

**Report to the Seattle City Council  
WTO Accountability Committee by the  
Citizens' Panel on WTO Operations**

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***Media Editor's Note: This report has a media release embargo until  
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## Introduction

Public demonstrations are a vital part of political life in a democracy, and they inevitably pose special challenges for law enforcement officials. For participants, demonstrations are often an effective technique for expressing views on important public issues. Such demonstrations can be particularly vital if the major parties involved disagree with the demonstrators' views or have chosen to ignore them. Demonstrations involving tens of thousands of participants are especially likely to be effective in attracting and shaping public opinion, but also pose more difficult problems for the police. Police must negotiate an often-delicate balance, facilitating the free speech of protesters while simultaneously safeguarding the rights of those who are not taking part in the protests.

At any demonstration of substantial size, success – for participants and police alike – requires an effective partnership between demonstration organizers and law enforcement officials, dealing with issues ranging from parade routes to pre-arranged arrests. For months before November 1999, a number of organizers and officials worked together in pursuit of that goal. The vast majority of the demonstrators wanted only to engage in a peaceful and effective articulation of their objections to the policies and structure of the WTO. A smaller number intended to engage in non-violent civil disobedience, expecting, often hoping, to be arrested. On November 29, 1999, neither these demonstrators nor law enforcement officials harbored any apparent ill will towards one another.

Despite the hopes that animated the original invitation to the WTO Ministerial, and the desires of the city officials responsible for planning for that meeting and the security surrounding it, the events that unfolded on November 30 through December 3, 1999 were inimical to the legitimate interests of all the organizations, groups, and individuals involved.

- The efforts of demonstrators to publicize substantive arguments about the WTO and its policies were to a significant degree drowned out by press coverage of the disruptions that occurred.<sup>1</sup> In the wake of the events of last fall, groups whose conduct was entirely lawful and proper have been unfairly criticized as responsible for the disruptions that occurred.
- On December 1 through 3 the ability of anti-WTO groups and individuals to protest in a visible and effective manner was seriously impaired by the imposition of the "limited curfew" that had the effect of limiting demonstrations in downtown Seattle.
- Several important WTO meetings had to be cancelled on November 30 because of the serious disruptions occurring in the streets. A number of delegates were threatened, and in

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<sup>1</sup>*Seattle Times*, December 1, 1999, "Vandals Destroy Message of March"; *Seattle Weekly*, December 9-15, 1999, "Anarchists, go home!" ("All sides calculated, correctly, that even the breaking of a few windows would overcome months worth of organizing work and the concerted effort of thousands of people in the media, and public eye. . . . Possibly the most significant mass action I'll ever see was a lot less effective in its global message than it could have been thanks to a few dozen people."); *Seattle Post-Intelligencer*, December 2, 1999, "After violence comes the cleanup" ("Leaders of non-violent protest groups yesterday expressed frustration that their successful actions were eclipsed by the violence of a few").

On November 15, 1999, Mike Dolan of Public Citizen forwarded to the mayor's office an email written by Mark Sommer that warns that "Even if the great majority of protesters are responsible and self-disciplined, the media will be drawn to those few malcontents who may know nothing about the issues but are attracted to the spotlight to express their inchoate anger at the world."

a few instances assaulted.

- Demonstrators, bystanders and police officers were injured during the disturbances. The difficult circumstances engendered, among all parties, fear and anger that was avoidable.
- Downtown businesses sustained several million dollars in damages, both from property destruction and from lost sales.
- The cooperative relationship between the police and members of the public was impaired.

The purposes of this report are to identify those plans and actions by city officials and by demonstrators that played the most important role in bringing about these problems, and to make recommendations that will hopefully avoid repetition of these problems in the future.

We believe that efforts to single out particular city officials for blame would be counterproductive. There are major public policy questions at issue here. Even the most talented and well-intentioned city officials will repeat the mistakes of WTO if these questions are not well understood and correctly addressed.

A significant number of disputes have arisen about what occurred during particular incidents during the WTO. Many of these involve assertions that individual police officers used excessive force. The mandate of this panel did not include resolving such disputes, and we have not attempted to do so. Our inquiry, including interviews, revealed that in some instances there are sharply conflicting accounts from individuals who were present; in other cases the identity of one or more of the participants remains unknown. A number of these incidents are the subject of civil litigation. The courts are the appropriate forums for making the relevant factual determinations regarding such specific disputes. Although the accurate resolution of these disputes is important, an overall assessment of the WTO should not be delayed until the final determination of that litigation.

Many of the assertions of excessive police force concern either police department policies or specific tactical decisions made during the WTO by police commanders. These policies and tactical decisions are of special importance because they often affected a large number of demonstrators, and because any errors made during the WTO, unless recognized, may well recur in the future. In preparing this report, we have paid particular attention to those policies and tactical decisions that, in our judgment, led to the use of less-lethal force<sup>2</sup> that could and should have been avoided.

During our inquiry, it became apparent to the panel that prior to and during WTO serious management leadership problems existed at the highest levels of the Seattle Police Department. Witnesses who appeared before the panel described instances where police commanders objected to planning decisions but had no effective process through which those objections could be debated and resolved. As our report describes, there were serious conflicts between police and fire commanders during WTO, conflicts that were left unresolved for days and led to operational difficulties in the field.

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<sup>2</sup>We use the phrase “less-lethal force” to refer to types of force, such as chemical irritants, batons, and non-metallic projectiles that involve relatively little risk of causing death.

Successful police organization leadership embraces a decisive management style that allows for rigorous internal debate of alternative solutions, clearly and objectively assesses threats and risks, seeks broad counsel within the law enforcement community, and is not afraid to bring bad news to the city's political leadership. Regrettably, this type of police leadership was absent prior to and during the WTO in Seattle. Seattle's new chief of police should work diligently to correct this management shortfall.

We are releasing with this report several detailed staff analyses regarding planning for the WTO, use of less-lethal force, and the Seattle Intelligence Ordinance. These reports contain important detail and perspective that will contribute to continued discussion of these important issues. The panel, however, does not offer commentary on these staff reports.

