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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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JEFFREY BARHAM, et al., :
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: Civil Action No.
Plaintiffs, : 02-02283
:
vs. :
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CHARLES H. RAMSEY, et al., :
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: Defendants. :
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Washington, D.C.

Monday, September 13, 2004

The deposition of JOHN PASSACANTANDO, called for examination by counsel for Defendants in the above-entitled matter, pursuant to notice, in the Office of Corporation Counsel, D.C., Conference Room 32, Fourth Floor North, 441 Fourth Street, N.W., Washington, D.C. 20001, convened at 1:20 p.m., before Victoria S. McLaughlin, a notary public in and for the District of Columbia, when were present on behalf of the parties:

1 Q Okay. Accepting that, it seems to me that
2 one can be put through an undue processing in a
3 professional manner or unprofessional manner, in a
4 gratuitously harsh or punitive type of way. And
5 what I'm asking is given that the processing again
6 did and was going to take place, as you sit here
7 now, do you recall anything about that that seemed
8 to be unduly harsh or offensive?

9 A I mean I go from riding my bike to work to
10 spending at this point now five hours flexcuffed on
11 a bus. I, yes, sir, that's unduly offensive. You
12 know if you're asking me was there something unduly
13 offensive in the processing that I can't quite
14 remember between the bus and the floor of the
15 gymnasium, I don't recall something in there. If
16 you want to get me to the gymnasium floor, I can
17 talk more to that as well.

18 Q Go ahead.

19 A I mean unduly harsh, yes, sir. Cuffed
20 right wrist to my left ankle, I only later
21 realized, you know, an hour into it, two hours into
22 it, three hours into it, up to 12 hours with some

1 bathroom breaks, how incredibly painful that
2 becomes for your joints even though you might
3 think, and I'm gesturing now, holding my right
4 wrist to my left ankle, there's only about three
5 positions you can actually be in on the floor.
6 Your joints start to ache. They need to move more
7 than that.

8 It's humiliating, it's painful, and for me
9 in that position, that went on for 12 hours. For
10 others, it went on longer. And if I could just
11 add, there were officers who were walking through
12 there and saying to various people cuffed like this
13 on these mats, including to me, was it worth it,
14 which is an absurd question. Was what worth it?
15 Was riding my bike to a park worth it?

16 Was it worth it? It was said several
17 times. Was it worth it? Will you do it again? As
18 though I was in some kind of crazy conditioning
19 experiment. So, yes, sir, I don't mean to raise my
20 voice, but I do view that as unduly harsh.

21 Q At what point or how did you come to learn
22 of means by which you might effect your release?

1 A Well, ever so slowly every, I don't know,
2 every five minutes or ten minutes, a name would be
3 called. And then you would, they would cut your
4 flexcuffs off your ankle, cuff you behind your back
5 and walk you to somebody where you would seemingly
6 be processed because those people were
7 disappearing. So that looked like the thing that
8 you wanted to have happen to you. You wanted your
9 name called.

10 Yet there didn't seem to be any particular
11 order. It was waiting for this random event and so
12 when my name was called, maybe two a.m. or three
13 a.m., again, I can't even remember right now, I had
14 a conversation with somebody who was doing the
15 processing, and that's where I was, I had a
16 conversation about my choices.

17 Q What choices were presented to you at that
18 point?

19 A I was told to sign something and, and I
20 asked the gentleman who told me to sign it, I said,
21 well, is this a concession of guilt if I sign this?
22 And he says yes, it is. Do you want to get out of

1 here? And I said I want to get out of here, but
2 I'm not guilty of anything. He said fine. He
3 grabbed the paper and he pulled it back, and I said
4 wait, wait, wait, wait, seeing my possibility of
5 getting out of there now at two or three a.m.
6 disappearing, I said tell me why do I have to sign
7 that to get out of here?

