

EMERGING ISSUE: FAILURES IN LEADERSHIP ACCOUNTABILITY

One of the most serious findings of the Committee's investigation is a pattern of evasion and misrepresentation by Chief Ramsey and senior members of his command staff. In statements made on the public record over the last three years, in deposition testimony, in answers to questions posed in the course of U.S. District Court litigation, and in responses in the panel's public hearings in December, members of the senior ranks in the Department sought to evade direct answers to important questions and, in some instances, misrepresented the record and their role in Departmental actions.

Many of these examples have been described in earlier sections of this report. The gravity of this finding merits clear delineation of the record established by the Committee and that is the purpose of this section of the report.

Prohibited conduct for an officer of the Metropolitan Police Department includes making a false statement, an offense with a penalty ranging from 15 days suspension to removal. The definition of the offense, contained in the MPD General Order 1202.1 follows:

Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his/her official duties as a Metropolitan Police Officer to, or in the presence of any superior officer, or intended for the information of any superior officer, or *making a untruthful statement before any court or any hearing*. [emphasis added].

The specific findings of misrepresentation and evasion follow.

In February 2003 testimony before the Council Chief Ramsey denied that he had a role in the decision to arrest individuals in Pershing Park in September 2002.

Once it became clear that the mass arrests made at Pershing Park on September 27, 2002, were and would remain controversial and bring criticism to the Williams Administration, Chief Ramsey and his immediate subordinates sought to minimize the chief's own role in the decision and the outcome. The following outlines Chief Ramsey's changing public statements with regard to the arrests at Pershing Park – first his statement the day of the arrests, then his response to direct questions at a Judiciary hearing on February 25, 2003, and finally an exchange with Special Counsel Mary Cheh during the December 18, 2004 hearing.

At a press conference in front of MPD Headquarters the evening of September 27, 2002, the day 647 demonstrators were arrested, approximately 400 of them in Pershing Park, with Mayor Williams and Deputy Mayor Kellems present, this exchange took place between a reporter and Chief Ramsey:

Reporter: "A number of the protestors have said they were never given warnings before they were corralled by your officers and arrested. How do you answer that?"

Chief Ramsey: "Well, I mean we gave warnings. I mean, when you've got large groups like that, obviously, I mean there's a lot of noise and things like that. But we gave warnings, we followed everything by the book."

Reporter: "Did your officers use bullhorns at 15th and Pennsylvania Avenue?" [southwest corner of Pershing Park]

Chief Ramsey: "I wasn't there at the time but we gave verbal commands...people to get out of the street. But remember, they had no business being in the street. There was no parade. You can't just take over Pennsylvania Avenue, you can't just take over 15th Street..."

At a February 25, 2003 hearing before the Judiciary Committee Councilmember Patterson asked, "And whose decision was it to make the arrests in Pershing Park that day?" This exchange followed:

Chief Ramsey: "Assistant Chief Newsham was assigned to that particular sector that we had, that area that we had. All the assistant chiefs were given areas of responsibility and that happened to be his area."

Councilmember Patterson: "And you were not a part of that decision making yourself?"

Chief Ramsey: "No. When I came up on the scene, actually, that was already practically in progress. I was all over the various locations where we had incidents taking place...But I was there when the arrests were taking place."

Finally, Chief Ramsey was questioned about the arrests and the decision-making by the Committee's Special Counsel, Professor Mary Cheh, during the December 18, 2003 investigation hearing. The entire exchange is included.

Q: Assistant Chief Newsham describes his conversation with you as informing you and seeking your approval which he then got. Is that correct?

A: Well obviously, I have the authority to be able to override any decision that's made. Again, he did not have to seek it, but since I

was getting the briefing, part of that process would be if I felt something was amiss, I certainly would at that time tell him that's not the appropriate response for the Department and we wouldn't move forward. I didn't hear anything in that respect at all.

Ultimately, I'm responsible for everything. And the reason, when you're talking to a superior officer, the fact that they don't tell you to not move forward can be meant to mean that it's appropriate. It's ok.

Q: Well, it's nice to acknowledge, you know that generally you're the head of the department, and responsible for everything, the 'buck stops here' and that sort of thing. But I'm talking about the circumstances at that particular time. He told us that he informed you fully. He told us that he sought your approval. He told us that you gave your approval. Are you just saying that you just stood there passively and didn't countermand it? Did you give approval to make the arrests?

A: Excuse me, Ma'am. I think there's a need for me to just get one thing clear. I'm not generally in charge of the Department; I am in charge of the Department...

Q: Did you give approval to make the arrests?

A: And I would appreciate it, Ma'am. Excuse me, Professor...

Q: No, excuse me. Did you give the approval to make the arrests?

A: There's no... You're being rude Ma'am, and there's no need for that. I'm just simply responding to something that you said that I thought was a bit out of line. I've spent a considerable amount of my life getting to where I am right now and I refuse to let you or anyone else define me as a person or define this Department. That's why we're having this discussion. I told him that I thought that arrests were okay. That there was nothing wrong with what he was doing. Based on that at the time, I did not disapprove the arrests. Ultimately, the buck stops with me. He made a decision, I supported that decision and I didn't have the benefit of some of the information now. But based on what I saw at the time, I supported his decision 100%.

Q: So then, let me phrase it the way I wanted to phrase it. Did you approve of his decision to arrest the persons at Pershing Park?

A: Yes.

Chief Ramsey's final heated testimony on December 18, 2003, that he approved the order to arrest as commanding officer on the scene at the time, is something that he expressly denied nine months earlier. That admission has not been accompanied by any acknowledgment of the illegality of the arrests. Nor has the chief's superiors, including Deputy Mayor Kellems and Mayor Williams, taken action to hold the chief of police accountable for his role in what will likely be a costly as well as unconstitutional action, or for his misrepresentation of that role in earlier public statements.

There has been a persistent effort by MPD leadership to exaggerate the numbers of and threat posed by anti-globalization demonstrators.

Prior to the September 2002 IMF/World Bank demonstrations, Chief Ramsey told the Council and media that MPD expected 20,000 to 30,000 demonstrators that weekend. MPD's own operational plans indicate that MPD expected no more than 4,000 demonstrators (see "Pershing Park Arrests" section of this report).

After Fire/EMS and MPD shut down the demonstrators' convergence center in April 2000, Chief Ramsey and then-Executive Assistant Chief Terry Gainer told reporters that demonstrators were making homemade pepper spray and molotov cocktails. During an April 17, 2000 television story by *The News with Brian Williams*, Chief Ramsey stated "They were making homemade pepper spray." An April 15, 2000 Associated Press story reported "officers seized a plastic container with a rag stuffed inside and what looked like a wick," said executive assistant chief Terry Gainer. He said it "looks like a Molotov cocktail." These statements are not corroborated in the Fire/EMS records on materials actually recovered at the convergence center, or by the testimony of MPD and Fire/EMS witnesses (see "Convergence Center" case study section of this report).

Both Chief Ramsey and Assistant Chief Alfred Broadbent, Jr. expressly denied that the Department directed protesters into Pershing Park, yet the record shows that the opposite is the case.

In testimony December 18, 2003, Chief Ramsey several times asserted that the Department had no information on plans for demonstrators to congregate in Pershing Park. "We don't know why they went to the park," he said, and, "We don't have any knowledge of where they were going to be."

Chief Broadbent, asked specifically if "the police were in any way funneling them or directing them" to Pershing Park, responded, "No we were not."

These statements contradict the intelligence included in the operational plan for the weekend and information shared by Chief Ramsey with