incident # 7

Greg Griffith, February 28, 2006⁸

On February 28, 2006, Greg Griffith was attending a Lundi Gras parade on Frenchmen Street in New Orleans. While watching the parade with friends, Mr. Griffith saw several NOPD officers enter the parade route. When he saw an NOPD police officer push a man to the ground, he began filming the officers. One of the officers pointed at Mr. Griffith and told him to stop filming immediately.

Mr. Griffith lowered his camera and stepped back into the crowd away from the parade route. He then saw NOPD officers arresting an acquaintance of his and held up his camera to film the arrest. At this point, the officer who had previously told Mr. Griffith to stop filming entered the crowd and arrested him. The NOPD officer charged Mr. Griffith with interference with a police investigation. At no point prior to the arrest did the arresting officer advise Mr. Griffith that he was interfering with an investigation. This charge was later dismissed.

⁸ A signed statement by Mr. Griffith is attached. He also testified under oath about this event on March 15, 2010 in federal court for his lawsuit against the NOPD, Griffith v. Hughes, Civ. Action No. 07-9738 (E.D. La.).



Incident # 8

Adrienne Wheeler, July 2006⁹

In July 2006, Adrienne Wheeler, a resident of New Orleans and a law student at Loyola University Law School, was walking in the French Quarter, where she saw an NOPD officer approach a group of eight teenagers standing on Bourbon Street and ask the teenagers to leave. Ms. Wheeler saw the police officer lead the teenagers down the street. Curious about what the officer was doing with the teenagers, she followed the officer while maintaining a distance of approximately twenty feet.

The police officer took the youths to the precinct station on Royal Street and Ms. Wheeler entered the precinct to see what was happening. Once they were inside the precinct, the police officer noticed Ms. Wheeler and asked her what she was doing. Ms. Wheeler told the officer that she was observing police activity. The police officer told Ms. Wheeler that she would be arrested if she did not leave the precinct.

Because of the officer's comments, Ms. Wheeler left the precinct and crossed the street so she could see whether the teenagers left the precinct. While she was standing across the street from the precinct, two NOPD officers left the precinct and walked towards her. Ms. Wheeler began walking down Royal Street and the officers followed her. The officers caught up with her and walked within a foot of her, one on each side. One of the officers remarked to the other that Ms. Wheeler must be a reporter. Because of their proximity to her, their comments, and the fact that no one else was around, Ms. Wheeler felt that the officers were threatening her because she had watched the police officer take the teenagers to the precinct. After following her for four and a half blocks from the police station, the two police officers turned around.

⁹

A signed statement by Ms. Wheeler describing this event is attached.



Incident # 9

Kimberly Roberts, August 29, 2006¹⁰

On August 29, 2006, Kimberly Roberts, a resident of New Orleans and a musician and filmmaker, was walking with her husband to a Hurricane Katrina commemoration at the house she used to live in before the storm. Ms. Roberts was filming with her video camera as she was walking. As she was walking down the street, she heard a police siren and saw New Orleans Police Department officers and an NOPD vehicle.

The NOPD officers told Ms. Roberts and the people she was with to get on the police vehicle. A police officer then told Ms. Roberts and the other persons she was with to put their hands on their heads. An NOPD officer then approached Ms. Roberts and told her to turn off her video camera. The officer then grabbed Ms. Roberts' arm and she turned off the camera.

¹⁰

The footage that Ms. Roberts recorded with her video camera on August 29, 2006 appeared in the 2008 documentary film "Trouble the Water." Ms. Roberts also testified about this incident pursuant to subpoena and under oath on March 16, 2010 in federal court.



Incident # 10

Miles Swanson, October 2006¹¹

In October 2006, Miles Swanson, an attorney licensed in Louisiana, was riding his bike through Lee Circle in New Orleans at approximately 10 p.m. Mr. Swanson noticed at least two NOPD officers using force on two homeless men at a gas station on Lee Circle, and stopped to observe what the police officers were doing. Mr. Swanson stood about fifty feet away from the police officers while he observed what he believed to be the police officers arresting the homeless men. Within a minute of Mr. Swanson stopping to observe the arrests, one of the police officers asked Mr. Swanson what he was doing. Mr. Swanson told the police that he was just watching. The police officer then ordered Mr. Swanson to leave. Mr. Swanson asked the police officer if he could watch from the other side of the street. At this point, one of the police officers crossed the street and arrested Mr. Swanson and charged him with crossing a police cordon.

At no point did the police officers instruct Mr. Swanson to stand back and at no point did Mr. Swanson move towards the police officers or stand between the police officers and the men they were arresting. After a trial, Mr. Swanson was found not guilty. Shortly after his arrest, Mr. Swanson held a press conference at City Hall to publicize the events surrounding his arrest.

¹¹

A *GambitWeekly.com* article describing this event was titled “Scuttlebutt: Pro Bono Lawyer Alleges False Arrest.” *Gambitweekly.com*, October 24, 2006. A signed statement by Mr. Swanson is attached.



