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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ALLIANCE FOR GLOBAL JUSTICE :
Plaintiffs, : Case Number
v. : 1:01CV00811
DISTRICT OF COLUMBIA, et al : (PLF) (JMF)
Defendants. :

-----x

DEPOSITION OF CATHY L. LANIER

Washington, DC

Thursday, December 16, 2004

REPORTED BY:

JANE W. BEACH

1 elements, they could take place over the course of
2 hours and possibly even days, but depending on how
3 quickly they could be processed through a system,
4 what elements of the system were available, i.e., on
5 Sundays, no court, how long we would have to have the
6 capacity to house, feed, and care for those persons.

7 So it was not so much that more than a
8 thousand arrests would take place at one time, but
9 over the course of time, where they would be
10 processed efficiently through the system.

11 Q So, more than a thousand arrests
12 simultaneously in the system?

13 A In the system, yes.

14 Q Who was involved in the planning of the --
15 was there a prisoner control plan?

16 A Yes.

17 Q Who was involved in the development of the
18 prisoner control plan?

19 A Largely, the process was, I was given
20 guidance or guidelines by my boss, who was, at the
21 time, Jose Acosta. I believe he was a Commander,
22 still, at the time, who had extensive experience in

1 the Special Operations Division and with prisoner
2 control.

3 I then would take those guidelines and
4 work with my staff, a Captain, in particular, Captain
5 Sharkey, and my most experienced Lieutenants with
6 regard to prisoner control, Lt. Roger Jones and Lt.
7 Greenfield, Mark Greenfield, as well as input from
8 other senior staff at the Major Narcotics Branch.

9 Q What was the process of actually
10 developing the plan -- let me ask you a different
11 question, first:

12 Was there a prisoner control plan in
13 existence prior to this time, for any purpose?

14 A There were previous events that generated
15 prisoner control plans, I'm sure, but they were also
16 guidelines for prisoner processing in mass arrests
17 contained in the Mass Demonstration Handbook, as
18 well.

19 Q What were the sources of information such
20 as the Mass Demonstration Handbook, that were used to
21 develop the prisoner control plan for the April 2000
22 demonstrations?

1 A Probably one of the people that I've
2 already mentioned that talked about the May Day
3 arrests, probably one of the guys that worked for me
4 at Major Narcotics that was present during that time.

5 Q Did --

6 A I don't recall who told me.

7 Q Did you understand these to be MPD
8 official photos or something that was maintained in
9 the personal possession of an individual?

10 A I don't recall being told what type --
11 whose photos they were, just that there were photos.

12 Q Did you have an understanding of what the
13 ratio was of officers to arrestees?

14 A No.

15 Q Did you inquire?

16 A Inadequate, is all I know.

17 (Pause.)

18 Q In terms of the particular manner of
19 restraint, wrist-to-ankle, that you've referenced,
20 prior to April 2000, have you ever observed that
21 manner of restraint being used?

22 A No.

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1 Q Have you, prior to April of 2000, have you
2 ever, through any source, heard of or been aware of
3 that method of restraint being used?

4 A No.

5 Q Have you taken any course in control and
6 restraint of arrestees?

7 A I've not taken any courses specifically on
8 control and restraint of arrestees, although I've
9 been trained in control and restraint of arrestees.

10 Q And in what -- in the context of what
11 trainings have you received instruction in control
12 and restraint of arrestees?

13 A Numerous courses and instruction at the
14 Academy, not only as a recruit officer, but during
15 inservice training and during civil disturbance
16 training.

17 Q What about in the context of the MCATI
18 trainings?

19 A Yes.

20 Q And did you -- have you received
21 instruction in the context of any other trainings
22 besides internal MPD and the MCATI trainings?

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1 A In 15 years, I've probably attended a
2 hundred outside courses put on by different agencies.
3 I may have. I don't recall any specifically.

4 Q And in the course of any of these hundred
5 outside courses, the internal MPD trainings or the
6 MCATI trainings, has the subject of control and
7 restraint of arrestees in a mass arrest situation
8 been discussed?

9 A Yes.

10 Q In what contexts has that been discussed?

11 A Handcuffing techniques, carry techniques.

12 Q What are the -- how many different
13 techniques are there for handcuffing? And, by that,
14 I mean using handcuffs or flexcuffs or some other
15 form of cuffing device to restrain movement? What
16 are the different types of handcuffing techniques
17 that you have been instructed in prior to the April
18 IMF-World Bank demonstrations?

