



ACLU Foundation of the District of Columbia
P.O. Box 11637
Washington, DC 20008
(202) 457-0800
www.acludc.org

MEMORANDUM

To: Individuals who experienced police violence on January 20, 2017
From: ACLU Foundation of the District of Columbia
Date: July 7, 2017
Re: Preserving your rights

Introduction

As you may know, the ACLU of D.C. filed a lawsuit last month challenging unlawful actions of D.C. police on Inauguration Day of this year. Our suit was filed on behalf of four individuals who suffered one or more of the following violations of law: unlawful arrest, unlawful use of force, unlawful conditions of confinement (extended detention without being provided food, water, or access to toilets), and unlawful manual body cavity searches.

Other people who may have experienced similar police actions on Inauguration Day might be wondering what steps they can take to preserve their rights. For that reason, we have prepared this brief memo.

Disclaimers

This document is not intended as legal advice. We do not know everyone's individual facts. We do not know whether each particular person's rights were violated. And this document does not mean that we represent you. What we can do, however, is provide some general information that might be of help.

Some of the people reading this document may have lawyers already. **Nothing in this document is intended as a substitute for the advice of anyone's own lawyer.** A person's own lawyer is likely to know the facts and circumstances best, so **if you have a lawyer, you should check with him or her before taking any step described in this memo.**

Two important limits on claims

For many types of claims, in order to sue the District of Columbia, you must first write the D.C. government a letter about your claims (a "notice of claim letter"), and you must do that within six months of the incident. **Therefore, people who think they have claims arising out of events on January 20, 2017, should write the D.C. government a "notice of claim" letter by July 20, 2017, to preserve their rights.**

Sending the letter is not the same as filing a lawsuit. But you must send the letter first, for many types of claims. Then you can sue.

Claims also can expire based on a “statute of limitations.” A “statute of limitations” is a law saying that you have to file certain types of lawsuits within a certain period of time (for instance, one year from the date of injury). Different kinds of lawsuits have different statutes of limitations. Consulting with a lawyer is the best way to figure out what claims a person has and how long the statute of limitations is for each claim. Under D.C. law (D.C. Code § 12-301), the statute of limitations for assault, battery, false arrest, or false imprisonment is one year. There are some circumstances in which that time is extended.

Important cautionary note

Some of the people who may have claims against the police concerning Inauguration Day are also facing criminal charges. **Anything you write in a notice of claim letter can be used against you in your criminal case. So it’s important to check with your lawyer before sending such a letter.**

How to write a notice of claim letter

The letter must be **in writing**.

The letter must include your name, address, and phone number.

The letter must describe the injury or damage you suffered, including these details:

- the approximate **time**,
- the **place**,
- the **cause**, and
- the **circumstances**, including how D.C. officers were involved in your injury.

The letter should be sent to: D.C. Office of Risk Management
Attention: Claims
441 4th Street, N.W., Suite 800 South
Washington, DC 20001

The letter **must arrive** by July 20. It’s a good idea to send it by certified mail to prove when it was received. If time is short, the letter can also be hand-delivered to this address. It’s also a good idea to make a copy for yourself.

Below we include a template that people can use to submit a notice of claim letter.

Our request to you

If you do send a notice of claim letter to D.C., please consider sending us a copy. We’re interested in learning more information about abusive conduct that took place on January 20.

Our address is: ACLU of the District of Columbia
P.O. Box 11637
Washington, D.C. 20008

We hope you find this memo helpful. The sample letter is below.

July ____, 2017
Certified mail no. _____

D.C. Office of Risk Management
Attention: Claims
441 4th Street, N.W., Suite 800 South
Washington, DC 20001

Re: Notice of Claims

Dear Mayor Bowser:

My name is _____.

My address is _____.

My telephone number is _____.

This letter is to notify you, pursuant to D.C. Code § 12-309, of claims for unliquidated damages that may be brought against the District of Columbia and/or its agents. The time, place, cause, and circumstances giving rise to these claims are as follows.

Date of Incident: January 20, 2017

Time of Incident: _____

Place of Incident: _____

Cause and Circumstances: On January 20, 2017, I was in D.C. for the purpose of
_____. When I
came to the location of _____, I encountered officers of the
District’s Metropolitan Police Department (MPD). MPD officers took the following actions
against me, which I believe to have been unlawful:

As a result of MPD officers' actions described above, I suffered the following injuries:

I am entitled to compensation for these injuries inflicted upon me by the District's agents.

Additionally, I hereby request that you locate and preserve all records of these incidents, including any MPD field notes and reports, radio runs, emails, surveillance camera films or tapes, and body-worn camera footage.

Sincerely,

Signature of claimant: _____

Printed name of claimant: _____