Incident # 11

Don Everard, 2006

On an evening in 2006, Don Everard, the director of the faith-based social service provider Hope House, was working in the Hope House's Learning Center on St. Andrew Street in the Irish Channel. While Mr. Everard was working, someone came to tell him that he should come outside. Mr. Everard went outside where he saw several NOPD cruisers at the corner of Constance and St. Andrew Streets and a man lying on the ground in his boxer shorts. There was a large crowd of onlookers. Mr. Everard learned from the crowd that the man on the ground had been driving a motorcycle and had been pulled over by officers because he failed to use a turn signal. When the motorcyclist went to pull out his identification, the NOPD officers pulled out their guns and forced the man to lie on the ground.

At this point, Mr. Everard and other onlookers were on one side of Constance Street, and the police officers and the motorcyclist were on the other. More police officers had arrived, and there were at least ten NOPD cruisers and one supervisor present. From about thirty feet away from the NOPD officers, Mr. Everard began to take notes on a piece of paper of what was happening, including the numbers of the police cars.

A police officer then approached Mr. Everard and told him that he was interfering with the police "crime scene" and that he would have to move down St. Andrew Street immediately or face arrest. Mr. Everard was the only person told to move down the street, and the other onlookers were allowed to remain where they were standing. Mr. Everard was also the only person taking notes. This officer's supervisor and other officers witnessed this interaction and did nothing. Mr. Everard moved down the street where he was not able to observe what the police were doing as clearly.



Incident # 12

Greg Griffith and Noah Learned, February 18, 2007¹²

On February 18, 2007, Greg Griffith and Noah Learned attended the Bacchus Mardi Gras parade on Canal Street. While watching the parade, Mr. Griffith noticed a fight break out among a group of female teenagers. After the fight dispersed, several NOPD officers arrived on the scene. When one officer began swinging his night stick to get the crowd to stand back, Mr. Griffith began to film and captured footage of the same officer pulling a young woman out of the crowd by her hair. This officer noticed that Mr. Griffith was filming and told him to stop. Several minutes later, when Mr. Griffith did not stop filming, another officer attempted to grab Mr. Griffith's camera and tackled him. When the camera was knocked to the ground, Mr. Learned leaned over to pick it up.

The police officers then arrested Mr. Griffith and Mr. Learned and charged them with crossing a police cordon. No police officer ever told Mr. Griffith or Mr. Learned to stand back, and a number of other people at the parade were substantially closer to the officers. The charges were later dismissed. When Mr. Griffith had his camera returned to him, he discovered that all of the images and video on the camera had been deleted. A computer technician later recovered the images and the video and told Mr. Griffith that the only plausible way they could have been deleted was by an intentional act.

Mr. Griffith and Mr. Learned filed a lawsuit against the Superintendent of the NOPD, Warren Riley, and against the individual police officers. Mr. Griffith and Mr. Learned alleged, among other things, that they were arrested in retaliation for exercising their First Amendment rights to film police officers in public. After a jury trial in March 2010, a federal jury rejected the wrongful arrest claims, but did not reach the First Amendment claims.

¹² Signed statements made by Mr. Griffith and Mr. Learned are attached.



Incident # 13

Roger Escude, August 5, 2007¹³

On August 2, 2007 at 10:00 p.m., Roger Escude, a Westwego resident, was walking in the French Quarter with his wife, his daughter, and his daughter's boyfriend, Bobby Jones. The four were standing in the middle of the street on the 500 block of Bourbon Street when they saw a Louisiana state trooper using force against a man on the sidewalk. Mr. Escude saw the state trooper knock the man to the ground, and the man began to bleed from the back of the head. Several NOPD officers were also present on the sidewalk. Bobby Jones is a trained Emergency Medical Technician, and the officers allowed him to intervene to care for the man until paramedics arrived.

While Mr. Jones helped the man, Mr. Escude remained in the middle of the street, about 10-12 feet away from the incident on the sidewalk, and began to take pictures of Mr. Jones helping the injured man. One of the NOPD officers asked Mr. Escude what he was doing. Mr. Escude responded that he was taking pictures. The NOPD officer pointed to the injured man and told Mr. Escude to leave unless he wanted to end up like the injured man.

Mr. Escude moved further away to the sidewalk across the street and continued to take pictures. The two NOPD officers then crossed the street to where Mr. Escude was standing on the sidewalk and threatened to arrest Mr. Escude for interfering with a police investigation. The day following the incident described above, Mr. Escude filed a complaint with the NOPD Public Integrity Bureau.

¹³

A signed statement by Mr. Rowley describing this event is attached. Mr. Rowley also testified under oath about this event in deposition on March 5, 2010.



Incident # 14

Richard Rowley, December 15, 2007¹⁴

On December 15, 2007, Richard Rowley, a New York-based journalist, was in New Orleans filming a demonstration at the former St. Bernard housing development. During the demonstration, which was peaceful and festive, NOPD officers arrived. One NOPD officer arrested a woman who had been directing traffic around the demonstration. A crowd of the demonstrators then gathered around the arresting officer, and the crowd asked the arresting officer to release the woman.