19 A I'd say there are different techniques,
20 depending on the circumstances that you're in; that
21 we have been taught, whether it be a combative
22 arrestee, a violent arrestee, possibly a mentally

1 deranged arrestee, a detainee in a cell block, a
2 detainee out of a cell block.

3 I mean, there are probably 15 to 20, at a
4 minimum, different types of techniques for
5 handcuffing.

6 Q And were none of those wrist-to-ankle?

7 A No.

8 MR. KOGER: I'm sorry, none of them were
9 wrist-to-ankle, or is that the answer? None of those
10 were wrist-to-ankle?

11 THE WITNESS: Let me make sure I'm saying
12 this right.

13 MR. KOGER: I don't know if I got a double
14 negative or what. I'm really sorry.

15 THE WITNESS: I've been instructed on at
16 least 15 different types of handcuffing techniques.
17 In general, handcuffing techniques are dependent upon
18 the circumstances and your environment and what needs
19 to be accomplished at the time.

20 BY MR. MESSINEO:

21 Q And of the 15 to 20 handcuffing
22 techniques, how many of them were wrist-to-ankle?

1 context of the May Day demonstrations of the early
2 1970s for holding the arrestees?

3 A I speculate that it's smaller. My
4 understanding of the facility that was used on May
5 Day was a very large open -- again, like an arena or
6 stadium type area, so much smaller, easier to
7 maintain visual observation of everybody in the gym.

8 Q Did you feel that you had sufficient human
9 power, law enforcement officers present to maintain
10 and secure the gymnasium?

11 A It turned out that we did. I was
12 constantly worried that we didn't, but it turned out
13 that we did. We didn't have anyone injured; we
14 didn't have anyone escape; we didn't have any
15 assaults, so it turned out that we did.

16 Q Who was it -- was it Commander Acosta that
17 first initiated the idea of the wrist-to-ankle method
18 of restraint?

19 A The first mention I ever heard of it, came
20 from him, yes.

21 Q Who was involved in the decision to
22 implement that configuration of restraint?

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1 thought that a person could be comfortably or safely
2 cuffed in that position?

3 A I don't recall any discussion about a
4 maximum period of time, no.

5 Q Did you have any discussion about a period
6 of time at all, or was your discussion focused on the
7 functionality, as you observed it in your practice?

8 A I don't recall any discussion about a
9 maximum period of time, no.

10 Q How was the decision communicated to you
11 that this, in fact, would be the manner of restraint
12 that would be used for the anticipated
13 demonstrations?

14 A I'm sorry, can you repeat that, please?

15 Q How was it communicated to you that the
16 wrist-to-ankle manner of restraint was what was going
17 to be used for these demonstrations?

18 A I know I was told by Commander Acosta.

19 Q When in time -- how much far in advance of
20 the April demonstrations did you have the initial
21 communication with Commander Acosta about this method
22 of restraint, during which time you tried on the

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1 wrist-to-ankle, as you have described, still an
2 appropriate configuration or method of restraint
3 under MPD policy?

4 A In my opinion, it's still an appropriate
5 method of restraint when your only option is open
6 containment.

7 Q And, to your knowledge, there's been --
8 strike that.

9 To your knowledge, has there been any
10 change in MPD policy that relates to the wrist-to-
11 ankle restraints, since April 2000?

12 A Not that I'm aware of.

13 Q Has there been any -- have you viewed any
14 outside, outside the MPD, documents that evaluated
15 the appropriateness of this manner of restraint?

16 A Not that I'm aware of.

17 Q Have you ever seen any documents that
18 evaluated the level of stress that is imposed on an
19 arrestee when subjected to this manner of restraint?

20 A No.

21 Q And have you seen any document evaluating
22 the safety to the arrestee of this manner of

1 restraint?

2 A No.

3 Q Have you ever sought to locate such
4 materials?

5 A If you're asking me, am I aware of any
6 research or analysis or written report that's been
7 done, I'm not aware of any.

8 Q Have you -- are you aware of the MPD
9 consulting with any persons outside of the MPD about
10 this manner of restraint?

11 A I'm not aware of it, no.

12 Q And with respect to other occasions of
13 use, at any time, to your knowledge, has there been
14 any complaint about this manner of restraint?

15 A I've never received any complaints and was
16 unaware of any complaints of this method of cuffing,
17 other than a writeup I saw, I believe, in the City
18 Paper, and I was asked a couple of questions about
19 that technique by Office of Professional
20 Responsibility, which I assumed was in some way
21 associated with a complaint, but was unaware of
22 whether that is the case or not.