

INTRODUCTION

The Police Services Community Review Board (PSCRB) is an advisory committee composed of students, staff, and faculty members of The Evergreen State College (TESC), whose mission is to review complaints regarding the work of Police Services and to enhance communications between Police Services and the community at large.

Shortly after the February 15, 2008 incident following the Dead Prez concert on Evergreen's campus, Vice President for Student Affairs Art Costantino asked the PSCRB to conduct a review of Evergreen Police Services' role in the event.

Some of the key issues we examined included:

- o What led up to the incident?
- o What did TESC personnel do?
- o Did TESC police personnel follow Standard Operating Procedures (SOPs)?
- o Are the SOPs involved adequate or should they be revised?
- o Is further training recommended for TESC personnel?
- o How might another incident like this be avoided in the future?

With those questions in mind, members of the Board interviewed several TESC community members and examined documents related to the incident. Also, an email requesting information regarding the incident was sent to TESC Crier and the all-staff and faculty listservs. During the second community forum regarding this incident, members of the Committee publicly requested input from attendees.

Following is a list of people interviewed:

- o April Meyers: TESC Police Officer on duty
- o Cliff Young: TESC Dispatcher on duty
- o Ed Sorger: Director of Police Services
- o Darwin Eddy: TESC Sergeant and Officer in Charge in Director's absence
- o Noah Theeman-Lindberg: Hip Hop Congress
- o Thomas Mercado: Director, Student Activities
- o Art Costantino: Vice President for Student Affairs
- o Mike Renes: Student Organizations Advisor and Lead Staff Advisor for the event

Following is a list of people invited to attend who were unable to do so:

- o Rozell Townsend: Concert Stage Manager
- o Greg Porter: Productions Advisor, Student Activities

The following documents were examined:

- o TESC Police Department Standard Operating Procedures
- o TESC arrest report and related supplements
- o TESC Dispatch log
- o Student Activities Administration Campus Production Report
- o Tentative Production Worksheet
- o Washington State Patrol Report of Investigation
- o Olympia Police Department Incident Report
- o Thurston County Sheriff's Office Field Report
- o Thurston County Sheriff's Office/TESC Mutual Aid Agreement
- o Tac1 CAPCOM (911) Radio Tape log posted on Olyblog.net

- o Video of incident (ca. 40 minutes, raw, unedited)

FINDINGS

Our analysis and recommendations are based on the following determination of events. In January of 2008, the TESC chapter of Hip Hop Congress, an approved campus student organization, proposed sponsoring a live concert featuring the band Dead Prez to be held February 14, 2008 in TESC's College Recreation Center (CRC). The concert was approved by the Student Activities Office.

Two of the forms that were submitted by Hip Hop Congress during the approval process for the event include a Campus Production Report and a Tentative Production Worksheet. The Campus Production Report estimated the attendance at the event would be around 800 and the form contains a line indicating Police Services was notified of the event. This line has a notation ("Notebook to P[olice] S[ervices] on Friday") that an entry had been made in the notebook sent weekly from Student Activities to Police Services giving notification of the concert. There were no other areas on the forms we examined that addressed security, and security issues do not appear to have been addressed in detail in any of the related review processes.

Representatives from Hip Hop Congress offered to provide security for the event using student volunteers known as Event Staff. At the concert the student volunteers wore lanyards with laminated cards that identified them as Event Staff. Volunteers were told not to intervene if they noticed potentially illegal activities in the crowd, but instead to notify Director of Student Activities (Tom Mercado) or the Lead Advisor for the concert (Mike Renes) who would then decide if they could deal with it, or if Police Services should be called. There was no evidence of clear coordination with Police Services over the role of student volunteers, nor was there evidence that Event Staff notified Tom or Mike of the security issues that led up to the incident.

Police Services followed a loose and informal event review process for the concert, as they had done with similar events in the past. Director Ed Sorger noted that this system, though informal, had been adequate previously. Director Sorger stated that Police Services personnel were unaware of any special security provisions which might have been advisable for hosting such a concert. He also said that Police Services prefers to have more than one police officer on duty during weekends and for large events. According to Director Sorger, there was only one officer on duty at the time of the concert due to staffing shortages. He mentioned that the Department faces ongoing problems retaining commissioned officers due in part to competition among area police agencies for qualified personnel.

At approximately 8 p.m. on February 14, the concert began at the CRC.

At 12:02 a.m. on February 15, TESC Officer Meyers was dispatched to a fight in progress outside the CRC. She drove her patrol car to the CRC and parked out front, arriving at 12:04.

