

The Copenhagen Police  
Advocacy K  
A. Heegaards Gade

The district attorney for Copenhagen, Frederiksberg and Taarnby

"Enclosed is forwarded the documents in the case against:

Mario Herrera-Padron  
Korsoergade 32, 3tv  
2100 Copenhagen Oe

Who is charged for offending the Criminal Law §119, subsection 1 and §121.

It is recommended that prosecution is made in accordance to the enclosed undated draft for indictment.

As grounding for the recommendation I am referring to the questionings of the injured police officials, B and C (attachment 3 and 4).

About the arrest that came immediately before the threats and comments is noted that the foundation for the arrest can seem fragile. It seems to be an arrest mainly founded on the circumstances that the person in question did not wish to take the hands out of the pockets, while he had to talk to the police about, why he would not give his name. The two officers had however legally announced this injunction, cf. the Police Law §5 subsection 2, No. 1, presented for the sake of their own and possible other people's safety.

Added to this is that the way of arrest – pacification by putting the person in question down to the ground and handcuffing him – taking due account of the (scant) gravity of the situation can seem too drastic.

On this basis it is my evaluation that during the trial it can be a matter of acquittal, decreased sentence or sentence annulment, while the threats and comments, if it is taken as a basis that the use of force was too drastic, hardly can be evaluated to have such a nature that you can call it "assault".

Jens Rasmussen  
Police solicitor

Kristian Braad Jensen  
Police chief clerk