

West High student arrest video goes viral



Frank Harrington III of Manchester is interviewed at his home on Wednesday. MARK HAYWARD/UNION LEADER

A West High School student who claimed a police officer used excessive force on him Monday refused to stop shouting profanities at the officer in the crowded cafeteria and had a pocket knife in his possession, police said.

By KATHRYN MARCHOCKI

New Hampshire Union Leader

MANCHESTER — A West High School student who claimed a police officer used excessive force on him Monday refused to stop shouting profanities at the officer in the crowded cafeteria and had a pocket knife in his possession, police said.

Frank Harrington III, 17, of Manchester, is charged with disorderly conduct and resisting arrest. His arrest in the West High cafeteria went viral later that day when CopBlock.org posted a video of the arrest and called it an example of police aggression.

CopBlock.org is a website that promotes individual rights and police accountability, in part by encouraging citizens to videotape police on duty.

Harrington, who lives at 363 Rimmon St., Apt. 2, said Wednesday that he was suspended for 10 days on Monday. He also said he could face a longer suspension because a pocket knife was found in his pants.

His father, Frank Harrington Jr., said it was his knife. The son wore his father's jeans to school Monday without knowing the knife was in them, the father said.

School Supt. Thomas Brennan is expected to meet with Harrington's parents today, the father said.

Meanwhile, Manchester Police Department's internal affairs division is investigating a complaint that Harrington's parents filed with the department.

Harrington's father said he wants the school resource officer, Detective Darren N. Murphy, charged with assault.

"I felt like he could have killed my kid or snapped his neck," said Harrington's mother, Jennifer Harrington. "I've never put my hands on my kid like that. If I did, DCYF would be here in a minute."

The investigation could be completed within two weeks, given the number of witnesses and the fact that the entire incident was captured on the school's video surveillance system, Lt. Maureen Tessier said.

The younger Harrington pleaded not guilty to the misdemeanor offenses at his arraignment in Manchester District Court. He is set to stand trial Dec. 6. Police issued a statement about the arrest Wednesday, and a reporter reviewed a court affidavit.

► [Click here to see the video of the arrest and copblock.org's interviews with the students \(NOTE: Contains language that may not be suitable for some viewers\).](#)

Murphy said Assistant Principal Richard Dichard asked him to help recover a purse that Harrington's 15-year-old sister reported her brother stole from her.

The two approached Harrington, who was seated at a table in the cafeteria with other students, police said. Murphy said he saw Harrington with the pink purse, asked him to hand it over and removed it from his grasp when Harrington refused.

Harrington protested by shouting obscenities — drawing attention from other students — and refused the officer's commands to stop, police said.

Murphy said he told Harrington he was under arrest and attempted to grab his right wrist so he could be handcuffed, but he said Harrington pulled away. Murphy said Harrington continued to resist and he had to physically struggle with Harrington to take him into custody and handcuff him, police said.

Immediately after making the arrest, Murphy reviewed the school video surveillance, which depicted the entire incident, Tessier said. Murphy obtained a copy of the video and submitted it as evidence, she said.

CopBlock.org posted a recording of the arrest filmed by a West High student.

Website founder Adam Mueller, who goes by the alias Ademo Freeman, said the video is clear that Murphy used excessive force, something police often do when they don't receive the respect they think they deserve.

"You may think you deserve x amount of respect, but at the end of the day, sticks and stones don't break bones and names don't hurt anybody," Mueller said.

Mueller, who said he comes from northern Milwaukee, is aligned with the Free State movement, he said.

This summer, he was charged with writing graffiti on the Manchester police station with chalk. The organization also has followed police cars on patrol and videotaped traffic stops.

Tessier said Murphy was unaware another student recorded the incident on an apparent handheld device.

The student recording shows the officer and an administrator standing at a table where about six students are seated. None of the verbal exchanges are audible, and at times the video is shaky as the student filming argues with a teacher. Also, passing students obscure it at times.

Harrington is not noticeable until grabbed by Muphy. He is restrained with an audible thunk.

Harrington Wednesday said he turned his face before it hit the tabletop. He showed an abrasion above his right elbow and on his right shin, which he attributed to the arrest.

Mueller on Tuesday posted a video recording of him having a telephone conversation with West High School

Principal MaryEllen McGorry and a Manchester police official about Harrington's arrest. The two-way telephone conversation is part of the videotape.

A police source said Mueller did not inform the shift commander he was being audio-recorded or ask for the officer's consent. Mueller said he told the two he was from CopBlock.org and was seeking comment about the incident. He said he edited the disclosure out of the video posted on the website.

School Supt. Brennan said McGorry "indicated to me at no time was she notified she was being taped nor did she give consent to be taped."

McGorry can be heard on the audio tape telling Mueller "you don't have all the facts and circumstances. The student was asked multiple times to return an object. The student became disorderly. The student was arrested."

The state wiretap law (RSA 570-A) makes it a crime to audio-record someone without their permission if the speaker has a reasonable expectation that what they're saying is not subject to interception, said Concord attorney Seth J. Hipple, who successfully defended a person arrested when videotaping Weare police officers earlier this year.

Various state and federal courts have ruled public officials aren't able to claim a reasonable expectation of privacy in how they perform their public duties, enabling them to be recorded without permission.

But New Hampshire law remains "somewhat unsettled" on the issue, he added.

"My opinion is that recording this school official while she was on the job was probably not a violation of the state wiretapping law," Hipple said.

Videotaping is not illegal under the state wiretapping law, he added.

New Hampshire Union Leader reporter Mark Hayward contributed to this article.