At this point, NOPD officers began arresting other demonstrators, and Mr. Rowley started filming police officers arresting a demonstrator who asked the police why they had arrested the woman. While Mr. Rowley was filming the NOPD officers' activities, another police officer grabbed him from behind, held him in a chokehold around his throat strangling him, and dragged him back. Although Mr. Rowley repeatedly identified himself as a journalist, the NOPD placed him under arrest and charged him with crossing a police cordon. The police officers whom Mr. Rowley was filming did not ask Mr. Rowley to stand back or move, nor did they delineate a police cordon.

¹⁴

A signed statement by Mr. Rowley describing this event is attached. Mr. Rowley also testified under oath about this event in deposition on March 5, 2010.



Incident # 15

Joshua Wexler, January 29, 2009¹⁵

On January 29, 2009, New Orleans resident Joshua Wexler observed an NOPD officer run a stop sign in a police cruiser and strike a pedestrian with the police car. Mr. Wexler then observed the officer grab the startled pedestrian, force the pedestrian to put his hands on the hood of the police car, and reach for his handcuffs to arrest the pedestrian. At this point, Mr. Wexler got out of his car to observe more closely, and the officer asked Mr. Wexler if he had a problem. Mr. Wexler responded that he had observed the officer's car strike the pedestrian and inquired into the circumstances of the pedestrian's arrest. The officer then threatened to give Mr. Wexler a ticket. Mr. Wexler walked back to his car and wrote down the officer's name and badge number. The officer followed Mr. Wexler to his car and cited him for failing to wear a seatbelt. Mr. Wexler obtained legal counsel and filed a complaint with the NOPD Public Integrity Bureau. The City Attorney's Office later dismissed Mr. Wexler's charge for failure to wear a seatbelt.

¹⁵

An article describing this event was titled "Cop Threatens to 'Harass' Mishap Witness." *New Orleans City Business*, February 10, 2009. A signed statement by Mr. Wexler describing this event is attached.



Conclusion

The Clinic and the ACLU were able to gather these stories mostly by reading media reports and talking to New Orleans residents. The experiences profiled here likely represent only a fraction of actual instances of NOPD interference with the First Amendment, as most police- citizen interaction goes undocumented and unreported. Despite the media coverage of the stories contained in this report, and the filing of Public Integrity Bureau complaints by some of the people profiled in this report, it seems that the NOPD has not disciplined a single officer for a First Amendment violation.

The NOPD has acknowledged that it does not provide its officers with any formal training on the First Amendment rights discussed in this report. Without intervention by the Superintendent of the NOPD, it is likely that incidents such as the fifteen described above will continue to occur.

1. As a first step, the NOPD can distribute a bulletin to its officers that explains the First Amendment right to observe, photograph, and film police officers when they are in public and clarifies that all officers must respect this right.
2. The NOPD can include First Amendment training in its police academy training and clarify that the public has a right to observe, photograph, or film police officers while officers perform their work.
3. The NOPD can implement a system of discipline of officers who violate people's First Amendment right to observe, photograph, or film police officers in public. The Public Integrity Bureau can include a separate category of complaint that captures First Amendment violations so that members of the public can easily track NOPD progress on this issue.

Finally, anyone who has had a similar experience with an NOPD officer, is encouraged to contact the ACLU of Louisiana so this serious problem continues to be documented. To file a complaint with the ACLU, go to the website www.laclu.org and click on "File a Complaint."



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GREG GRIFFITH AND NOAH LEARNED,

Plaintiffs,

VERSUS

D'MEECKO, HUGHES, BRIAN
HARRISON, JOHN HELOU, SIMONE
QUINTERO, and WARREN J. RILEY,
SUPERINTENDENT, NEW ORLEANS
POLICE DEPARTMENT,

Defendants.

CIVIL ACTION NO. 07-9738

SECTION A-2

JUDGE ZAINÉY

MAGISTRATE JUDGE

WILKINSON

JURY DEMAND

DECLARATION OF GREG GRIFFITH

I, Greg Griffith, hereby declare and state the following:

1. I am over the age of 18 years and I am competent to testify with respect to the matters below.
This declaration is based upon my personal knowledge and I understand that it will be used in the action captioned above.
2. I am a resident of Kent, Ohio. I am currently a student.
3. On the evening of February 18, 2007 at or about 9:30 pm, I attended the Bacchus parade. I viewed the parade from the 600 or 700 block of Canal Street in New Orleans, Louisiana. I was accompanied by Noah Learned, Anne Marie Mullé and Mary Anne Jensen.
4. At the parade, I observed a fight involving several youths in the vicinity of the McDonald's. The fight ended quickly, as people began to disperse, the police officers arrived.

