

ACLU Files On Behalf Of Gun Owner Abusively Arrested By Philadelphia Police

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We previously discussed the abusive arrest of Mark Fiorino by Philadelphia police. Now the American Civil Liberties Union of Pennsylvania and the law firm of McCausland Keen & Buckman have filed a federal complaint today against the city of Philadelphia in his defense. It is an important case and we will be following it closely.



The audio recording (below) shows Fiorino, 25, being confronted by a Philadelphia police officer about carrying a gun in public. Fiorino is allowed to open carry in the city, but the officers appear completely ignorant of their own directives and became increasingly hostile to Fiorino's effort to show them that he was lawfully carrying the weapon.



The encounter occurred on February 13, 2011, nearly five months after a new policy allowing such carrying of a weapon was implemented. Fiorino was stopped on a street by an officer pointing a gun at his chest and yelling "Yo, junior, what are you doing?" Sgt. Michael Dougherty would not listen to Fiorino's explanation of his own policy and ordered Fiorino to get on his knees or else "I am gonna shoot ya." Other officers then arrived and continued to heap abuse on Fiorino after he was handcuffed and put face down on the sidewalk. He was later released without charges, but (despite this shocking record) there is no report of disciplining of all of the officers involved. Worse still, after Fiorino said that he was considering a lawsuit and his tape was placed on YouTube, Commissioner Charles Ramsey ordered an investigation. (For the record, Ramsey is a defendant in the World Bank case in which I am one of the lead counsels suing the District and federal government for a mass arrest of citizens without legal cause or due process). After investigating, the department decided to crack down on Fiorino rather than the officers. He was charged with disorderly conduct and recklessly endangering another person. Five officers were sent to his workplace to arrest him. He later

surrendered and was charged. However, the police then arrested him again a week later — saying that the warrant had not been changed in the system. He was eventually cleared of all charges on October 27, 2011 after spending time in jail and having to get a lawyer. Despite the clear absurdity of the charge that he was disorderly or that he endangered others, there was no effort to hold either the police or the prosecutors involved to any form of discipline.

That is why this lawsuit is so important. For those on the right who criticize the ACLU, the case is also a reminder of the work that this organization does for all citizens regardless of their politics or views. He is being represented by Benjamin Picker and Glenn Gitomer of McCausland Keen & Buckman and Mary Catherine Roper and Chris Markos of the ACLU of Pennsylvania. The case is *Fiorino v. City of Philadelphia*, et al.

Here is the tape:

Here is a copy of the Complaint:

Source: [ACLU](#)