8 He said if you don't sign this, you're
9 going up to Central Cell Block, which is a place
10 you don't want to be, and you'll wait to get a
11 hearing on Monday. This is now two a.m. Saturday
12 morning, Friday night going into Saturday. This is
13 not late Saturday night. This is late Friday
14 night.

15 Q Right, right, right.

16 A You'll wait till Monday morning. And I
17 said give me the paper. I have to get out of here.

18 Q Was that person in uniform or civilian
19 clothing?

20 A I don't remember, sir. I was just too
21 shocked by the conversation. I do not remember his
22 clothing.

1 more agitated way towards people cuffed to the
2 floor. So it very well could have been that some
3 people were asking to use the phone and being
4 denied. I was not denied.

5 Q A somewhat different question though.

6 A Sure.

7 Q I understand that over the course of the
8 night, officers in charge became impatient or cross
9 or whatever, but do you have a recollection of
10 someone who did ask to use the phone being told he
11 or she could not use the phone?

12 A I vaguely remember that, yes, sir, but I
13 can't tell you and I couldn't tell you what
14 officer, but I vaguely remember hearing people
15 complain that they couldn't use the phone. We were
16 in a situation where you were at the discretion of
17 the person walking around in charge.

18 In fact, if you'll allow me, if you want
19 to understand the tenor of the place, there was
20 some of the officers were getting upset with some
21 of the people on these mats who were talking too
22 loud, where one person hopped from one mat to

1 another mat. Several people did this. Whenever
2 this one officer saw this, he would stand up,
3 charge over to that person and then flexcuff the
4 person so that instead of just the right wrist
5 being cuffed to the left ankle, the right wrist,
6 the left wrist, the left ankle, the right wrist
7 were all cuffed together like a hog at a rodeo so
8 that they wouldn't be able to move from one mat to
9 another.

10 Q Can you describe that officer?

11 A Can I describe the officer who was doing
12 that? Umm, yes. Yes, I can. Big, strong, broad
13 shoulders, African American, and I can't really
14 give you more detail than that. Again, I'm lying
15 there in a loud horrible gymnasium trying not to
16 look because as much as I'm aching lying there
17 right wrist to left ankle, I'm thinking I'm not
18 going to be able to take this if all four are tied
19 together.

20 Q What type of attire was that officer
21 wearing?

22 A All I remember is that he was, I remember

1 Q Physical injury, aside from the discomfort
2 that you suffered while you were in detention, did
3 you have any residual or continuing physical
4 discomfort?

5 A I did. To my shoulder, to what I had
6 guessed was probably a rotator cuff, which I
7 thought would be temporary from it being in this
8 position, the hands cuffed behind my back for that
9 approximately five hours, and then from being
10 stationary down to my left ankle for another 12.

11 It was, it was just inflamed or at least
12 sore to the point of it was difficult to sleep on
13 that slide, and I was surprised at the length of
14 time that it took to go away, but it took about a
15 year to go away, but I do not have continuing pain
16 from that.

17 Q Did you seek any treatment for that
18 malady?

19 A I did not.

20 Q Why not?

21 A It's the kind of thing that hurt when I
22 was sleeping. By the time you get up in the

1 morning, you think, well, it will get a little
2 better, it will go away, and it lingers on for
3 awhile, gets a little better, you move it wrong, it
4 gets a little worse, and over time it goes away.

5 Q Yeah. I keep telling myself that, too,
6 but I sense you're younger than me, and it does go
7 away.

8 A Slower every year.

9 Q Have you had any circumstance that you
10 required counseling for or think you would have
11 benefitted from having counseling for, as a result
12 of the arrest and detention?

13 A No, sir.

14 Q Now my understanding is that you went to
15 the park to observe the demonstrations?

16 A That's correct.

17 Q Has the arrest and detention inhibited you
18 from either observing or participating in
19 demonstrations that you believe you otherwise would
20 have done since then?

21 A No, it has not.

22 Q You have claims against the Mayor of the