

INFORMATION REPORT  
SGT. JUAN ORTEGA  
CASE NUMBER 200300377

COPY

ON APRIL 12, 2003, AT ABOUT 1343 HOURS, OFFICER BILLHYMER AND I WERE DISPATCHED TO THE ZETA SORORITY HOUSE LOCATED ON UNIVERSITY AND LOCUST IN REFERENCE TO A COMPLAINT. THE COMPLAINANT, MS. BONICE JONES OF THE ZETA SORORITY INFORMED DISPATCH THAT THERE WAS SOME ANTI - WAR PROTESTERS IN THE FRONT OF THERE RESIDENCE. MS. JONES HAD TOLD DISPATCH THAT SHE HAD SPOKE WITH THE ORGANIZER OF THE PROTEST AND HAD ASKED HIM TO MOVE BECAUSE IT WAS CREATING A DISTURBANCE. MS. JONES HAD TOLD DISPATCH THAT HE WAS RUDE TO HER AND TOLD HER THAT THEY WOULD NOT MOVE.


UPON ARRIVAL, I MADE CONTACT WITH AN UNIDENTIFIED MALE SUBJECT WHO WAS APPARENTLY THE ORGANIZER OF THE PROTEST. I INFORMED HIM THAT WE RECEIVED A DISTURBANCE COMPLAINT FROM THE RESIDENCE OF THE ZETA HOUSE. HE STATED THAT THEY HAD A RIGHT TO BE THERE. I INFORMED HIM THAT HE NEEDED PERMISSION FROM THE UNIVERSITY TO HAVE AN EVENT ON CAMPUS. HE STATED THAT HE WAS A PROFESSOR WITH THE UNIVERSITY AND THAT THE FREEDOM OF SPEECH POLICY PERTAINED TO THE UNIVERSITY SIDEWALKS. I TOLD HIM THAT I WOULD MAKE SURE AND VERIFY IF HE NEEDED PERMISSION FOR HIS EVENT. I ALSO TOLD HIM THAT IF HE DID NOT HAVE PERMISSION THAT I WOULD HAVE TO ASK HIM TO LEAVE. HE THEN PUT HIS HANDS TOWARDS ME WITH HIS PALMS TOGETHER AND IN THE AIR AND STATED, "ARREST ME THEN." I TOLD HIM THAT THERE WAS NO NEED FOR THAT AND THEN WENT TO TALK TO THE COMPLAINANT MS. JONES. SHE STATED THAT SHE HAD POLITELY ASKED THE MAN THAT I WAS SPEAKING WITH TO MOVE. SHE STATED THAT HE WAS RUDE AND THAT HE SAID THEY HAD A RIGHT TO BE THERE AND THAT THEY WERE NOT GOING TO MOVE. I INFORMED HER THAT I SPOKE WITH MY SUPERVISOR AND HE STATED THAT IT WAS OKAY FOR THEM TO PROTEST THERE. MS. JONES STATED THAT THEY WERE DISTURBING HER AND THAT SHE WANTED TO COMPLAIN. I INFORMED HER THAT SHE COULD FILE A COMPLAINT WITH A SUPERVISOR ON MONDAY. SHE THEN DEMANDED THE NAME OF THE ORGANIZER OF THE PROTEST. I INFORMED HER THAT I DID NOT KNOW AND THAT I COULD NOT GIVE HER THAT INFORMATION. SHE ASKED IF I COULD GET HIS INFORMATION AND GIVE IT TO MY SUPERVISOR SO THAT THEY COULD HAVE IT WHEN EVER SHE FILED A COMPLAINT. I THEN WENT TO THE MALE SUBJECT THAT I HAD SPOKEN WITH EARLIER. I ASKED HIM IF I COULD SEE HIS IDENTIFICATION. HE STATED NO AND THAT HE DID NOT HAVE TO GIVE IT TO ME. I ASKED HIM AGAIN FOR HIS IDENTIFICATION. HE STATED BY LAW HE DID NOT HAVE TO GIVE ME HIS IDENTIFICATION. I INFORMED HIM THAT NM STATE LAW STATES THAT HE HAS TO GIVE ME

HIS IDENTIFICATION. I THEN ASKED HIM IF I COULD GET HIS NAME AND DATE OF BIRTH. HE STATED NO AND THAT A.C.L.U. SAID THAT HE DID NOT HAVE TO GIVE ME HIS IDENTIFICATION. AT THAT POINT I TOOK CUSTODY OF THE MALE SUBJECT FOR CONCEALING HIS IDENTITY. AS I WAS PLACING THE HAND CUFFS ON HIM, HE PUT HIS ARMS IN THE AIR AND STATED, "LOOK I'M NOT RESISTING." I NOTICED THAT THERE WERE PHOTOGRAPHERS IN THE IMMEDIATE AREA. THE MALE SUBJECT ALSO STATED TO THE PHOTOGRAPHERS, "I HOPE YOUR GETTING THIS" AS THEY WERE TAKING PICTURES.

I AS I WAS PLACING HIM IN BACK OF MY PATROL UNIT, THE CROWD OF PROTESTERS STARTED TO WALK TOWARDS OFFICER BILLHYMER AND I SHE HAD TO TELL THEM THREE TIMES TO BACK UP AND AFTER THE THIRD TIME THEY BACKED UP. WHEN I GOT INTO MY UNIT TO TRANSPORT ONE OF THE PROTESTER, AN UNIDENTIFIED MALE SUBJECT, STOOD DIRECTLY IN FRONT OF MY UNIT HOLDING UP ONE OF HIS HANDS WITH HIS INDEX AND MIDDLE FINGERS UP AND THE REST OF HIS FINGERS CLOSED. I HAD TO BACK UP AND TURN AROUND HIM IN ORDER TO MOVE FORWARD. I THEN TRANSPORTED THE MALE SUBJECT BACK TO THE NMSU POLICE STATION.

WHILE AT THE NMSU POLICE DEPARTMENT, LT. DIAZ CONTACTED ME BY PHONE. I INFORMED HIM OF THE SITUATION. HE STATED THAT HE WAS IN ROUTE TO THE STATION. DURING THIS TIME SOME OF THE PROTESTERS ARRIVED AT THE NMSU POLICE DEPARTMENT. A SHORT TIME LATER LT. DIAZ ARRIVED. HE THEN SPOKE WITH THE SUBJECT. AFTER SPEAKING WITH THE SUBJECT, LT. DIAZ MADE A PHONE CALL AND THEN RELEASED THE SUBJECT. I INFORMED LT. DIAZ THAT MS. JONES AND TWO OTHER WITNESSES ARRIVED TO GIVE WRITTEN STATEMENTS. HE TOLD ME TO OBTAIN THERE INFORMATION AND LET THEM KNOW IF WE NEED TO INTERVIEW THEM, WE CAN CALL THEM AT A LATER TIME.

IT WAS NOT KNOWN WHO THE MALE SUBJECT WAS. NO FURTHER INFORMATION, END OF REPORT.

 049