

Judge: I Saw Police Commit Felonies

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The Miami Herald

Saturday 20 December 2003

A judge who said he witnessed some of the anti-free trade protests complains in open court about how police handled the demonstrations.

A judge presiding over the cases of free trade protesters said in court that he saw "no less than 20 felonies committed by police officers" during the November demonstrations, adding to a chorus of complaints about police conduct.

Judge Richard Margolius, 60, made the remarks in open court last week, saying he was taken aback by what he witnessed while attending the protests.

"Pretty disgraceful what I saw with my own eyes. And I have always supported the police during my entire career," he said, according to a court transcript. "This was a real eye-opener. A disgrace for the community."

In the transcript, he also said he may have to remove himself from any additional cases involving arrests made during the Free Trade Area of the Americas summit.

"I probably would have been arrested myself if it had not been for a police officer who recognized me," said the judge, who wears his hair in a graying ponytail.

Circuit Judge

Margolius, appointed to the bench in 1982, retired as a circuit judge in 2001 but said he still hears cases 15 to 20 weeks a year when courts are overburdened.

On Friday, he chose not to elaborate on the remarks he made from the bench Dec. 11.

"I can't comment on pending cases," he said. "It was inappropriate for me to make the comments I made. A reasonable person could question my neutrality because of statements I made in open court."

The judge did not single out a police department. More than three dozen agencies were part of the FTAA security effort. The Miami Police Department coordinated most police operations.

Angel Calzadilla, executive assistant to Miami Police Chief John Timoney, said: "The chief's not going to comment on something this vague. If the judge would like to file a complaint with the CIP [Citizens Investigative Panel] he can do that like any other citizen."

Nelda Fonticiella, a spokeswoman for the Miami-Dade Police Department, which had a large presence during the protests, also said the judge can file a complaint. "It would be our hope and expectation that if this is how he feels, that he would recuse himself from those cases," she said.

Margolius had been hearing the cases of Joseph Diamond and Danielle Kilroy, both arrested during the FTAA protests. Diamond had been charged with aggravated assault on a police officer, a felony; the charges were dropped by the state at the Dec. 11 hearing.

Resisting Arrest

Kilroy also faced felony charges -- battery on a police officer and resisting arrest with violence. Her charges were reduced to a single misdemeanor, resisting arrest without violence, according to members of the Miami Activist Defense, a legal group monitoring the court hearings.

During the Dec. 11 hearings, the judge asked an assistant state attorney, "How many police officers have been charged by the State Attorney so far for what happened out there during the FTAA?"

None, the prosecutor replied.

"None?" asked the judge. "Pretty sad commentary. At least from what I saw."

The judge also wondered aloud how much the "whole episode" had cost taxpayers.

"I know one thing. There were police officers from every agency -- I couldn't believe the sheer numbers," he said.

Laurel Ripple, a protester who was arrested and is working with MAD, said she was in the courtroom during Margolius' remarks.

"I'm really glad he saw for himself what was happening . . . I'm really glad he was out there," she said. "As a lifelong Miami resident and victim of the police during the FTAA, it was really supportive to hear that kind of affirmation from Judge Margolius."

The FTAA summit, Nov. 20 and 21, sparked marches and protests in downtown Miami and resulted in 231 arrests. Since then, at least 27 misdemeanors have been dropped, according to prosecutors' records last updated Dec. 2. Additional cases have been dropped or the charges reduced, according to MAD members.

Two citizens' panels plan to hold a joint meeting Jan. 15 to hear comments and complaints about police conduct during the FTAA, and both Miami-Dade and Miami police are conducting internal reviews. Amnesty International, the AFL-CIO and the United Steelworkers of America all have called for independent probes.

A Miami police spokeswoman said officers were instructed to make arrests only as necessary.

Miami Police

"We were told to deal with situations that were serious but we were always told to be very patient with people," said Herminia "Amy" Salas-Jacobson, a Miami police spokeswoman. ``In the training sessions we were told to be professional, be patient and to do everything right. There was one thing that was stressed at every meeting: Always be professional."

During Margolius' informal speech, he noted that he couldn't recognize officers because ``everybody had riot gear on."

"I hope the state has the good, common sense to deal with these cases in an appropriate manner, with an eye on justice," he added.