



INCIDENT REPORT

Incident #: 07-004-0896-00

Prepared:

1/4/2007 4:51:07 PM

On January 4, 2007 at 1215 hours I was working a City approved extra job at the Hilton Hotel at 255 Courtland St. The Director of Security, Mike Dove, had requested an officer to stand on the sidewalk in front of the hotel to instruct guests to use the crosswalks where Courtland St intersects with Baker St and Harris St. Traffic becomes extremely heavy during the daytime when guests walk back and forth between the Hilton and Marriott Marquis. Signs are clearly posted on the east and west side of Courtland St that read "CROSS ONLY AT CROSSWALKS." I had been instructing several pedestrians to use the crosswalk without incident.

One man, Mr. Felipe Fernandez-Arnesto, approached the roadway from the Marriott Marquis and looked at oncoming traffic as if he wanted to cross the street. I blew my whistle and told him cross only at the crosswalks at either end of the hotel. He darted into traffic and crossed anyway. He entered the Hilton side of the sidewalk roughly 10 feet from where I was standing. I asked him why he refused to use the crosswalk when signs are clearly posted and a uniformed police officer asked him to use it. He said, "Thank you for the suggestion." I said, "Sir, it was not a suggestion. It was a lawful order." He said, "As I said, thank you for your advice." He then began to walk away. I told him to stop. He continued walking. I raised my voice and told him several more times to stop. He continued walking. I took hold of Mr. Fernandez' arm and again told him to stop. I asked him sincerely if he was hearing impaired so as not to assume that willfully walked away from a police officer after committing a traffic violation and being stopped. Mr. Fernandez-Arnesto said that he was not hearing impaired.

I asked Mr. Fernandez-Arnesto for his identification. He said, "I need to see your identification." I explained to him that as a uniformed police officer I was not required to show identification. I asked him as many as ten more times for his I.D. He continued to refuse to produce it. He said, "How do I know you are even really a police officer." I told him that he was only going to receive a citation. I explained that if he refused to produce his identification and allow me to do that then he would be arrested. I pleaded with him not to make his situation worse and just to provide any form of I.D. He refused once more.

I told Mr. Fernandez-Arnesto that he was under arrest. I asked him to put his hands behind his back so that he could be handcuffed. He refused. I took his right hand with a firm grip and attempted to place a handcuff on his wrist. He violently pulled away and began to wrestle with me. After about a minute I was able to wrestle him to the ground where I held onto his right arm as I called for backup. Within about two minutes after the struggle began, backup arrived and assisted me in handcuffing Mr. Fernandez-Arnesto. He said, "Well now I believe that you are the police."

After he was taken into custody two witnesses came forward. Mr. Edward Allen, a bellman at the Hilton, said that he witnessed the incident from the time that Mr. Fernandez-Arnesto walked away after I asked him several times to stop. Mr. Martin Catino, a professor from the University of South Carolina attending the same convention that Mr. Fernandez-Arnesto was in town to attend said that he witnessed the entire incident. He told several other officers that "...the officer kept his cool. He was polite and asked him several times for his I.D. The man was belligerent and refused to cooperate with him."

Mr. Fernandez-Arnesto was charged with Pedestrian Failure to Obey a Police Officer (40-6-80) and Physical Obstruction of Police (106-81.8). He sustained a minor abrasion to the head while being taken into custody. I received a minor abrasion to my right knee. He initially requested an ambulance but later refused to be seen by EMS. He had no visible injuries requiring immediate medical attention. He was taken to the Atlanta City Jail. A Zone 5 supervisor was notified of the arrest and the fact that Mr. Fernandez-Arnesto is a British citizen. I told Mr. Fernandez-Arnesto to notify the Atlanta City Corrections of his citizenship so that his Consulate could be notified. There is nothing further to report at this time.

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OR HER OATH DEPOSES AND STATES THAT THE FOREGOING IS TRUE, CORRECT, COMPLETE AND LEGIBLE TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF.

Reporting Officer (Elec. Sig.)	ID #	Assignment	Gender	Signed Date
LEONPACHER, K.J. YES	3586	507		1/4/2007
Supervisor (Elec. Sig.)	ID #	Assignment	Gender	Signed Date
HARTY, M.L. YES	1156	507		1/4/2007