5. I saw a uniformed New Orleans Police Department officer arrive at the scene waving a baton. At the time the police officer arrived, I was several feet back from the officer in the parade crowd, with at least three layers of people ahead of me. The uniformed officer was joined by several more uniformed police officers.
6. I saw the first officer approach a young woman, grab her by her hair, and pull her out of the crowd. At that point, I began using my digital camera to record the incident. I then asked the police officers what they were doing to the young woman. I did not say anything to any police officer before I began recording the scene.
7. While shaking his baton, a police officer then told me to stop filming, and I responded "Yeah, I'm filming." I later learned that officer was Defendant Hughes.
8. As I continued to film the scene, a police officer glared at me for a period of time. I later learned that officer was Defendant Harrison.
9. At no point did any of the police officers order me to stand back or inform me that I had crossed a police cordon. At no point did any of the police officers inform me that I was interfering with an investigation. At no point was I standing in any location in which I interfered with the police officers.
10. The police officers then walked to the barricade between the parade route and the crowd, where they conferred and looked back at me. The police officer whom I later learned to be Officer Harrison remained on the side of the parade barricade closest to me and conferred with the officers Helou and Hughes, who were located in the street, on the other side of the barricade, closest to Canal Street.
11. At this point, at least three layers of people separated me and the police officers. I was so far away from Defendant Officers immediately prior to my arrest that I had to lift my arms up

over a crowd of people to continue filming the police officers near the barricade. One of the police officers, whom I later learned to be Officer Harrison, pushed through the crowd towards me.

12. Upon approaching me, Defendant Harrison uttered a few unintelligible words, and I began asserting my First Amendment right to film officers in public. Officer Harrison then tackled me and my digital camera was knocked out of my hand. I was pushed to the ground, causing my face to hit the pavement. I was then handcuffed. My glasses were broken and I suffered a gash to the face from the broken glasses. I suffered bruises on my wrists from the handcuffs.
13. There was no altercation between Defendant Harrison and myself before Defendant Harrison attempted to arrest me. At no time did I resist arrest before, during, or after this incident.
14. I could not see it from my position on the ground, but it is my understanding that Noah Learned was also tackled, brought to the ground, and handcuffed.
15. Noah Learned and I were taken to a police paddy wagon, where police officers ordered us to kneel on concrete for a period of time. We were then taken to a staging area at Armstrong Park. After several hours, we were processed and sent to Orleans Parish Prison.
16. I was charged with "crossing or traversing a police cordon," pursuant to New Orleans Municipal Code § 54-442. On April 24, 2007, the City of New Orleans dismissed the charges against Noah Learned and me.
17. Noah Learned and I were released from the Orleans Parish Prison on bail at approximately 4:00 a.m. on February 19, 2007. After being released from prison several hours after being booked, prison officials returned to me my digital camera. The memory card in the digital camera had been erased and all data had been deleted, including the video recording of the events. I did not erase the memory card or delete the video.

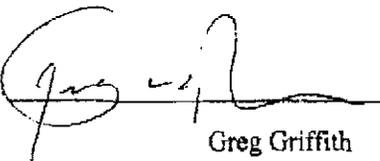
18. The day after I was released from Orleans Parish Prison, I took the digital camera to Nick Simmons, a technical support volunteer with the Common Ground Collective. Nick Simmons was able to restore the data deleted from the memory card, including the video recording of the incident.
19. The video recording, Exhibit A, is a copy of the file recovered by Nick Simmons from my digital camera. It is a complete and unaltered, and it accurately depicts the incident. I did not deliberately, intentionally, or manually erase the video footage of the events leading up to my arrest.
20. I filed a complaint by phone regarding my February 18, 2007 arrest with the Public Integrity Bureau of the New Orleans Police Department. I was never asked to fill out any paperwork in connection with the complaint. I was told that I would receive a telephone call back regarding the complaint, but I never received any call regarding the complaint.
21. Four NOPD police officers were involved in my arrest and the events that occurred on February 18, 2007 at or about 9:30 pm. I later learned that those officers are named D'Meecko Hughes, Brian Harrison, John Helou, and Simone Quintero.
22. I have been arrested in New Orleans on two other occasions for filming New Orleans Police Department officers.
23. On the evening of November 10, 2005, Emily Westerholm, Scott Weinstein, and I were inside the Common Ground Health Clinic in Algiers. At approximately 10:00 p.m., someone at the clinic indicated that there were several law enforcement vehicles in front of a house across the street from the clinic. I could see the officers questioning a group of young African-American males nearby. I grabbed my camera and went outside to observe the police officers.

24. Once outside, I began to film the law enforcement officials, including one NOPD officer I later discovered to be Stephen Lindsey, interacting with young men on the other side of the street. When the officers noticed that I was filming them, they became agitated and they shined their flashlights at my camera as I filmed them. The police officers then ended their conversation with the young men and they drove off down the street.
25. At this point, Emily Westerholm and Scott Weinstein came out of the clinic to observe the police with me. Together we followed the police down the street after we observed and filmed the police arresting another individual near a red sports car. While filming and observing the police, Emily, Scott, and I maintained a distance of no closer than ten feet between us and the police officers.
26. The officers began to yell at me to stop filming and they demanded that we leave the area. In response, I asserted my right, as well as the rights of Emily Westerholm and Scott Weinstein, to remain there to observe and film police activity. We tried to ask the NOPD officer, whom I later learned was Stephen Lindsey, for his name and badge number. Officer Lindsey told me that if I did not leave the scene I would be arrested. At no point did Emily Westerholm, Scott Weinstein, or I ever make any moves to interfere with the police officers' detention of the individual near the sports car.
27. When Emily Westerholm asked an agitated officer to calm down, the officer pushed her to the ground. Officer Lindsey then approached me and knocked my camera out of my hand, which broke it. Officer Lindsey then arrested me, handcuffed me, and placed me in the back of a police cruiser. Officer Lindsey charged me with illegally carrying a weapon—a small pocket knife with a blade of less than three inches in length, resisting an officer, and crossing a police cordon.