## Overview of WTO Operational Events

We have set forth in Appendix A a detailed chronology of events occurring from November 26 through December 4, 1999, and in Appendix B a more specific chronology of the events that occurred on Capitol Hill. They reveal a complex, at times chaotic, series of incidents, the significance of which may not have been fully understood by participants at the time.<sup>3</sup> The panel has drawn a number of important conclusions from these chronologies and our inquiry:

**First, the number of demonstrators who engaged in property crimes or acts of violence was a very small fraction of the entire group.**<sup>4</sup> Police estimates put that figure at no more than a few hundred. The ACLU and National Lawyers Guild estimate is several dozen. The number of incidents, their location, and contemporaneous press accounts lead us to conclude that the police assessment is probably more accurate. Even the police estimate of a few hundred, however, is well under one percent of the total number of demonstrators. But the events that occurred illustrate how a few hundred individuals determined to engage in serious criminal acts can, when mingled among a crowd of many thousands, have a considerable adverse impact on police and demonstrators alike.

**Second, the police and press accounts contain repeated descriptions of demonstrators who vehemently objected to such misconduct.**<sup>5</sup> Those demonstrators argued with individuals who engaged in property crimes, positioned themselves between the perpetrators and stores, sought to remove potential projectiles from the streets, and even stood between hostile protesters and the police. We have videos of demonstrators standing in front of windows to prevent breakage. In a number of

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<sup>3</sup> The WTO Accountability Review Committee's website (<http://www.cityofseattle.net/wtocommittee/default.htm>) has links to a map of WTO incidents and a timeline. These are very helpful to understanding the context of police decision-making and the geographic spread of incidents.

<sup>4</sup> At the time of the demonstrations, the *Seattle Post-Intelligencer* reported that "[t]hough protesters seemed to be everywhere, few took part in violence, broke windows, painted slogans on walls or fought police." (December 1, 1999. "Chaos closes downtown")

<sup>5</sup> *Seattle Post-Intelligencer*, November 30, 1999 ("Protesters also confronted one another, with . . . the majority urging non-violence. Some protesters stood in front of Nike Town windows to keep others from breaking them; others persuaded a small group of followers not to climb onto I-5 during rush hour." ["It's Protest City -- and get ready for the big one today"]; "a small group of demonstrators dressed in black . . . targeted businesses at random, from small jewelry stores to banks to fast-food restaurants. Most other demonstrators in the crowd yelled at them to stop." ["Police push back hangers-on well into the night"]); December 2, 1999 ("At one intersection where a dozen King County police stood guard, a much bigger row of demonstrators guarded them, keeping antagonistic protesters away . . ." ["City, county and state police keep their cool in a hot situation"]; "The cleanup was a symbolic gesture from demonstrators and non-demonstrators alike" ["After violence comes the cleanup"]; "'We've even seen peaceful protesters out in the streets scrubbing buildings to remove graffiti,' [Governor] Locke said." ["Jail rally ends peacefully"])

*Seattle Times*, December 5, 1999, "Countdown to chaos in Seattle" ("8:45 a.m. About 20 protesters dressed in black throw eight metal newspaper boxes into the street . . . before being chased by other protesters."; "Some [protesters] who took part in earlier protests help clean up the damage downtown and remove graffiti.")

*The Stranger*, December 9-15, 1999 "Boarding Up Boomtown" (On December 1 "protesters returned downtown to scrub graffiti off the walls of Niketown and Starbucks."); Odenthal, Richard, "The Battle in Seattle", p. 13 (Some protesters called out to vandals "Stop that you are ruining our demonstration."); *Seattle Weekly*, December 9-15, 1999, "Anarchists, go home!" ("Peace Action's Fred Miller . . . along with his daughter, held up a banner to protect the windows of NikeTown against the predations of the anarchists hammers.")

instances demonstrators attempted to physically restrain the perpetrators. Following the WTO, one anarchist<sup>6</sup> website denounced these demonstrators as "peace police".<sup>7</sup> A significant number of demonstrators, some still in costume, returned to downtown on Wednesday, December 1, to help clean up the debris and broken glass.

**Third, the serious criminal conduct that occurred was not limited to property destruction.** Several delegates were assaulted.<sup>8</sup> There were repeated incidents in which rocks, bottles, ball bearings (or Pachinko balls), golf balls, fireworks, and other objects were thrown at police officers. Some of the individuals who engaged in this behavior clearly intended to cause significant injury. Because a small flying object is not readily captured on television, this problem attracted less press attention at the time. Although the number of perpetrators involved was limited, this action certainly had the potential to cause serious injuries. Thankfully, none occurred. This behavior could also have provoked a violent police response, and in at least some instances was undoubtedly intended to do so. The police showed considerable professionalism in sustaining injuries without charging into the crowd from which objects were being thrown.

**Fourth, the police on the streets had reason to fear that they were in even more serious danger.** Some commentators, with the advantage of 20-20 hindsight, have downplayed the risks facing the police because no police officers were killed or seriously injured. But during<sup>9</sup> the chaotic events of November 30 and December 1, the police officers on the front lines had no basis for confidence that the violence would stop with rocks and bottles. There were repeated threats of

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<sup>6</sup>We do not suggest that all of the individuals who engaged in acts of violence were part of one or more organized anarchist groups or that all anarchists advocated or supported violence and/or destruction of property.

<sup>7</sup>"N30 Black Bloc Communique", [www.infoshop.org/octo/wto\\_blackbloc.html](http://www.infoshop.org/octo/wto_blackbloc.html), ("Unfortunately, the presence and persistence of 'peace police' was quite disturbing. On at least 6 separate occasions, so-called 'non-violent' activists attacked individuals who targeted corporate property. Some even went so far as to stand in front of the Niketown super store and tackle and shove the black bloc away. Indeed, such self-described 'peace-keepers' posed a much greater threat to individuals in the black bloc than the notoriously violent uniformed 'peace-keepers' sanctioned by the state. . ." [This same statement appears at [flag.blackened.net/global/1229bbcommunique.html](http://flag.blackened.net/global/1229bbcommunique.html)].)

*Seattle Post-Intelligencer*, December 1, 1999, "Fringe anarchists in middle of violent demonstrations" (At the time of the demonstrations "[a] 28-year-old Oregon protester who identified himself only as 'Smoke' [and] who defended the rampage . . . called non-violent protesters 'peace police' and accused them of 'pushing their views on some of us who are more radical.'")

