

## Another Pr. George's Officer Loses Lawsuit Over Arrest

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A federal civil court jury in Greenbelt yesterday found that an off-duty Prince George's County police officer violated the constitutional rights of a Bowie woman when he arrested her during a confrontation over her dog. The jury awarded the woman nearly \$113,000 in compensatory and punitive damages.

The verdict marked the third time since March that a Prince George's County police officer was found in federal court to have abused his power.

After a four-day trial in U.S. District Court, the jury of four men and four women deliberated for 5 1/2 hours before finding that Cpl. Frances A. Masino, 36, violated the constitutional rights of Cristi Wineke, 28, during the September 1995 incident in the Bowie neighborhood where both lived.

In March, Cpl. Timothy J. Moran, who has since quit the force, pleaded guilty to beating a handcuffed man with a nightstick in 1994. In May, a federal civil jury found that Cpl. Anthony Mills invaded the privacy of five men whom he strip-searched in public in 1994; the jury awarded each man \$6,500 in compensatory damages.

The county's police force has come under repeated criticism for failing to detect and discipline excessive force and other forms of malfeasance by its officers. When he sentenced Moran to five months in prison in May, U.S. District Judge Peter J. Messitte sharply rebuked county officials for failing to police the police force.

"The police department needs to do a better job of disciplining officers and holding them accountable," said Wineke's attorney, Terrell N. Roberts III.

The jury awarded Wineke \$100,000 in compensatory damages for pain and suffering, \$10,000 in punitive damages and nearly \$3,000 for medical bills and lost wages. The county, not Masino, would have to pay the award.

Associate County Attorney Laura J. Gwinn, who represented Masino, said she would consider appealing the jury's decision, which she called inconsistent. The jury found that Masino violated Wineke's constitutional rights, but it did not find that the officer assaulted the woman or acted with malice.

During the trial, Wineke testified that Masino ordered her to clean up after her 70-pound black Labrador retriever, Mugsy, after the dog defecated on a grassy strip in front of the officer's home in the 13200 block of Idlewild Drive.

Wineke testified she asked Masino for a bag, a request she said the officer ignored. At times fighting back tears, Wineke testified that she asked Masino for his badge and began to walk away, intending to return to clean up after the dog.

Masino caught up to her in his unmarked police car, got out and grabbed her by the arm, Wineke testified. The officer pulled her toward the car, knocked her down into the street and beat the back of her head, Wineke testified.

Wineke suffered bumps on her head and a ruptured left eardrum, according to testimony by physicians. Wineke was eight weeks pregnant at the time, and she testified that she feared the fetus would be injured. Her daughter Casey, now 2, was and is fine. Masino testified that Wineke slugged him in the chest when he took her by the arm to stop her and write a citation. The officer testified that he chopped Wineke in the neck -- a police technique used to subdue a combative person -- but did not beat her.

During cross-examination, Roberts asked Masino if it was reasonable to expect Wineke to pick up the droppings with her hands. "Yes," Masino replied.

One juror, who did not give her name, said that was unreasonable. The juror also said that whether Masino beat Wineke about the head or chopped her in the neck, he used excessive force.

Masino charged Wineke with assaulting a police officer, a charge State's Attorney Jack B. Johnson later dropped. The police department's internal affairs unit and the FBI investigated but filed no administrative or criminal charges against

Masino. "I'm glad it's over," Wineke said. "I hope that {Masino} changes his ways or gets fired."

Credit: Washington Post Staff Writer

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