28. After the incident, Emily Westerholm and I filed a complaint with the NOPD's Fourth District precinct office in Algiers. I assisted in preparing the two-page complaint, which is attached as Exhibit 1. We were told that the complaint would be forwarded to the New Orleans Police Department's Public Integrity Bureau for further investigation.
29. When Emily Westerholm and I later returned to the Algiers precinct to inquire about the status of our complaint, we were told that no member of the New Orleans Police Department could find any information regarding the complaint. To this day I have not been contacted about that complaint.
30. Common Ground issued a press release about my arrest on November 11, 2005. The press release is attached as Exhibit 2. Later, on November 11, 2005, at or around 1:00p.m., Common Ground held a press conference at the Orleans Parish Police Station to publicize my arrest for filming police activity. During the press conference, I described the incident and stated that I was wrongfully arrested for filming police activity.
31. At least one NOPD officer, whom I later learned to be Stephen Lindsay, was involved in the events of November 10, 2005 described above.
32. Again in 2006, I was arrested by a New Orleans Police Department officer for exercising my constitutional right to observe and record the police from a public space.
33. On Lundi Gras 2006, I attended a parade on Frenchmen Street. I observed NOPD police officers push a man to the ground. I pointed my camera at the officers and started filming and one of the officers saw me, pointed at me, and told me to stop filming immediately. I then tried to film a different person being arrested, and the same officer came into the crowd and arrested me. The NOPD officer charged me with interference of a police investigation.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This 12th day of October, 2009

BY 
Greg Griffith

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GREG GRIFFITH AND NOAH
LEARNED,
Plaintiffs,

CIVIL ACTION NO. 07-9738

SECTION A-2

VERSUS

D'MEECKO. HUGHES, BRIAN
HARRISON, JOHN HELOU, SIMONE
QUINTERO, and WARREN J. RILEY,
SUPERINTENDENT, NEW ORLEANS
POLICE DEPARTMENT,
Defendants.

JUDGE ZAINEY

MAGISTRATE JUDGE
WILKINSON

DECLARATION OF ADRIENNE WHEELER

I Adrienne Wheeler, do declare as follows:

1.

I am over the age of 18 years, and I am competent to testify with respect to the matters below. This declaration is based upon my personal knowledge. I understand that it will be used in the action captioned above.

2.

I am currently a resident of New Orleans, LA. I am in my second year of law school at Loyola University Law School.

3.

In July of 2006, I was walking through the French Quarter after meeting some friends. I saw a police officer approach a group of about eight teenagers who were standing on Bourbon Street. I heard the police officer ask the teenagers to leave.

4.

I then saw the police officer follow the teenagers down the street. I then followed the police officer and the teenagers. At all times I maintained a distance of approximately twenty feet from the police officer and the teenagers.

5.

The police officer and the teenagers stopped at a hotel on a side street between Royal and Bourbon Streets. I saw a woman come out of the hotel and speak with the police officer. I heard him tell her to call the teenagers' parents. I could not hear the woman's response. I inferred that she was unable to perform any of the activities the officer requested because he left with all of the youths.

6.

The police officer then took the teenagers to the precinct at 334 Royal St. I followed them and went into the precinct to observe what was happening.

7.

Once inside, the police officer turned to me and asked me what I was doing. I told him that I was observing police activity. He told me that I would be arrested if I didn't leave the precinct. I believe that other police officers in the room were able to hear our conversation.

In July of 2006, I was walking through the French Quarter after meeting some friends. I saw a police officer approach a group of about eight teenagers who were standing on Bourbon Street. I heard the police officer ask the teenagers to leave.

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I then saw the police officer follow the teenagers down the street. I then followed the police officer and the teenagers. At all times I maintained a distance of approximately twenty feet from the police officer and the teenagers.

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their close proximity to me and because of what they had said to me. I felt extremely threatened because there were no people around except for the two police officers.

12.

I used my cell phone to call a friend of mine who is an attorney. I spoke with my friend and asked him to come meet me. I explained to my friend that I was being followed through the French Quarter by two police officers.

13.

The two police officers then turned around at the George Rodrigue studio on Royal Street, about four and a half blocks after they began to follow me from the police station.

I declare under penalty of perjury that the foregoing statement is true and correct.

Signed this 26 day of August 2009, [location where signed].


Adrienne Wheeler

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GREG GRIFFITH AND NOAH LEARNED,

Plaintiffs,

VERSUS

D'MEECKO. HUGHES, BRIAN
HARRISON, JOHN HELOU, SIMONE
QUINTERO, and WARREN J. RILEY,
SUPERINTENDENT, NEW ORLEANS
POLICE DEPARTMENT,

Defendants.

CIVIL ACTION NO. 07-9738

SECTION A-2

JUDGE ZAINEY

MAGISTRATE JUDGE

WILKINSON

JURY DEMAND

DECLARATION OF MILES SWANSON

I, Miles Swanson, hereby declare and state the following:

1. I am over the age of 18 years and I am competent to testify with respect to the matters below. This declaration is based upon my personal knowledge and I understand that it will be used in the action captioned above.

