

Officers investigated in U-Md. beating; Pr. George's police seen on video hitting student after game against Duke

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Prince George's prosecutors have begun a criminal investigation of three county police officers who beat an unarmed University of Maryland student with their batons after a basketball game last month in an incident that was caught on video and surfaced publicly Monday, authorities said.

County police also ordered an internal affairs investigation of the three officers, Maj. Andy Ellis said. Ellis said the inquiry would also focus on a county officer who filed official charging documents that are contradicted by the video.

"The video shows the charging documents were nothing more than a cover, a fairy tale they made up to cover for the officers' misconduct," said Christopher A. Griffiths, a lawyer for the student. "The video shows gratuitous violence against a defenseless individual."

Police Chief Roberto L. Hylton said that one of the three officers had been identified and that his police powers have been suspended during the investigation. The other two officers will also be suspended as soon as they are identified, Hylton said.

"I'm outraged and disappointed after viewing the video," Hylton said. "That's not the type of professional conduct we promote. Any employee who uses excessive force will be held accountable."

Griffiths released the video Monday after county prosecutors dropped charges against John J. McKenna, 21. McKenna and a co-defendant, Benjamin C. Donat, 19, had been charged with felonies on suspicion of assaulting officers on horseback and their mounts. On Friday, a prosecutor dropped charges against Donat, also a U-Md. student. Griffiths is also representing Donat.

The incident occurred March 3 near the university's College Park campus after the Maryland men's basketball team defeated Duke. After the game, students took to the streets to celebrate. Twenty-eight people were arrested or cited, sparking a debate between police and students over how and when it is appropriate to break up a group of revelers.

At least part of the incident with McKenna was videotaped by another student. The video, which lasts about one minute, is a continuous shot. It was discovered by Sharon Weidenfeld, a private investigator who worked on behalf of McKenna and Donat. The video does not show Donat, although Officer Sean McAleavey's charging documents say the two men acted together.

The video shows about two dozen students milling about on Knox Road near Route 1. About a half-dozen of them are pointing their cellphone cameras at riot police who are gathered between the students and Route 1.

The video shows McKenna on the sidewalk as he skips and throws his arms in the air. He stops about five feet from an officer on horseback, the video shows. In the video, McKenna's arms appear to be in front of him, but he does not appear to touch the officer or the horse. His hands are empty.

McKenna backs up, then two county police riot officers rush toward him from the street, the video shows. The officers slam McKenna against a wall and beat him with their batons. McKenna crumples to the ground.

As McKenna falls, a third county police riot officer strikes his legs and torso with his baton. The video shows the officers striking an unresisting McKenna about the head, torso and legs -- more than a dozen blows in all.

Because they are wearing riot gear, the officers who hit McKenna are not easily identifiable.

In the video, county police officers and officers on horseback from the Maryland-National Capital Park Police are seen nearby. They do not intervene in the incident with McKenna. The officers form a line and move toward the students who had been milling about, the video shows, and the students move back.

Charging documents say McKenna and Donat provoked the beating by attacking officers on horseback. The video clearly shows the officers rushing McKenna and beating him, although the teenager had not touched any of the

mounted units.

The charging documents also say that the horses injured McKenna and Donat and make no mention of the beating by the officers. The video shows no aggression by the horses.

The documents sworn by McAleavey allege that McKenna and Donat were running and screaming in the middle of Route 1, prompting an unruly crowd to form.

As two officers on horseback from the Maryland-National Capital Park Police tried to regain order, McKenna and Donat "struck those officers and their horses causing minor injuries," McAleavey wrote.

McKenna and Donat "were both kicked by the horses and sustained minor injuries," the charging documents say. Griffiths said Donat was beaten by county police with batons about a block away from where McKenna was beaten. The lawyer said the two do not know each other. Griffiths said both men suffered concussions from police baton blows.

McAleavey did not return calls for comment.

Lt. Stanley Johnson, a spokesman for the Maryland-National Capital Park Police, said that McKenna and Donat did not attack any of his officers or horses and that none of the department's horses kicked or struck McKenna or Donat. The charges against McKenna were dropped Monday without comment, Griffiths said.

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