

Page 68

1 (Deposition Exhibit No. 7 was marked  
2 for identification.)  
3 Q. (BY MR. WITHEY) Handing you what's been  
4 marked as Exhibit 7, is this the letter that Ken Kime  
5 sent to you at the end of December 2001?  
6 A. I have no idea. It's not even signed.  
7 Q. Could you take -- do you mind taking a little  
8 time to look at it and see if it refreshes your  
9 recollection, whether it's signed or not -- excuse me,  
10 whether you've read this before, irrespective of  
11 whether he had signed it, this copy?  
12 MR. BUCK: I'm sorry, what's the question?  
13 MR. WITHEY: I wanted him to take a look at  
14 it, rather than just seeing whether it was signed, to  
15 determine whether it refreshes his recollection  
16 whether that's a letter he received and read.  
17 MR. BUCK: Thanks.  
18 A. I don't recall seeing this letter.  
19 Q. (BY MR. WITHEY) At any rate, I assume, then,  
20 that you don't recall responding to it, fair enough?  
21 A. I don't recall. It's a letter written by a  
22 parent who's distraught and who's getting his  
23 information from the press rather than from direct  
24 facts. But I understand his pain and then looking  
25 around for somebody to blame. I disagree with some of

Page 69

1 the statements made in the letter.  
2 Q. Which statements do you disagree with?  
3 A. That I declined to take --  
4 MR. BUCK: I object; it's irrelevant.  
5 Q. (BY MR. WITHEY) You can answer.  
6 A. His point that I was sleeping through all of  
7 this and the assumption that I should have been there  
8 directing traffic and that I refused to take  
9 responsibility when I believe I clearly did.  
10 Q. How did you take responsibility?  
11 A. I stood there with the police department and  
12 we've acknowledged that -- well, did I take blame?  
13 Q. No, responsibility.  
14 A. I'm in charge of the police department. I  
15 took responsibility for everything during the WTO, but  
16 that doesn't mean that you're the one who is in charge  
17 and making the tactical decisions or agreeing that the  
18 police made a mistake; I don't. I think they made a  
19 tough judgment, and the tragedy of Kristopher Kime was  
20 just that, a tragedy.  
21 Q. So you do take responsibility for what  
22 happened in Mardi Gras then; is that correct?  
23 MR. BUCK: I'll object to the form of the  
24 question.  
25 A. Well, I don't know what that means.

Page 70

1 MR. WITHEY: I'll rephrase it.  
2 MR. BUCK: Calls for a legal conclusion if  
3 that's the extent of the question. If it doesn't call  
4 for a legal conclusion, it's irrelevant.  
5 Q. (BY MR. WITHEY) Do you feel responsible for  
6 the events of Fat Tuesday, including the police  
7 actions that evening?  
8 MR. BUCK: I'll object. That's a compound  
9 question and impossible to answer. Which events?  
10 A. That's exactly right.  
11 Q. (BY MR. WITHEY) You can answer it if you  
12 can.  
13 A. No, I can't answer it because there's so many  
14 people who were involved from the tavern owners who  
15 hosted the party to the press that made calls. I  
16 mean, I think the whole community has some  
17 responsibility.  
18 Q. Including yourself?  
19 A. Including myself.  
20 Q. And what is the degree of your  
21 responsibility?  
22 MR. BUCK: I'll object again. Same  
23 objection.  
24 A. I can't answer -- I really can't answer that.  
25 The truth is I can't answer that question. It's too

Page 71

1 broad and I don't know what you're even getting at,  
2 so.  
3 Q. (BY MR. WITHEY) You testified that Mr. Kime  
4 relied upon the press in writing this letter, correct?  
5 I thought I heard you say that.  
6 A. His focus on the fact that I was sleeping. I  
7 feel -- yes.  
8 Q. But in fact he had talked to police officers  
9 and detectives according to this letter, correct?  
10 A. I don't know.  
11 Q. Well, the letter says, "While you were  
12 sleeping, I was talking to detectives and trying to  
13 understand how something like this could ever happen  
14 at an event that was supposed to be fun and  
15 enjoyable." Do you see that?  
16 A. And I looked at that and I did find that  
17 strange because while I was sleeping at 2:00 in the  
18 morning he was downtown talking to the police  
19 department?  
20 Q. So you're questioning Mr. Kime's --  
21 MR. BUCK: I'll object to the form of the  
22 question.  
23 A. I just don't know what --  
24 MR. BUCK: You're asking whether or not he  
25 is -- the information in a letter he does not recall