2. I am a resident of New Orleans, Louisiana. I am currently employed by the Orleans Parish Public Defender's office. I am licensed to practice law in both Louisiana and Maryland.

3. In the past, I have participated in a practice known as "legal observing." A legal observer attends protests and/or other public demonstrations and serves as a witness and

documentarian of the event. A legal observer refrains from participating in the demonstration, takes notes of any interaction between the demonstrators and law enforcement, and usually wears a hat so as to be identifiable as a legal observer.

4. I have conducted approximately 20 trainings of legal observers for the National Lawyers' Guild and generally train people to follow police instructions regarding where to stand and observe so as not to be arrested.

5. In October 2006, at approximately 10 p.m., I was riding my bicycle on Lee Circle and noticed that at least two police officers were using force on two homeless men who appeared to be fighting. The officers had the men on the ground at a gas station on the Circle in the vicinity of the gas pumps. I stopped what I was doing and decided to watch the officers, who appeared to be arresting the homeless men. At this point, I was standing approximately 50 feet away from the police officers. (I had returned to the scene the following day and paced off a distance of 50 feet between where I was standing and the where the officers were standing.)

5. Within approximately one minute of my stopping to watch this arrest, one of the police officers turned to me and asked, "What the f--- are you doing?" I responded that I was just watching. I was then told to "get . . . out of here." I then asked if I could just watch from across the street.

6. One of the officers moved towards me and arrested me. At no time did any officer instruct me to stand back. At no point did I move towards the officers or stand between the officers and the men being arrested.

7. After I was arrested, I was placed in the back of the police car with the other two arrestees.

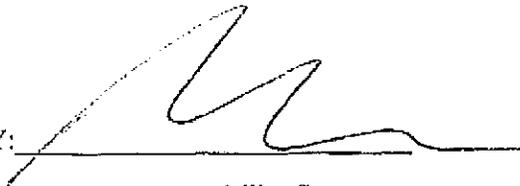
8. I was charged with crossing a police cordon. I went to trial and the police officers testified that I was standing five feet away from them, screaming about my First Amendment rights. They also testified that they instructed me to leave the scene. After briefing, the judge found me "not guilty" of the charge.

9. I made the NOPD aware of my wrongful arrest by conducting a press conference on or around the following day at City Hall. A story of the incident appeared in the Gambit Weekly.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This 28th day of August, 2009

BY: _____



Milcs Swanson

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**GREG GRIFFITH AND NOAH
LEARNED,**
 Plaintiffs,

**CIVIL ACTION NO. 07-9738
SECTION A-2**

VERSUS

**D'MEECKO. HUGHES, BRIAN
HARRISON, JOHN HELOU, SIMONE
QUINTERO, and WARREN J. RILEY,
SUPERINTENDENT, NEW ORLEANS
POLICE DEPARTMENT,
 Defendants.**

**JUDGE ZAINEY
MAGISTRATE JUDGE
WILKINSON

JURY DEMAND**

DECLARATION OF NOAH LEARNED

I, Noah Learned, do declare as follows:

1.

I am the plaintiff in this action and have personal knowledge of the matters set forth in this declaration.

2.

I am a resident of New Orleans. I am currently employed by the Gulf Restoration Network and also work on a volunteer stipend at the Common Ground Health Clinic.

3.

On the evening of February 18, 2007, I attended the Bacchus Mardi Gras Parade with Greg Griffith, Anne Mullé, and Marianne Jensen. We viewed the parade from the 600 or 700 block of Canal Street in New Orleans, Louisiana.

4.

After we had been watching the parade for a while, Marianne and I walked slightly further down Canal, leaving Anne and Greg in our original spot.

5.

A few minutes after we left, Anne rushed over and told us that Greg was Copwatching and having difficulty with the police. She suggested that I go see if Greg needed help.

6.

When I walked back to our original spot on Canal, I saw Greg standing in front of a storefront filming, with his digital camera pointing at the crowd. Greg was being watched by a white NOPD officer.

7.

As I neared Greg's position on Canal, I heard Greg begin to recite a statement meant to inform both the police and bystanders of his Constitutional rights. At no time did I hear any NOPD officer tell Greg to stand back. At no time was I told by any NOPD officer to stand back. Greg had only said three or four words when he was grabbed by a police officer.

8.

Greg's camera hit the ground. I heard Greg say, "Get the camera," so I picked it up. I was immediately tackled by one or more police officers who I could not see. The camera was taken away by a police officer. As soon as I was tackled I went into a compliant position and did

not make any effort to resist the officers handcuffing me. I endured pain as a result of being tackled and brought to the ground.

9.

Greg was on the ground next to me surrounded by NOPD officers. I observed that Greg's glasses had been broken and that he had a cut on his cheek from the broken lenses.

10.

Greg and I were moved by an NOPD officer from the sidewalk to a paddy wagon on the neutral ground. While transporting us he asked us why we had been fighting. We did not respond to his question. When we reached the paddy wagon, a pat-down search was performed on both me and Greg, and we were surrounded by the police.

11.