By 12:06 Officer Meyers radioed to Dispatch that there was no one fighting in front of the CRC. Witnesses on the scene told her that "Security" had removed a subject from the concert for multiple complaints. As the subject was being removed by Event Staff, he was joined by two friends. According to the statements of the witnesses, as the group of Event Staff and three subjects exited the front doors of the CRC, a struggle ensued. During this struggle, one of the friends punched a member of Event Staff in the forehead. In the confusion, the subject originally ejected from the concert fled the scene to a car waiting in Parking Lot C, while his friend who punched the Event Staff re-entered the concert. The witnesses said that the other friend, known only by his nickname XP, also fled the scene.

Officer Meyers reported that Event Staff and bystanders were upset and one individual had a visible contusion on his head from the punch. He and other witnesses said they were certain they could identify the assailant. Officer Meyers accompanied the witnesses back into the concert where they pointed out the suspect in the crowd. Deciding she had probable cause to make an arrest, Officer Meyers approached the suspect, told him he was under arrest for assault and put him in handcuffs. Officer Meyers reported that the arrestee offered no resistance.

Given the allegations of racial profiling by Police Services voiced in several public venues, the committee investigated the possibility of racial profiling in this case. When questioned by the committee about the incident, Officer Meyers reported that the race of the subject in question was never an issue in the arrest. She reported that Event Staff pointed the subject out to her and by doing so she was provided with probable cause and was thus obligated to make an arrest.

Officer Meyers reported that she removed the arrestee to the CRC foyer and a group of up to 12 people followed. The Dispatch Log recorded her reporting "One in custody" at 12:57. Some of the bystanders told Officer Meyers that it was a "bad arrest," and became increasingly vocal. Lead Staff Advisor for the event Mike Renes stated that some members of the group made comments such as "Kill the pigs" and "Snitches should be beaten up" while Officer Meyers was interviewing Event Staff about the assault.

According to Officer Meyers, she was followed by the group as she exited the CRC and put the subject in her car. She said that she attempted to de-escalate the situation by explaining the circumstances leading up to the arrest and told the crowd that the subject was entitled to due process. She told them if it was a bad arrest she needed their statements and offered to take contact information in order to take their statements later that morning by phone. When that was met by jeers Officer Meyers offered the option for the bystanders to walk over to Police Services to give their statements but the group responded with more derision. According to Officer Meyers, several members of the group were visibly angry and responded with obscenities such as "Fuck you racist pig, let him go!" and, "Why are you arresting him?"

Officer Meyers explained to the group that, while she needed to take the subject to Police Services and could no longer sustain a conversation, she would call other officers to take witness statements. Because she was the only TESC Police Officer on duty, Office Meyers reported that she contacted Dispatch to request administrative assistance from the Thurston County Sheriff's Office to do so. At 1:02 TESC Dispatch contacted CAPCOM (Thurston County 911) to request administrative assistance from the Thurston County Sheriff's Department "to take statements and possibly observe the crowd". The Dispatch log also states that "All is 10-4 (OK) at this time."

Responding Thurston County Deputies parked nearby and arrived in front of the CRC on foot at 1:07 to help take statements. According to one responding Deputy's Incident Report, the crowd at this time was "relatively peaceful" and numbered around 50-75 people. At 1:14 TESC Dispatch was notified that the concert was ending and that the attendees would soon be exiting the CRC. At 1:15 Officer Meyers contacted Dispatch to report that she was returning to Police Services with the subject and that Deputies were on site to take statements. As she drove around the circle in front of the CRC, the crowd moved to block her path, stopping her in front of the CRC doors and surrounding her vehicle.

Officer Meyers reported that Thurston County Deputies tried to convince the crowd to let her proceed but a member of the crowd laid down in front of her vehicle and refused to move. The crowd, now estimated by a Deputy at around 300, continued to grow as people left the concert. Officer Meyers stated that at this point members of the crowd were screaming at her spitting on her windows, kicking the car and hitting it with bottles and trash. This account of screaming and throwing of objects was confirmed by the committee in its viewing of the video. Thurston County Deputies were pinned to Officer Meyers' car and were unable to move or reason with the crowd. One Deputy reported that he was struck several times by "flying debris". He felt someone attempt to grab the duty weapon on his belt and he pushed several people away.

At 1:18 Thurston County deputies requested "all additional units" to respond to the CRC. The crowd was not dispersing and was chanting "Fuck the pigs!" and "Let him go!" At this time, CAPCOM put out a "Priority assist" call that triggered an emergency response from various other law enforcement agencies. The responding officers believed they were assisting fellow officers in trouble.

According to the Tac1 CAPCOM Radio Tape Log, at 1:21 CAPCOM reported there were six Olympia Police Department (OPD) units responding as well as one from Tumwater Police Department, two from the Washington State Patrol, and two additional Thurston County units. At 1:26 Vice President for Student Affairs Art Costantino and TESC Police Sergeant Eddy were contacted by Dispatch and advised of the situation.