20 (Pages 68 to 71)

Page 72

1 ever seeing is accurate or not? This is an entirely  
2 improper line of questioning.  
3 MR. WITHEY: Well, then just object to the  
4 form of the question. You don't have to give speaking  
5 objections, Counsel.  
6 MR. BUCK: I'd appreciate it if you would ask  
7 an appropriate question.  
8 Q. (BY MR. WITHEY) Now, did your office or you  
9 or your office make any effort to contact any of the  
10 individuals that were injured but not killed on the  
11 night of Fat Tuesday?  
12 A. I don't recall.  
13 Q. Did you yourself conduct any review of any of  
14 the police command decisions that evening?  
15 A. No.  
16 Q. Did you or your office ever make an effort to  
17 review the videotapes of the events of that evening?  
18 A. I recall seeing the videotapes.  
19 Q. Well, did you ever ask anyone from your  
20 office to look at the videos and to provide you any  
21 summary of the sequence of events that evening?  
22 A. I don't recall.  
23 Q. Other than Chief Kerlikowske and Dan Bryant,  
24 did you have any conversations with any other police  
25 officers with respect to the appropriateness or

Page 73

1 inappropriateness of police tactics on that Fat  
2 Tuesday evening?  
3 A. I don't recall.  
4 Q. Who established the Mardi Gras task force?  
5 A. The three-prong? I did.  
6 Q. And just one other follow-up. Did you or  
7 anyone in your staff ever attempt to listen to or get  
8 a transcript of the radio transmissions that evening?  
9 A. I think our -- I don't recall. Our focus was  
10 on moving ahead, understanding it, learning from it,  
11 trying to rebuild a sense of community, understanding  
12 who these kids were, making sure they were arrested  
13 first, and second, trying to learn from the community  
14 standpoint what it is that we do as a community that  
15 would result in this kind of behavior.  
16 Q. So what did you learn from this event, then?  
17 A. We made real progress in terms of building a  
18 better understanding within the three parts of the  
19 Pioneer Square community that they needed to do a  
20 better job of respecting each other's needs, and that  
21 task force I think is -- had a good constructive  
22 outcome.  
23 The task force that was looking into the  
24 kids, I think it was less defined. One of the things  
25 I think they did learn is that almost all of them, if

Page 74

1 not all of them, went down there that night because  
2 they thought there was going to be a riot and they got  
3 that information from the media. And a lot of them  
4 were suburban kids, White Center and other parts of  
5 the city.  
6 And clearly, we've got to do a better job as  
7 a community in raising our children and that everybody  
8 has got to take some responsibility there, but I'm not  
9 sure -- and that we don't think -- I think we've  
10 learned that it was not race-based. There may have  
11 been a disproportionate number of economically  
12 disadvantaged youth, but the issue wasn't race. Those  
13 are some lessons. There were more, I'm sure, but it's  
14 been four years.  
15 Q. Well, was there any written report by the  
16 Mardi Gras task force?  
17 A. I'm sure there was, but I don't recall.  
18 Q. So you believe that the City somewhere has a  
19 written report that concluded or at least states that  
20 the kids went down there thinking there was going to  
21 be a riot?  
22 A. I think that's the case. I don't recall.  
23 Q. And you think there's somewhere in the City's  
24 documents a document saying that the assaults on the  
25 citizens down there was not race-based?

Page 75

1 A. That was the subject of a lot of the  
2 interviews that were done by the -- there were three  
3 committees, as I recall, and there was one -- and  
4 again, I'm relying on a four-year-old memory.  
5 Q. What would it -- what were they looking at as  
6 to whether it was or wasn't race-based?  
7 A. Because it had been raised that this was  
8 race-based and during the -- by the press, and I think  
9 we wanted to get to the bottom of that in a hurry  
10 because we did not need to have race wars in our city  
11 and I was very concerned about that.  
12 Q. Well, of the 25 some people you identified as  
13 having been arrested for the assaults, do you recall  
14 whether there was any particular race that  
15 predominated within those --  
16 A. I don't have any direct --  
17 MR. BUCK: I want to -- just a minute. I'm  
18 not sure I heard the middle part of the question. Did  
19 you say 25 or so that he identified as having been  
20 arrested or that have been identified as being  
21 arrested?  
22 MR. WITHEY: I thought the witness testified  
23 that he thought approximately 25 people had been  
24 arrested.  
25 A. I don't think I ever used the word 25. I

21 (Pages 72 to 75)