We were ordered by the police to enter the paddy wagon, but as we moved to enter it one of the officers said something to the effect of "No, we're going to make them work for it." We were then pushed to our knees on the neutral ground. Being forced to kneel on the cold, bare concrete caused me significant pain.

12.

I observed Marianne and Anne standing on the edge of the crowd of police surrounding us, asking them what had happened and why we were being arrested.

13.

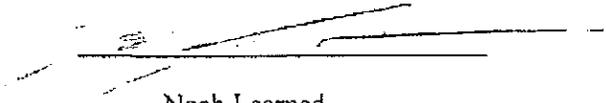
At that point Greg and I were picked up and brought to a staging area in Louis Armstrong Park., where we were placed in a vehicle and taken to Orleans Parish Prison. We were released the next day. We were both charged with crossing or traversing a police cordon, pursuant to New Orleans Municipal Code § 54-442. Those charges were later dismissed.

14.

I had to miss school as a result of being arrested. I now feel anxiety and trepidation associated with exercising my First Amendment right to observe and document police activity in public, as a result of the intimidation and violence used against me by all four Defendant Officers.

I declare under penalty of perjury that the foregoing statement is true and correct.

Signed this 7th day of October, 2009, New Orleans, Louisiana.



Noah Learned

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GREG GRIFFITH AND NOAH LEARNED,

Plaintiffs,

VERSUS

D'MEECKO. HUGHES, BRIAN
HARRISON, JOHN HELOU, SIMONE
QUINTERO, and WARREN J. RILEY,
SUPERINTENDENT, NEW ORLEANS
POLICE DEPARTMENT,

Defendants.

CIVIL ACTION NO. 07-9738

SECTION A-2

JUDGE ZAINY

MAGISTRATE JUDGE

WILKINSON

JURY DEMAND

DECLARATION OF ROGER ESCUDE

I, Roger C. Escude, Sr., hereby declare and state the following:

1. I am over the age of 18 years, and I am competent to testify with respect to the matters below. This declaration is based upon my personal knowledge, and I understand that it will be used in the action captioned above.

2. I am a resident of Westwego, Louisiana and grew up in River Ridge, Louisiana. I am a metalworker.

3. On or about August 2, 2007 at 10:00 p.m., I was walking in the French Quarter with my wife, Terri Ferro-Escude, my daughter, Kasey Coker, and her boyfriend, Bobby Jones. My daughter and her boyfriend were in town visiting from Georgia.

4. We were standing in the middle of the street on the 500 block of Bourbon Street and saw a Louisiana state trooper using force against a man on the sidewalk. The state trooper knocked

the man to the ground and the man began to bleed from the back of the head. Several NOPD officers were also present on the sidewalk. Bobby is a trained EMT, so he approached the officers and showed them his EMS badge. They allowed him to intervene to care for the man until the NOPD paramedics arrived.

5. While Bobby helped the man, I remained in the middle of the street, about 10-12 feet away from the incident on the sidewalk, and began to take pictures of him helping. One of the NOPD officers, Officer Rankin, asked me what I was doing. I told him, "I'm taking pictures." Officer Rankin pointed to the injured man lying on the street and replied, "Unless you want to end up like him, move on." The NOPD paramedics arrived and asked Bobby to stay until an ambulance could come. I moved further away to the sidewalk across the street and continued to take pictures.

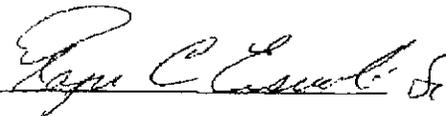
6. Officer Rankin and his partner then came across the street to where I was standing on the sidewalk. They threatened to arrest me for interfering with a police investigation. I said "For what? I'm standing across the street." At this point, Officer Rankin shoved his cell phone in my face as if he was taking a picture of me. I smiled for the picture. Officer Rankin walked away. At that point, I approached his partner and said "Take a good look at that picture, because you'll see me at internal affairs tomorrow morning."

7. The next morning, I went to Tulane Hospital and picked up the man that the Louisiana state trooper had injured. I took him with me to the Public Integrity Bureau and filed a complaint.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This 9 day of OCT, 2009

BY:



Roger Escude

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GREG GRIFFITH AND NOAH
LEARNED,
Plaintiffs,

CIVIL ACTION NO. 07-9738

SECTION A-2

VERSUS

JUDGE ZAINEY

D'MEECKO, HUGHES, BRIAN HARRISON, JOHN
HELOU, SIMONE QUINTERO, and WARREN J.
RILEY, SUPERINTENDENT, NEW ORLEANS
POLICE DEPARTMENT,
Defendants.