"No WTO", [homunculus.dragonfire.net/hmnqltn/page-NoWto.html](http://homunculus.dragonfire.net/hmnqltn/page-NoWto.html) (One Legal Observer reports that when a group of protesters screamed at masked individuals who were knocking over newspaper dispensers, one of the masked individuals denounced the non-violent protesters as "peace nazis.")

<sup>8</sup>Combined Chronological Log, November 30, 9:17 a.m. ("delegates being assaulted [outside] west side of the hotel [Sheraton]"), 8:48 a.m. ("delegates being assaulted"), 2:02 p.m. ("[p]ushing delegates around"); Low, Neil, After Action Report, p. 5 ("We saw many delegates restrained, held, pushed, wrestled with, and otherwise prevented from getting through the line of protesters."); *Seattle Post-Intelligencer*, December 1, 1999, "Chaos closes downtown" ("some delegates were roughed up"), December 2, 1999, "City, county and state police keep their cool in a hot situation" ("some [delegates] were roughed up by demonstrators."); National Lawyers Guild Report, Appendix H-22 ("dignitaries were assaulted"; "delegates [got] assaulted.")

<sup>9</sup>*The Stranger*, November 25-December 1, 1999, "Insecurity Plan" (Prior to the WTO there was an inaccurate rumor circulated within the SPD that an FBI report had concluded that as many as five local police officers would be killed during the conference.) The FBI's threat assessments contained no such conclusions.

bombings<sup>10</sup> and armed attack<sup>11</sup>, bomb scares<sup>12</sup>, reports of shots being fired<sup>13</sup>, demonstrators with Molotov cocktails<sup>14</sup> and purchases of flammable liquids<sup>15</sup>. In retrospect we now know that most of these more serious problems did not materialize. But officers on the streets at the time had legitimate reason to be seriously concerned for their personal safety.

**Fifth, neither the throwing of dangerous objects at the police nor the property destruction were simply a reaction to the use of less-lethal weapons or other measures by the police; to the contrary, this conduct both occurred and was planned prior to November 30.**

One anarchist group, replying to assertions that it had acted "in response to police repression, explained:

While this might be a more positive representation of the black bloc, it is nevertheless false. We refuse to be misconstrued as a purely reactionary force. While the logic of the black bloc may not make sense to some, it is in any case a pro-active logic.<sup>16</sup>

Incidents of property damage and the throwing of objects at police occurred both before the first police use of chemical irritants and at different sites from those at which chemical irritants had been used. There was a significant amount of this activity prior to 9:15 a.m. on November 30, when the first police use of chemical irritants occurred.

November 28

Spray-painted graffiti at GAP  
Objects thrown at police

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<sup>10</sup>Combined Chronological Log, November 26, 1999, 10:10 a.m. ("911 handling 2 bomb threats"), 12:00 p.m. ("911 call that a bomb is in the Mall"); December 2, 1999, 6:57 a.m. ("Bomb threat: KOMO TV."); December 3, 1999, 3:21 p.m. ("Woman called and said there would be mass destruction"), 4:52 p.m. ("Bomb threat at Westin."); 6:35 p.m. ("Female was riding bus and overheard 2 females saying that 9 bombs were going to go off at K[ing] C[ounty] J[ail].")

<sup>11</sup>Combined Chronological Log, November 28, 1999, 12:16 p.m. ("Disgruntled vet said he was going to get a machine gun and shoot up the VA at Seattle Fed[eral] Building."); November 30, 1999, 11:50 a.m. ("News reporter received anonymous call that there will be significant violence by 3:00 today. When questioned further said explosives and guns."); December 1, 1999, 6:22 ("Intel-Threat '187' against police there. (CA code for murder)"), 9:29 p.m. ("Anonymous caller from payphone [on Capitol Hill] stating man in apt is going to come out and shoot his rifle at officers."); December 2, 1999, 1:25 p.m. ("911 call . . . 'Kill a cop a day until this is over.'"), 3:57 p.m. ("Infor from group . . . said they are going to come in and shoot protesters to make point."), 7:44 p.m. ("Info that . . . anarchis[ts] . . . will be armed in retaliation for last night's police action.")

<sup>12</sup>Combined Chronological Log, November 26, 1999, 3:35 p.m.; November 28, 10:48 p.m.; November 29, 1999, 7:05 a.m., 10:27 a.m., 10:31 a.m., 10:44 a.m., 10:45 a.m., 11:31 a.m.; November 30, 1999, 10:18 a.m., 11:24 a.m.; December 1, 1999, 11:04 p.m.; December 2, 1999, 8:47 a.m.; December 3, 1999, 4:52 p.m..

<sup>13</sup>Combined Chronological Log, November 30, 1999, 12:08 p.m., 5:35 p.m.; December 2, 1999, 8:20 p.m., 9:07 p.m..

<sup>14</sup>Combined Chronological Log, November 30, 1999, 7:49 a.m., 9:20 a.m., 11:19 a.m., 11:20 a.m., 11:35 a.m., 11:42 a.m.; December 1, 1999, 5:55 p.m., 9:18 p.m.; December 3, 1999, 1:00 p.m., 4:20 p.m., 4:24 p.m..

<sup>15</sup>Combined Chronological Log, November 28, 1999, 1:41 p.m. (report from manager of Fred Meyer on Broadway); November 29, 1999, 7:51 a.m.; November 30, 1999, 3:56 p.m. (report regarding Queen Anne QFC); December 1, 1999, 11:56 p.m. (report regarding Chevron station on Broadway).

<sup>16</sup>"N30 Black Bloc Communique", [www.infoshop.org/octo/wto\\_blackbloc.html](http://www.infoshop.org/octo/wto_blackbloc.html).

