

Man Tied to Pole Wins Suit; Pr. George's, Police Ordered to Pay \$647,000 in Rights Case

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A federal civil jury in Greenbelt found yesterday that Prince George's County police violated the civil rights of a Salvadoran immigrant who in 1996 was left handcuffed to a post in the dark. The jury ordered the county and the officers to pay the man \$647,000.

The award for Nelson Omar Robles, 26, is believed to be the highest civil jury judgment against county police in about a decade.

"The act of being tied to a pole--they treated him like a dog," said juror Robert Sehgal, 71, a retired scientist from Chevy Chase.

The jury, which deliberated about 13 hours over three days, found for Robles on two of his four claims of civil rights violations and awarded him \$150,000 in compensatory damages for his suffering.

The rest of the award is in punitive damages--so called because they are designed to punish the defendants for their actions. The jury awarded Robles punitive damages of \$350,000 against the county, \$119,000 against former county police lieutenant James Rozar and \$28,000 against county police officer Antonio DeBarros.

The county indemnifies officers in lawsuits stemming from their actions while on duty and pays any damages assessed against them.

Jury foreman Edward Stewart, of Burtonsville, said jurors arrived at those awards by proposing amounts they believed were fair and reaching a consensus.

The jury found that the officers and the county were not liable for violations of the state constitutional protection against unreasonable search and seizure. But they found that both officers acted with malice when they used strong plastic flex cuffs to tie Robles to a pole about 5 a.m. Aug. 17, 1996.

"I'm happy," Robles, a Hyattsville construction worker, said after the verdict. "I think the decision is just. I don't want what happened to me to happen to anyone else."

"Simple justice was served here," said Robles' Riverdale attorney, Terrell N. Roberts III.

Deputy County Attorney John Bielec, who defended the county and both officers, said, "We're disappointed in the verdict." He said he plans to appeal aspects of the verdict but declined to comment further.

The incident began about 3 a.m. on that warm August night. According to court testimony and court records, DeBarros went to a Langley Park apartment complex to investigate a report of people making too much noise.

Robles and three friends were outside the apartments, drinking beer and talking, according to court testimony. DeBarros called a police dispatcher to check the names of each of the friends for warrants and learned that Robles was wanted in Montgomery County on a warrant for five traffic violations. The violations stemmed from a non-injury accident, and Robles testified he was not aware the warrant existed.

DeBarros arrested Robles. A short time later, Rozar, the ranking officer for that patrol area, arrived, according to court testimony.

Rozar testified that he was frustrated when Montgomery County police refused his request to meet him at the county line so Robles could be handed over. A Montgomery police sergeant testified that his officers were busy responding to a house burglary.

At the direction of Rozar, DeBarros drove Robles to a parking lot just inside Montgomery County, according to court

testimony. There, Rozar directed DeBarros to take Robles to a metal pole supporting a staircase, and the lieutenant took a pair of plastic flex cuffs out of his unmarked car and tied Robles to the pole, according to court testimony.

Then they left, and Rozar placed an anonymous phone call to Montgomery police, reporting that a man was tied to a pole, according to court testimony.

A police trial board found that Rozar violated the department's general orders by tying Robles to a pole and leaving him. He retired with full benefits in 1997. The police trial board found no wrongdoing by DeBarros, ruling that he was following Rozar's orders.

Rozar insisted in his testimony that he drove to a nearby spot and watched Robles until Montgomery officers arrived, even though Montgomery officers testified they did not see him.

Jury foreman Stewart said the jury did not believe that Rozar stayed to watch Robles.

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