MAGISTRATE JUDGE WILKINSON

JURY DEMAND

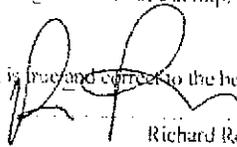
DECLARATION OF RICHARD ROWLEY

I, Richard Rowley, do declare as follows:

- I am over the age of 18 years, and I am competent to testify with respect to the matters below. This declaration is based upon my personal knowledge. I understand that it will be used in the action captioned above.
- I am a resident of Brooklyn, New York. I am employed as a journalist by Big Noise Films.
- I have worked as a journalist for the past fifteen (15) years. In that capacity, I have filmed in dozens of countries around the world, including Iraq, Iran, Palestine, Africa, and Central and South America. In the past five (5) years, I have traveled to New Orleans several times report on social justice issues stemming from Hurricane Katrina, including the demolition of public housing.
- On December 15th, 2007, I was in New Orleans filming a demonstration at the former St. Bernard housing development. The atmosphere of the demonstration was festive and peaceful. A couple of tents had been set up, a brass band was playing, people were dancing in the street, and food was being served on the neutral ground.
- The New Orleans Police Department ("NOPD") arrived at the demonstration and drove their motorcycles into the crowd of demonstrators. A woman involved with the demonstration was instructing traffic to slow down and was attempting to direct vehicles around the people who had gathered for the event. She was arrested by the NOPD.
- A crowd gathered around the woman and the arresting officer. People in the crowd were asking the police officer to let her go. The police subsequently began to arrest other demonstrators.
- I began filming the arrest of a demonstrator from Chicago. He was asking the police officers why they arrested the first woman.
- At no time did the police officers instruct me to stand back or move. At no time did the police officers delineate a police cordon.
- As I filmed the police activity, an NOPD police officer grabbed me from behind and held me in a chokehold around my throat, strangling me and dragging me back. Though I repeatedly identified myself as a journalist, I was placed under arrest and charged with crossing a police cordon.
- I recorded this incident and later posted the video footage on YouTube at <http://www.youtube.com/watch?v=9CtPjNkVUzck>.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.
This 4 day of August, 2009

BY:


Richard Rowley

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GREG GRIFFITH AND NOAH LEARNED,

Plaintiffs,

VERSUS

D'MEECKO. HUGHES, BRIAN
HARRISON, JOHN HELOU, SIMONE
QUINTERO, and WARREN J. RILEY,
SUPERINTENDENT, NEW ORLEANS
POLICE DEPARTMENT,

Defendants.

CIVIL ACTION NO. 07-9738

SECTION A-2

JUDGE ZAINY

MAGISTRATE JUDGE

WILKINSON

JURY DEMAND

DECLARATION OF JOSH WEXLER

I, Josh Wexler, hereby declare and state the following:

1. I am over the age of 18 years, and I am competent to testify with respect to the matters below. This declaration is based upon my personal knowledge, and I understand that it will be used in the action captioned above.

2. I am and have been a resident of New Orleans, Louisiana since 2001. I am a piano player, and I also teach piano and guitar lessons at Andy Hymel's School of Music in Gretna, Louisiana.

3. On January 29, 2009 at approximately 12:45 p.m., I was driving behind a New Orleans police car in the French Quarter when I observed the police car run a stop sign and strike a pedestrian. I observed the police officer, who I later learned was Officer William Torres, jump out of his police car and grab the startled pedestrian. The Officer Torres then forced the

pedestrian to place his hands on the hood of the police car and reached for his handcuffs as if to arrest the pedestrian.

6. At this point, I got out of my car and Officer Torres asked me, "What's your problem?" I told Officer Torres that I saw him run the stop sign and hit the pedestrian. I also told Officer Torres that he had no right to arrest the pedestrian.

7. After I spoke to Officer Torres, he let the pedestrian go free and directed his attention to me. He asked me, "Do you want a ticket?" I responded, "A ticket for what? I didn't do anything." The Officer then said, "It's a simple question, Yes or no. Do you want a ticket?"

8. I told the Officer I had nothing more to say to him and walked back to my car. When I reached my car, I wrote down Officer Torres' name and badge number. Officer Torres followed me to the car and asked for my license, insurance, and registration. He also said, "You want to write down my name? I'll show you I can write, too. I know who to harass."

9. Officer Torres began to write me a ticket. As he was writing the ticket, he asked me for my social security number. I told him that my attorney had instructed me not to provide any further information (other than my driver's license, insurance, and registration). Officer Torres said, "If you don't give me your social security number, you are going to jail." Because I did not want to go to jail, I provided Officer Torres with my social security number.

10. Officer Torres eventually wrote me a ticket for failure to wear a seat belt and left the scene.

11. I retained New Orleans attorney Sam Dalton to represent me in this matter, and the City Attorney's Office subsequently dismissed the ticket.

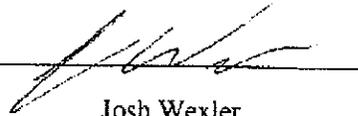
12. I filed a complaint with the New Orleans Police Department's Public Integrity Bureau ("PIB") regarding this incident. The PIB officer investigating my case said he would investigate it and contact me within a month or so. When I had still not heard from the PIB three months later, I called to check on the progress of my complaint and request a record of the PIB investigation. Ultimately, the PIB officer who conducted the investigation into Officer Torres's conduct told me that he had recommended that Officer Torres be exonerated completely. I have still never received the PIB investigation record I requested or any follow up from the PIB.

13. In addition to filing a complaint with the PIB, my attorney and I drafted a letter to District Attorney Leon Cannizzarro asking him to investigate this incident. District Attorney Cannizzarro declined.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This 7th day of October, 2009

BY: _____


Josh Wexler

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]