November 29	Broken windows Spray painted graffiti Rocks thrown at police Tires of police car slashed
November 30	7:30 a.m. Fires set 7:55 a.m. Cars attacked 8:05 a.m. Niketown windows broken 8:23 a.m. Objects thrown at police 8:28 a.m. Nordstrom windows broken 8:43 a.m. Debris thrown 8:48 a.m. Delegates assaulted 8:50 a.m. Starbucks occupied 9:15 a.m. Cars damaged 9:17 a.m. Delegates assaulted <sup>17</sup>

When, before 10:00 a.m. on November 30, the police warned the group of demonstrators who were about to be subjected to chemical irritants, some of them were observed preparing to respond by gathering objects. When the police used chemical irritants, some members of that crowd immediately responded by throwing things at the police.<sup>18</sup> The individuals who broke store windows were carrying hammers and crowbars. Others brought golf balls and ball bearings to throw at the police. These tools clearly had been collected in advance for those very purposes. Those individuals who donned black masks did so for the same reason as other criminals: they intended to commit serious offenses and did not want to be identified and apprehended.<sup>19</sup>

**Sixth, there were a number of individuals who deliberately provoked confrontations between police and non-violent demonstrators.** Several of these individuals succeeded in diverting some of the AFL-CIO marchers into an area where chemical irritants were being used.<sup>20</sup> One or more anarchist groups promised organizers of the Direct Action Network (DAN) that they would not engage in property crimes in the area of the DAN organized demonstrations, but then did precisely that.<sup>21</sup>

<sup>17</sup>Combined Chronological Log.

<sup>18</sup>Combined Chronological Log, November 30, 1999, 10:02 a.m.; Seattle Times, December 5, 1999; After Action Report of Lieutenant Law. p. 2.

<sup>19</sup>“Black Bloc for Dummies”, [www.infoshop.org/blackbloc.html](http://www.infoshop.org/blackbloc.html) (“[Masks] also protect the identities of those who want to engage in illegal acts and escape to fight another day.”)

<sup>20</sup>“Frequently Asked Questions about Anarchists at the ‘Battle for Seattle’ and N30”, [www.infoshop.org/octo/a\\_faq.html](http://www.infoshop.org/octo/a_faq.html) (“Anarchists participated in the labor march, especially the IWW contingent. The IWW helped divert some of the ran[k] and file from the business unions into the occupied streets, where they helped shut down the area around the convention center.”) Odenthal, Richard, “The Battle in Seattle”, p. 13 (“The AFL/CIO has ‘parade marshals’ who were to divert the march away from the main body of the demonstrators. The effectiveness of these marshals was diminished as the organized protestors had their own marshals, dressed similarly to the AFL/CIO marshals, posted along the march route and after the initial elements of the march which included George Meany, the union president, and other dignitaries had passed, these fake marshals moved into the march route and redirected the main body of the march into the ranks of those laying siege to the WSCC.”)

<sup>21</sup>Seattle Weekly, December 9-15, 1999 “Anarchists, go home!” (column by Geov Parrish).

Incidents of rocks and bottles being thrown at the police began before 10:00 a.m. on November 30, when chemical irritants were first used by the police.<sup>22</sup> These actions were clearly planned to provoke a police reaction against the crowd within which the perpetrators were concealed.

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<sup>22</sup>In making this point, we do not suggest that the police use of chemical irritants in any way justified any incidents of rock throwing or property crimes that occurred at a later time.

## Police Cooperation with the Panel's Inquiry

Many of the high-ranking Seattle Police Department (SPD) commanders we interviewed met repeatedly with the panel or staff. The Seattle Police Management Association, which represents lieutenants and captains, worked with the panel to fashion interview ground rules it believed were necessary to protect its members from unwarranted exposure to litigation. The Seattle Police Officers' Guild, concerned about both litigation and reprisals, advised its members not to cooperate with our inquiry. Both unions expressed serious concerns about the fairness of any city council-sponsored investigation. They cited the level of hostility expressed toward the police by witnesses at earlier city council hearings and statements made by some council members during those hearings. We have endeavored to handle our inquiry in a manner that all sides could have confidence was balanced and fair.

The response of the police department to our repeated requests for WTO-related documents was inconsistent and, at times, uncooperative. As early as February, the panels' staff asked the department for copies of all documents (including e-mails) related to the WTO. Members of the panel met personally about this matter with Acting Police Chief Herb Johnson. By mid-April we had received a total of approximately four boxes of documents. We were assured that these were all the relevant documents in the possession of the department.

When the panel staff became concerned that the police department's document disclosure was not complete, on April 19, 2000, the panel made a formal public disclosure request for all materials related to the WTO. The next day the panel received an unambiguous written assurance from the Department that there were no additional undisclosed documents. "The Seattle Police Department has already provided you with all documents related to the WTO conference."<sup>23</sup> That assurance proved to be seriously inaccurate.

Following the April 20 assurance, the panel, or its staff, repeatedly obtained from other sources SPD documents that the department had not provided. We also received discrete tips that documents were being withheld. Over the months that followed, we repeatedly renewed our request for missing documents. Surprisingly, more documents would then be produced, followed by more verbal assurances that the disclosure was now complete. Additional pressure was followed by the release of still other documents. There were more than half a dozen meetings with the mayor's staff about this ongoing problem. In most instances no explanations were offered as to why the department had denied the existence of documents that were later produced. Between the April 20 assurance and July 6, enough documents to fill roughly two more large boxes were provided to the panel's staff.

The department's official cooperation with this inquiry reflects either poor internal management and disorganization or deliberate efforts to withhold documents. Neither explanation promotes confidence in the senior leadership of the department.

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<sup>23</sup>Pierce, Linda, Letter to Alec Fiskien, April 20, 2000.

## Findings & Recommendations

Based on our inquiry, the panel makes the following findings and specific recommendations.

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### **Finding 1: The city's preparations for WTO did not include a plan to deal with the well-publicized efforts to shut down the WTO.**

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Over the months leading up to the WTO meeting, a variety of different organizations critical of the WTO organized distinct types of demonstrations to occur during the WTO. The following were the most important of these activities:

- Public meetings and presentations, organized in particular by Mike Dolan of the Ralph Nader-led Public Citizen;
- A large permitted march organized by the AFL-CIO;
- Several other smaller permitted marches;
- Public theatrics, some legal (e.g., the sea turtles) and some not (e.g., climbing construction cranes);
- Property destruction planned and carried out by a group of anarchists and others, at least some of whom were from Eugene, Oregon; and
- An effort to shut down the WTO by so obstructing the streets that delegates were physically prevented from reaching the WTO sites.

