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1           The deposition of JEFFREY BARHAM, called  
2 for examination by counsel for Defendant in the  
3 above-entitled matter, pursuant to notice, in the  
4 Office of the Corporation Counsel, 444 Fourth  
5 Street, N.W., Sixth Floor South, Washington, D.C.,  
6 on Friday, March 12, 2004, convened at 10:15 a.m.,  
7 before Sandy Medford Nelson, a notary public in and  
8 for the District of Columbia, when were present on  
9 behalf of the parties:

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00101

1 you describe the officer or officers who made the  
2 announcements?

3 A At some point, I believe the officers who  
4 had been on our bus--this Officer Jackson and the  
5 other officer--related to sort of information, but  
6 there were times--at least once or twice--that  
7 someone else came outside of the building and made  
8 a loud announcement, and I'm not--I can't recall  
9 the identity of that officer.

10 Q Okay. From the time you arrived at Blue  
11 Planes until the you got off the bus, what did you  
12 do?

13 A For the most part, I just sat there.  
14 There was some conversing between the passengers on  
15 the bus. At one point, one of the officers came on  
16 to the bus to ask or to describe that we were going  
17 to be processed, and we had an interaction about  
18 that. And then they actually did formally sort of  
19 come through and ask for names and write down  
20 notations on their pads.

21 Q You were asked your name?

22 A Yes, sir.

00102

1 Q Did you provide your name at that time?

2 A Yes, sir, I did.

3 Q Were there others on the bus who declined  
4 to provide their identity at that point?

5 A Yes, sir, I believe there were.

6 Q Do you have a sense of what percentage of  
7 the arrestees declined to provide their identity at  
8 that point?

9 A I don't have a sense of what percentage.

10 Q The information that you provided on the  
11 bus about arrest processing was what?

12 A There was one officer who got on the bus,  
13 told us that we were going to be processed, that we  
14 had a option of either giving our names and paying  
15 \$50 and being allowed to be released, or not giving  
16 our names, in which case we could be held for up to  
17 250 days.

18 Q As to the option of identifying yourself  
19 and making payment to be released, did the  
20 information you were given at that time indicate  
21 whether the payment would necessarily be forfeited  
22 or not?

00103

1 A There were other people on the bus who  
2 specifically inquired about that. They asked  
3 whether they were going to be allowed to post and  
4 trial versus post and forfeit. And the officers  
5 never responded with those terms, but they  
6 continually responded that you can "pay out." That  
7 was the term they used. You can pay \$50 and be  
8 released.

9 Q While you were on the bus, did you hear  
10 any amount of a payment requirement, other than  
11 \$50?

12 A Prior to that announcement, there was some  
13 discussion amongst the passengers on the bus as to  
14 what was typical--what they might be expected to  
15 have to pay, and I think other figures were thrown  
16 around at that point, but I do not recall other  
17 police officers giving a figure other than \$50.

18 Q Were you subsequently provided or  
19 explained any other alternatives in terms of  
20 obtaining a release?

21 A No, sir. The only alternative that was  
22 ever provided to me was to pay out, as they said,

00104

1 to give them my name and to pay \$50.

2 Q How did you accomplish your release?

3 A When they initially asked me on the bus if

4 I was going to give my name and pay out, I

5 indicated that I would. I gave them my name. I

6 asked them what I was being charged with. They

7 told me it was failure to obey. They took down my

8 information.

9 It was definitely my name. I believe--I

10 believe they may have taken my address or other

11 identifying information, but I'm not--at that time

12 when we were processed, I was asked further

13 questions about my identification, including my

14 Social Security number. I was photographed. I had

15 a thumbprint taken. And eventually my name was

16 called and I was allowed to collect my belongings

17 and leave, after signing a form and actually paying

18 them the \$50.

19 Q At what point were your possessions taken

20 from you?

21 A I went to a desk, at which I had to empty

22 my pockets, and all of any belongings were put into