At 1:30 the Dispatch Log shows that CAPCOM was in charge of staging the responding units. A Command Post was established south of the pump house, near Overhulse and Evergreen Parkway, where responding units parked their vehicles and planned their response. Dispatch indicates they were advised to put on helmets for protection. At some point (there seems to be confusion about timing) a unified command structure was established with a Washington State Patrol Captain in charge of the situation.

Officer Meyers stated that she talked to the Deputies and decided it would be best to release the subject. She asked him for his identification, wrote down his information, and released him. Officer Meyers said that this did nothing to appease the crowd.

The Tac1 CAPCOM Radio Tape Analysis estimates that the responding group of officers entered the crowd at approximately 1:39 in order to rescue Officer Meyers and the Deputies on scene and to retrieve her vehicle.

According to the OPD Incident report, when the additional officers arrived one of the OPD Officers reported that he saw a Thurston County Deputy in the middle of a large crowd. The OPD officer stated in his report that the Deputy:

"...requested that all the available Officer(s) make their way to the center of the crowd to assist in rescuing himself from the middle of the crowd. Several Olympia officers, and a few Thurston County Deputies formed together to enter the crowd of people. When members of the crowd saw that we were trying to enter they faced us, and locked arms to prevent us from entering. The crowd was extremely hostile and yelling obscenities at us. People were spitting on us and throwing bottles and cans at us.

The crowd was very dangerous and it was becoming a life threatening situation for the Officers in the center of the unruly crowd. I had to literally fight through a crowd of about 15 to 20 people deep to get to the center. Most of the people I was able to get past with

just pushing. I did not have a straight baton with me during the incident, but I did have a flashlight. I told people to "Move!" and "Get back" as I tried to get through. I on a few occasions had to use the end of my flashlight as a(n) impact weapon striking people in a jabbing motion. I struck less than a dozen people during the incident and I hit all of them above the waist and below the shoulders. Prior to striking each person they were given a verbal command which they ignored.

Once we got to the center of the crowd the Officers spread out to get people back from the patrol vehicle. I later learned that the Evergreen Police Officer had placed a subject under arrest. The Officer let the subject go in hopes that this would calm the crowd. This did not work and the crowd continued to become more violent. There were rocks thrown at us, full bottles and cans, garbage and other items. It was determined we were going to leave the situation without any attempts to deal with the crowd or arrest any participants. We were greatly outnumbered and had no choice but to retreat and regroup. An officer got into the patrol vehicle to drive it out of the crowd. I had to push dozens of people away from the front of the vehicle so we could drive out and leave."

Some of the officers used pepper spray to disperse the crowd in order to allow Officer Meyers' vehicle to leave the scene. As also taken from his OPD report:

"I used my issued can of OC-10 pepper spray on several people. Prior to spraying anyone I told them to get back."

Officer Meyers was also sprayed with OC-10, and, with her vision compromised, asked a Thurston County Deputy to drive her car from the scene once a path had been cleared through the crowd.

A Thurston County Deputy's car that wouldn't start due to mechanical difficulties was left at the scene as officers retreated and around 1:45 was overturned. Deputies had removed the weapons from the vehicle but several items were stolen from the car by members of the crowd. Some buildings and police cars were defaced with graffiti.

By 3:01 most of the crowd had dispersed and officers returned to the overturned car and had it towed from the CRC.

ANALYSIS

- o There was little pre-concert coordination between Student Activities and TESC Police Services regarding security concerns.
- o There does not seem to be a clear process for ensuring timely, specific, and therefore, effective, coordination of security.
- o Event Staff was not sufficiently trained and/or was not following instructions. Although they wore lanyards, Event Staff could have been better identified by wearing matching shirts with "EVENT STAFF" or "SECURITY" clearly visible.
- o Having only one police officer on duty compromised TESC Police response.
- o Given the testimony presented to us, the committee concludes that Officer Meyers made an arrest based on probable cause, not on racial profiling.
- o The race of the individual became a significant element in the incident only after bystanders used it to justify their interference with the arrest.

- o The officers who responded to the priority assist call had a reasonable basis to conclude that the crowd was escalating in violence, as it had begun hurling various projectiles at both officers and vehicles as verified visually by the committee in its viewing of the video.
- o There appeared to be some confusion about chain of command and response among responding police agencies.