The SPD After Action Report characterizes the defect in the city's plan as a failure to prepare for the "worst case" scenario. This description misstates the central problem in the city's preparation, perhaps reflecting the reason for the resulting problems. The adequacy of the city's preparation must be assessed separately for each of the anticipated and actual types of anti-WTO activities.

The various public meetings entailed little role for the police and caused no difficulties. The labor march, because of its size, required careful and coordinated planning by organizers and police. This aspect of the plan was well thought out and executed, although some have suggested that more officers should have been present because of the size and nature of the march. When it became apparent on November 30 that the planned route would embroil the marchers in the disturbances occurring downtown, march leaders altered their route to avoid the problem.<sup>24</sup> The other permitted

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<sup>24</sup>The actual decision to alter the route was made by Vincent O'Brien, a Washington, D.C. organizer for the AFL-CIO. He reports some concern early in the march followed by an anonymous phone call (to his cell phone). The caller described herself as one of the protestors and said that the labor officials could proceed along the planned route, but the accompanying police would not be allowed through. O'Brien was concerned about both the labor officials at the head of the parade and the families that were accompanying the marchers, and decided to alter the route to avoid the thick of the protests.

marches caused no difficulties.

The somewhat idiosyncratic nature of the theatrical actions made them difficult to prepare for, but by themselves these events caused no significant problems. The individuals who climbed the construction crane, for example, were arrested, and their conduct was not significantly disruptive.

The police anticipated the property crimes, although the particular form they might take was perhaps not precisely understood in advance. The SPD adopted a plan that could have had a significant impact on this problem if (a) the plan had been implemented, and (b) the blocking disruptions in the streets had not occurred. A total of approximately sixty officers, half in plainclothes, were to have been deployed among the downtown demonstrators to arrest persons committing crimes. In the face of the disturbances downtown, however, all of these uniformed officers were diverted to guarding WTO sites. The plainclothes officers who remained were too few in number to be effective and could not act without revealing their identities.<sup>25</sup> Uniformed officers who witnessed property destruction on November 30 were directed to stay at their posts, in some instances in order to assure that demonstrators did not enter WTO sites. Although most demonstrators opposed, some quite vociferously, these property crimes, the numbers of non-violent demonstrators and their actions in blocking streets and intersections had the direct although generally unintended effect of preventing the police from dealing effectively with those crimes.

Most importantly, there was no police plan to deal with the well-publicized and well-organized effort to shut down the WTO by choking the streets around the WTO sites with demonstrators. The nature of that plan was announced on the Internet, described in pre-WTO news accounts, and detailed in the SPD's own intelligence reports. Thousand of demonstrators, organized into loosely structured affinity groups, were to converge from multiple directions on the WTO sites, preventing delegates from reaching meetings. Widely circulated announcements called on demonstrators to begin assembling at 7:00 a.m. at Seattle Central Community College and at Victor Steinbrueck Park adjacent to the Pike Place Market. This scheme, which was executed largely as publicized, was not some "worst case" scenario; it was precisely the scenario that everyone, including SPD intelligence officers, anticipated.

Nothing about the deployment of the SPD on the morning of November 30 reflects a serious effort to deal with this planned disruption. Although the SPD designated certain limited areas near the Convention Center for demonstrations, protest organizers stated publicly prior to November 30 that they were not going to use them.

"I doubt that we'll be spending much time in the designated areas," mocks Erica Kay, a volunteer with the Direct Action Network. "People are being encouraged to do direct action. We want to directly stop the WTO from meeting."<sup>26</sup>

Officers on duty in the early morning hours were dispatched to Victor Steinbrueck park to confiscate bipods and tripods, and two platoons were scheduled for duty downtown at 6:00 a.m., with

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<sup>25</sup>Under the original plan the undercover officers would have alerted uniformed officers to the location and identities of suspects, but remained undercover while the uniformed officers made arrests.

<sup>26</sup>*The Stranger*, November 25-December 1, 1999, "Insecurity Plan".

the last two platoons not scheduled to arrive until 9:00 a.m., all too late to take significant preventative steps against the converging demonstrators. By the time the demonstration management officers arrived at their posts, many were already surrounded and vastly outnumbered. On the morning on November 30, most of the police were stationed at the doors of WTO sites to prevent demonstrators from entering the buildings. Only 290 officers – 340 if 50 WSP troopers assigned to protect I-5 are included – were available to deal with the thousands of demonstrators headed downtown to block streets and intersections. This was, in essence, a plan to stop the demonstrators only at the doors to the WTO sites themselves, leaving protesters largely free to block the streets through which delegates would have to travel from their hotels to WTO meeting sites.<sup>27</sup>

It is not clear why the SPD lacked any meaningful plan to deal with these planned disruptions. Neither the SPD planning documents nor the SPD After Action Report draws clear distinctions among the various anti-WTO groups. Absent such distinctions, SPD commanders may have focused unduly on the plans of the non-disruptive groups with which the SPD was in constant negotiation and which clearly encompassed the largest number of potential demonstrators. At a meeting shortly before the WTO, the mayor issued a call for demonstrators to "be tough on your issues, but gentle on my city."<sup>28</sup> That was surely well intentioned advice, but it seems to reflect no awareness that the publicly proclaimed tactic of a large group of demonstrators was to be "tough" on the city. A Ruckus Society leader retorted, "You don't get it. We are going to shut down the WTO."

#### **Recommendations**

- **Law enforcement officials should carefully distinguish among different demonstration groups and should frame a distinct plan appropriate for each.**
- **Law enforcement officials should meet with the leaders of different demonstration groups to (a) plan for crowd movement and (b) maintain communication with group leaders throughout the event.**

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<sup>27</sup>The police on the scene quickly realized that this was their only possible course of action. Caldwell, Cindy, After Action Report, p. 3 ("I located Pugel, we met with Tooke and other [lieutenants] to discuss plans but were basically left with the only option being to hold the positions we had to protect the venues.")

<sup>28</sup>*Seattle Times*, November 30, 1999, "Clashes, protests wrack WTO; police use tear gas against blockade".

