



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FREDERICK SIMMS,
2904 7th Street, SE
Washington, DC 20032
Plaintiff,
v.
THE DISTRICT OF COLUMBIA,
Office of the Attorney General
441 4th Street, NW
Washington, DC 20001
CATHY LANIER, CHIEF OF POLICE,
300 Indiana Avenue NW
Washington, DC 20001
VINCENT GRAY, MAYOR
1350 Pennsylvania Avenue, NW, Suite 316
Washington, DC 20004
Defendants.

Case No. _____

DECLARATION OF FREDERICK SIMMS

- 1. I, Frederick Simms, am 26 years old and live in Washington D.C. I am employed at AAAA Storage in Sterling, Virginia. I have worked there for nearly four years.
2. I have been without my car since the police took it on May 29th, 2011.
3. Keeping my job has been extremely expensive and difficult since I have been without my car. I have been forced to take public transportation as close to my job as possible and then catch a ride from a coworker or a cab the rest of the way. Every morning I have to take a bus to the Anacostia Metro station, then I take the Metro to L'Enfant Plaza. Then I take the 5A bus from L'Enfant Plaza to the Park & Ride in Herndon, VA, near Dulles Airport. From there I

have to catch a cab the remainder of the way or sometimes get a coworker to drive me because my job is about a ten minute drive from the Park & Ride. The bus from L'Enfant Plaza is \$6 each way. When I have to take a cab, it is at least \$10 each way. I have to do all of this in the morning and on the way home, which takes an hour-and-a-half to two hours each way and is a total cost of more than \$40. I make \$12 an hour at my job.

4. I almost lost my job due to not having a vehicle, because having a vehicle is one of my requirements of employment. I am an assistant manager and often have to run company errands using my own personal vehicle. On several occasions I have had to spend a lot of money renting cars to make it to out-of-town meetings involving my employment. I received reprimands for tardiness due to delays on the public transportation getting to work. I was almost always early to work before I lost my vehicle.

5. For several months, I moved from my mother's house in Southeast D.C. to Virginia to be closer to work so that I wouldn't have to spend all of that time and money every day to get to work. I rented a place in Virginia and stayed with my fiancée and daughter. Now I am back living with my mother in Southeast.

6. On December 7, 2011, after my acquittal, I went to the 7th District Police Station regarding my vehicle. I spoke to an MPD officer who informed me that I would need to speak with the detective handling the case. Based on what the officer told me, I went to 17 D.C. Village Lane, where my vehicle was being held, to see if I could find out any information. At that time, I was told that the police wanted to civilly forfeit my car. I was told that there was a bond of around \$1,200 on my car and that I needed to pay the bond. I was told that I could not get the car back and that I would still have to speak with the detective handling the case.

7. I called the number I was given for the detective several times, and left several messages before I was finally able to get in contact with the detective. The detective made an appointment for me to meet with her in late December—I think it was the 21st. She said I would need to bring my driver's license, registration, proof of valid insurance, and a buyer's order listing the vehicle's price. I brought all of these things to my meeting. At that time she informed me that I was number twenty on her caseload and to keep in touch with her. I attempted to contact her several times for the following three weeks and when I was able to speak to her again, she said I was still number twenty on the list.

8. I spoke to someone who also had their property taken who told me I could get the bond waived if I could not afford to pay it. I don't remember any officer telling me that. I submitted an application to get the bond waived. When I got to 17 D.C. Village Lane with the application, the officer told me that the application would have to be notarized. The officer also told me that I would have to bring copies of my tax returns for the last three years. I took time off of work and lost pay to get the application notarized at my bank and to get copies of my tax returns, especially the 2009 return, which I had to get from H&R Block. I went back and submitted the notarized application along with copies of my tax returns from 2009, 2010, and 2011 on March 19, 2012. The MPD officer said it would take a couple of weeks before the paperwork would be processed and that someone would be in touch with me.

9. I did not hear anything for about a couple weeks. Eventually I went back to 17 D.C. Village lane and learned that the bond was lowered to \$800. I cannot afford to pay \$800 to try to get my car back. All of the money I make from my wages goes to transportation, rent, daycare, utilities, groceries, car insurance, and the \$360 a month I pay on the car loan to Andrews Federal Credit Union for a car I can't even use.

10. This whole situation has been a huge burden on my entire life. It has been costly, time consuming, and embarrassing. The vehicle that is being held by the Metropolitan Police Department is my family vehicle that I used and depended on to transport my fiancée and my 11-month old daughter back and forth to doctor's appointments, daycare, and everywhere else my daughter and fiancée need to be. In addition to getting me to work and back and using the car at my job, I also depended on my car to get groceries, to run errands like going to the laundromat, to see my friends and family, and to make sure my daughter sees her relatives.

I declare under penalty of perjury that the forgoing is true and correct.


Frederick Simms

4.30.2012
Date