Part of this group's charge was to determine if the Standard Operating Procedures (SOPs) were followed and whether they seem adequate or should be revised. The procedures and our analysis include the following, based on the above findings:

1. Section 2.05.00: Decision-making. "Officers confronted with stressful situations ... must be capable of making a reasonable response. An Officer's conduct must be based on the Officer's reasonable assessment of the facts of a situation, and the Officer's experience, training, and judgment." We believe this SOP was followed.
2. Section 2.06.00: Appropriate action. "...Different situations may justify an investigation, a detention, a search, an arrest, or no action at all. In every case, Officers must act within the limits of their authority as defined by statute and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected." We believe this SOP was followed.
3. Section 2.07.02: Evaluating circumstances. "All Officers, after considering the tactical situation, are to take those steps reasonably necessary and consistent with Department policies to enforce laws of the county, state and nation, and to protect life and property. Time should be viewed as an Officer's ally and should be used judiciously to evaluate all alternatives and to gain the assistance of available Department resources." We believe this SOP was followed, although we felt it might have been prudent for Officer Meyers to leave the scene sooner, if possible.
4. Section 2.13.00: Calls for service. "A person calling for assistance expects to be provided with a service. The Department endeavors to respond in a manner consistent with the nature of the call. High priority is given to providing personal contact and a reasonable response time. ... in every case Officers are expected to do their utmost to bring the request for service to a successful conclusion." Although the SOP lacks clarity, we believe the Officer attempted to comply with this SOP to the best of her ability.
5. Section 2.15.07: On-scene responsibilities. "... the Officer in charge will preserve and protect the scene and detain witnesses as necessary. ... the Officer in charge is required to complete the on-scene investigation." We believe this SOP was followed but there initially were not enough officers to complete this step.
6. Section 3.05.00: Civil Disturbances. This SOP refers both to Civil Disturbances and an Emergency Plan. We recommend that "civil disturbances" be clearly defined. The civil disturbance plan should be drafted in a manner that preserves freedom of speech and protects the public. The emergency plan should be published, within the constraints of security provisions.
7. Section 3.05.01 Chain of Command. This SOP states: "Decisions about responding to civil disturbance will fall under the College's emergency plan and its chain of command." This provision lacks clarity. Once outside assistance is requested there should be clear direction

on chain of command, decision-making and tiered response strategies based on the seriousness of the event.

8. Section 3.05.03: Notification of outside agencies. "When civil disturbances arise, the Department will immediately notify a Thurston County radio dispatcher." We do not believe that this SOP was followed in a timely manner because the term "Civil Disturbances" has not been defined, and the Officer lacked criteria to make this decision.
9. Section 9.04.00: Parking Vehicles: "Officers will park vehicles so they are in a position to exit quickly and easily in an emergency situation." We do not believe this procedure was adequately followed and that in the future it should be.
10. Section 10.01.00: Reasonable Use of Force. Officer Meyers did not use force at any time during this incident. It is beyond our scope of review to address the actions of other responding agencies.
11. Section 10.13.00: Chemical Agents. Officer Meyers did not use chemical agents at any time during this incident. It is beyond our scope of review to address the actions of other responding agencies.
12. Section 11.00.00: Arrest. "Officers will conduct a prompt and thorough investigation when a crime is committed and will make every reasonable effort to identify and arrest the suspected violator. Officers will not infringe on the constitutional rights of any person while carrying out this responsibility." We believe this SOP was followed.
13. Section 11.01.00: Treatment of arrested persons. "Officers making an arrest must treat an individual with as much respect as that person will allow. Officers will not physically or verbally abuse any person taken into custody. ..." We believe this SOP was followed.
14. Section 14.00.00: Communications. These SOPs cover Dispatch, telephone and radio procedures. We believe these SOPs were followed.
15. Section 16.00.00: Special Occurrences. This SOP lists bombs and hostages, but not riots. We recommend that it be expanded to include riots and drafted in a manner that preserves freedom of speech and protects the public.
16. Section 20.00.00: Training. This SOP lists use of firearms, batons, pepper spray and arrests, but not riots. We recommend that it be expanded to include riots and drafted in a manner that preserves freedom of speech and protects the public.

RECOMMENDATIONS

1. Police SOPs and emergency procedures provide inadequate guidance for riots, bomb scares, hostage situations, and civil disturbances. Protocols should be developed by qualified specialists and vetted with the community.
2. Better pre-event planning and coordination is needed between Student Activities groups and Police Services. A clear and tiered approach based on crowd number estimates must be designed.

3. Events of a certain size and scope should require a minimum number of Police Officers on duty, even if they must be hired from outside agencies.
4. Police Services should be aware of public events occurring on campus and make an effort to check in and confirm security arrangements, immediately prior to the event, with event coordinators.
5. Officer staffing shortages in TESC Police Services should be addressed.
6. Specific training requirements and expectations for Event Staff and any other individuals involved in security need to be defined. Event Staff must wear easily identifiable uniforms.
7. We understand that another Committee, led by Phyllis Lane, has been formed to address coordination gaps and rules. As a standing committee, we request an opportunity to provide input into the recommendations before they are finalized.
8. Additional situational crowd awareness training might be beneficial for TESC Police Officers.

Respectfully submitted,

Police Services Community Review Board:

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