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**Finding 2: Insufficient numbers of law enforcement officers were available for immediate deployment on the morning of November 30.**

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All of the post-WTO analyses have discussed additional measures that the police might have taken on November 30 to ensure that WTO delegates could have met and demonstrators could have expressed their views in an effective manner. Given the inadequate number of officers actually in the field on that day, however, no imaginable law enforcement tactics could have either maintained order or prevented disruptions.

In May 1999 there were 1,060 sworn Seattle police officers. This force is generally divided among three 8-hour shifts, and during the WTO the department had to continue to meet its regular law enforcement responsibilities throughout the city. During the daytime shift on November 30 a total of approximately 400 officers were assigned to WTO demonstration management. The city's ability to supplement that number with SPD officers drawn from other tasks or shifts was limited. Even before the disruptions that began on that morning, the SPD had been cannibalizing other SPD functions to devote additional manpower to the WTO. During the weeks before the WTO, the SPD, realizing that it had insufficient personnel for demonstration management, had already reduced other deployments. One of these reassignments moved some officers from assignments booking arrestees at Sand Point to operations downtown. This supplemented demonstration management forces only by severely crippling the city's ability to make arrests. In the early morning hours of November 30, and again on December 1, most of the SPD night shift patrol officers in the city were withdrawn from city neighborhoods to deal with demonstrators, leaving the rest of the city with only minimal police protection and increasing officer safety risk to those who remained.

Any large numbers of additional personnel would have had to come – as indeed occurred late on November 30th and later in the week – from other agencies: sheriffs' offices, other police departments, the Washington State Patrol, and the National Guard. These resources might have been assigned in the field or could, to some degree, have freed up SPD officers by assuming their regular responsibilities. But on the morning of November 30, the only such mutual aid officers actually available for deployment (aside from a small group from the Port of Seattle and Auburn) were 90 officers from the King County Sheriff's Department and 50 from the Washington State Patrol.<sup>29</sup>

Larger pools of officers were available to, and drawn from by, the SPD under the state's emergency mutual aid law after serious disruptions had broken out on the morning of November 30. But those officers did not begin to arrive until the late afternoon or evening. In this circumstance timing was of critical importance. An arrangement under which substantial and vitally needed additional assistance only becomes available once disruptions have occurred is one that precludes the use of those personnel to prevent such disruptions.

That delay had three serious consequences:

First, it left the city without the personnel needed to prevent the disruption and property crimes

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<sup>29</sup>The Washington State Patrol forces were guarding access points to Interstate 5.

that occurred on November 30.<sup>30</sup>

Second, it led the undermanned city forces on the scene on November 30 to resort to chemical irritants and projectiles, a use of less-lethal force that bred animus toward the police and thus substantially aggravated the problems faced by law enforcement officers.

Third, having lost control of events on November 30, and unwilling to risk a repetition of that situation, the city felt compelled to create the "limited curfew", which had the effect of severely limiting protests for the three days that followed. This could only have been prevented if early on the morning of November 30 the city had had sufficient law enforcement personnel deployed in the downtown core.

Precisely why more non-SPD officers were not available and deployed for demonstration management on the morning of November 30 remains unclear. The city's attitude toward the use of additional officers seems to have been ambivalent, or to have vacillated over time. The mayor indeed sent a letter to all local jurisdictions requesting such mutual aid. On the other hand, some offers of personnel were rebuffed<sup>31</sup>, and SPD officials at times limited the participation of other jurisdictions in planning and training. In this instance, as in any situation involving a large demonstration, the deployment of a large number of additional personnel necessarily involves substantial expenditures, primarily for overtime. Whether the needed funds (and thus the needed personnel) will be sought or provided is subject to all the political and bureaucratic pressures of any substantial expenditure. When one jurisdiction is asked to provide mutual aid to another, sensitive questions necessarily arise as to which jurisdiction will meet the expenses involved.

The panel is troubled that, for whatever reason, police commanders ignored their own intelligence reports and warnings received from other law enforcement organizations that large-scale disruptions and criminal violations were highly likely to occur during WTO. Immediately prior to WTO, there were several incidents that should have been interpreted as confirming their own intelligence assessments.<sup>32</sup> Despite these pre-event warnings, and despite the police department's own deployment staffing models that revealed that they would be hundreds of officers short on November 30, the police department failed to seek assistance from other law enforcement agencies.

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<sup>30</sup>Staffing summaries prepared by the Seattle Police Department in late October, 1999, show the number of officers required for each of the different tasks identified during the week of the WTO conference. Those summaries found that the department was about 100 officers short of being able to staff those functions on each day of the conference. That shortage was ultimately resolved by cutting the number of officers assigned to many of those functions.

<sup>31</sup>In an interview, Assistant Chief Ed Joiner said, "And there was a time that I was asked, well, [the King County Sheriff's Office] could train an additional officers, but obviously that would cost additional money that King County didn't have for it, and they asked if I wanted to have them trained regardless. And I said, well, given what we've got already set aside from our department, from your department, from the State Patrol, I think we're going to be fine, and so it's not necessary." (Interview with WTO ARC Panel 2, July 13, 2000)

<sup>32</sup>Two of these incidents are particularly significant. One involved an office invasion at the Plum Creek Timber Company that led to the assault of a security guard, well planned tactics that allowed individuals to bypass the key card security system, and the taping of door locks to allow for possible re-entry. The second incident is the firebombing of the downtown Gap store. The style and number of firebombs used should have indicated that this arson was not an isolated, amateur incident of no significance.

The panel has interviewed many police officers and city officials, and reviewed hundreds of documents, in an attempt to determine what caused this serious error in judgment regarding police deployment. We are unable to reach a satisfactory conclusion.

The ACLU report on the WTO correctly recognizes that the free speech rights of most demonstrators, as well as the rights of WTO delegates, would have been far better served if more law enforcement officers had been deployed on the morning of November 30.<sup>33</sup> There is an important lesson here that demonstrators, civil libertarians and law enforcement officials alike should take to heart: Adequate staffing of demonstration management is as essential to safeguarding the interests of demonstrators as it is to maintaining order. Free speech-friendly police operations are often more expensive. It takes far more officers (and thus far more money) to remove 200 protesters from an intersection by arresting them than it does to clear the intersection with chemical irritants. Both the interests of demonstrators and the safety of police officers are ill served by an official attitude that mistakenly equates police understaffing with tolerance for free speech.<sup>34</sup>

### **Recommendations**

- **Plans for demonstration management should include sufficient personnel to assure that police have a full range of tactical options in dealing with possible problems. Planners should err on the side of having more personnel immediately available than may be needed.**
- **Mutual aid personnel should be available for immediate deployment at the very outset of a demonstration.**
- **Mutual aid agreements should be modified to assure that neither inter-jurisdictional political differences nor cost considerations interfere with assembling a law enforcement force of needed size.**

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### **Finding 3: Large-scale arrests rather than chemical irritants or other less-lethal force should be the tactic of choice in dealing with unlawful assemblies.**

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Another critical error made by police commanders in dealing with the WTO protesters was the decision to use chemical irritants and other less-lethal force – rather than large-scale arrests – to clear

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<sup>33</sup>ACLU, *Out of Control: Seattle's Flawed Response to Protests Against the World Trade Organization*, July 2000, p. 8 (The city's plan for the WTO was inadequate in part because it lacked "a sufficient number of . . . officers"), p. 16 ("[P]olice leadership should have had many more officers on duty"), p. 52 (At Westlake Park there were "not enough police"), p. 53 ("The City should have made sure there were enough officers on hand to carry out legitimate arrests and enough buses on hand to transport arrestees out of the area immediately.")

<sup>34</sup>*Seattle Times*, December 2, 1999, "'I did the best I can with the circumstances'" (The article quotes the mayor as saying, "I don't ever recall turning down a more aggressive plan in dealing with demonstrators. I did agree that the choice I set, which is we are not going to build an armed camp here, we are going to give our citizens a right to express themselves.")

streets and intersections of demonstrators who were preventing WTO delegates from reaching their meetings. The pre-WTO planning documents contain no clear indication that the extensive use of chemical irritants in lieu of arrests was carefully considered, or even planned.<sup>35</sup> Police commanders made a series of decisions prior to November 30 that had the cumulative effect of preventing large-scale arrests on that date.

The circumstances created by police commanders left officers on November 30 with no method other than the use of less-lethal force to clear streets and intersections.

- (a) There were so few officers on the street that it was impracticable to make any significant number of arrests.<sup>36</sup> A single arrest would typically require two officers to leave their posts to effectuate the arrest and accompany the arrestee to some other location; at most sites officers simply could not be spared to do this.
- (b) SPD had no capacity to transport large numbers of arrestees to Sand Point or the county jail; only two vans were in place for such operations.<sup>37</sup>
- (c) Sand Point had neither the staff nor the logistics to handle a large influx of arrestees. The mayor explained on November 30 that "the city lacked room to house an army of detainees."<sup>38</sup> But that lack of room was a deliberate choice. The original plan had called for creating a capacity to book and incarcerate 600 arrestees. As late as October 27, the Washington State Patrol was working with the Division of Adult Detention on this plan. On November 6, however, SPD decided to slash the personnel allotted to this function, and then advised some but not all other agencies that mass arrests were no longer contemplated. According to Odenthal, and reports from individual commanders, police understood that in general they were not to make arrests on November 30.<sup>39</sup> On

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<sup>35</sup>A July 16, 1999 article in the *Wall Street Journal*, quoted a spokesperson for the SPD as offering two responses to the possibility of large-scale disruptions: (a) "We have access to pepper spray", and (b) "Our SWAT team is flexible." At this point in the planning process, however, the SPD was still at work on plans for large-scale arrests.

<sup>36</sup>During the WTO the SPD and Mayor Schell gave the lack of a sufficient number of officers as an explanation for the relatively small number of arrests: *Seattle Post-Intelligencer*, December 1, 1999 "Chaos closes downtown" ("[P]olice officials said mass arrests would have taken too many officers off the streets."); *Seattle Post-Intelligencer*, December 2, 1999 "Shorthanded in vandal rampage, police say" ("Stamper said...mass arrests...would have been 'utterly impossible' Tuesday. 'We would have had to double, triple, quadruple the number of law enforcement and public safety people on the street,' he said.") *Seattle Weekly*, December 2-8, 1999 "Protesters riot, police riot" ("Schell says the city's strategy was to avoid 'arresting a thousand people with a thousand officers' Tuesday, leaving no one to police the demonstration.").

<sup>37</sup>Odenthal, Richard, "The Battle in Seattle", p. 4 ("While the official policy was to make no arrests there would be 2 vans available for those arrests that were unavoidable."). One police after action report describes a situation in which a number of suspects under arrest were released because there was no available transportation: "Most [of the protesters] were arrested but some were released after we ran out of transportation" (Pugel, Jim, After Action Report, January 5, 2000, p. 10.)

<sup>38</sup>*Seattle Post-Intelligencer*, December 1, 1999, "Chaos closes downtown". The quoted language is the reporter's paraphrase of the mayor's remarks.

<sup>39</sup>Odenthal, Richard, "The Battle in Seattle", p. 3 ("The official position of the SPD was that there would be no

that day only a total of 68 arrests occurred. Personnel levels, possibly shaped by budgetary or other considerations, dictated substantive policy.

There is some contemporaneous indication that the low level of staffing may have been set because the civilian officials had decided they did not want large-scale arrests. Mayor Schell was quoted as defending the city's strategy on the ground that it "would have been roundly criticized for suppressing free speech if they had cracked down on Tuesday."<sup>40</sup> In another statement the mayor seemed concerned not to have an unduly large number of officers in the city. "I did agree that the choice I set, which is we are not going to build an armed camp here . . . ."<sup>41</sup> In response to the events of that date, Cliff Traisman, the director of the city's Office of Intergovernmental Relations, was quoted in the press as having explained that the city did not want to make arrests. Apparently referring to the mayor, Traisman said, "If he had rounded up demonstrators early Tuesday morning he would have looked like he was to the right of [New York Mayor] Rudolph Giuliani."<sup>42</sup> Of course, if the city did not intend to arrest demonstrators attempting to shut down the WTO, the failure to deploy large numbers of officers before demonstrators arrived at the WTO sites would be more understandable.

Given the shortage of personnel, when police decided on November 30 to attempt to clear downtown intersections and streets, the only option available to them was to use chemical irritants and other forms of less-lethal force. On December 1 and 2, even after several hundred mutual aid officers had been deployed, chemical irritants remained in use. It does not appear that this continued because the city's arrest and booking capacity had been exhausted; rather, police officers acted as though they were authorized or directed to use less-lethal force in the first instance, rather than attempting to arrest demonstrators. There were, however, situations in which the officers were so outnumbered by demonstrators that they could not spare the personnel required to make arrests.

When non-violent demonstrators must be removed from a street or other site, and the demonstrators fail to obey police orders to disperse, it is preferable for the clearing action to be accomplished by arrest rather than by the use of chemical irritants. The events that occurred during the WTO are a stark illustration of the wisdom of such an approach. Any use of chemical irritants or other less-lethal force in dealing with a crowd will be fraught with problems not usually occasioned by arrests. Irritants are unavoidably imprecise tools that often have unintended and unforeseen consequences. They almost inevitably affect bystanders and passersby; a shopper can set foot out of a store and be hit by a canister fired by an officer who never even saw the shopper. Among actual demonstrators,

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arrests..."), p. 7 (One of the police assumptions listed is that the rules of engagement will include no arrests.)

<sup>40</sup>*Seattle Weekly*, December 2-8, 1999, "Protesters riot, police riot". The quotation is of the reporter's paraphrase of Schell's remarks.

<sup>41</sup>*Seattle Times*, December 2, 1999, "I did the best I can with the circumstances". This was in response to a question about whether the mayor had rejected "a more aggressive plan to deal with the demonstrators." Cliff Traisman told the press that "The mayor believed that if Seattle woke up Tuesday morning with 1,000 National Guard troops on the street it would have set a tone that would not be conducive to peaceful demonstrations." (*Seattle Post-Intelligencer*, December 2, 1999, "Shorthanded in vandal rampage, police say".)

<sup>42</sup>*Seattle Post-Intelligencer*, December 2, 1999, "Shorthanded in vandal rampage, police say".

irritants do not distinguish between those who adamantly refuse to move, those who do not realize that irritants are about to be deployed, and those who simply cannot find their way out of the crowd. The most intransigent demonstrators are particularly likely to come with gas masks or other types of preparation to reduce the pain caused by the irritants; casual, spur of the moment participants are likely to suffer the most.

In an ideal world, every use of chemical irritants or other less-lethal force will be necessary and proper. In the real world, mistakes are unavoidable. In a fluid, somewhat chaotic situation, a police officer may not know why a particular group of people is standing or sitting where the officer thinks they should not be. Police officers wearing protective masks may have difficulty understanding exactly what demonstrators (or perceived demonstrators) are doing. During the WTO these problems were compounded by exhaustion, a lack of food, and breakdowns in communications.

The use of less-lethal force will all too often generate animus toward the police, further complicating already existing problems. As the Seattle Times described one scene, "With each gassing, protesters get more defiant and continue to return to the scene. Police hold their ground as protesters become more boisterous."<sup>44</sup> In most demonstrations the police will be greatly outnumbered, and the problems they face will be exacerbated if there is an increase in the percentage of demonstrators who are recalcitrant or hostile to the police. Persons subjected to gas or pepper spray will suffer considerable pain; anger is a fairly predictable response to such an experience. Many demonstrators may have regarded these police tactics as simply an attempt to inflict summary punishment on them because of their views. Since they were generally non-violent, and willing (if not anxious) to be arrested, they would have had difficulty imagining a legitimate reason for the use of less-lethal force. Certainly most demonstrators could not have understood that they were being gassed because of staffing problems; to the contrary, a significant number of demonstrators were mystified and angered when the police did not arrest the individuals committing property crimes. The hostility that the police encountered on Capitol Hill was at least in part a consequence of this phenomenon.

Except in extraordinary circumstances, chemical irritants and projectiles are an inappropriate response to non-violent civil disobedience. There is no indication that any demonstrators (other than some of those involved in serious criminal behavior, who generally left when police action was imminent) would have forcibly resisted arrest. To the contrary, many downtown demonstrators expected, and even hoped, to be arrested.

For more than a century individuals have sought to call attention to their strongly held views by disobeying the law, and accepting arrest and punishment, in a non-violent manner. In recent Seattle history a number of individuals, some prominent citizens, used such civil disobedience to publicize their opposition to South Africa's apartheid policies. This manner of expression is a part of the nation's tradition.

Protesters engaging in civil disobedience cannot complain if they are indeed arrested and prosecuted. But they should not be subjected to summary physical punishment for their actions. The force-feeding of nineteenth century suffragettes and the use of fire hoses against twentieth century civil rights workers are today widely and rightly condemned. During the WTO the police acted to clear the

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<sup>44</sup>Seattle Times, December 5, 1999, "Countdown to chaos in Seattle"

streets in order to protect the rights of delegates and other third parties, not out of any hostility towards the political views of the demonstrators. But the pain inflicted by gas or pepper spray – whatever its purpose – is an excessive consequence for demonstrators who engage in non-violent civil disobedience, and should be avoided wherever possible.

In certain circumstances, some of which occurred during the WTO, the use of less-lethal force will be far less effective than arrests in dispersing a crowd and maintaining order. The use of chemical irritants to clear intersections during the WTO was often ineffective. The targeted demonstrators simply withdrew, recovered from the irritants, and then returned to obstruct that or some other intersection<sup>45</sup>; even if briefly pursued by the police, they often remained in the downtown area, still determined to obstruct traffic or the WTO. If the same demonstrators had been arrested, they would have been removed from the scene for at least the rest of the day, if not longer. Washington State Patrol Chief Annette Sandberg correctly criticized some of these tactics as "gas and chase."

We do not suggest that the use of chemical irritants or other less-lethal force be abandoned. Circumstances clearly could arise where they are necessary. If police as a matter of policy were permitted to use less-lethal force only to protect themselves or public safety, then outnumbered police officers would have no way to clear city streets or intersections if a large group of demonstrators decided to shut down the city or a meeting with which they disagreed. Demonstrators should not be told that the police would do nothing in response. But these tactics should be avoided whenever possible in dealing with non-violent demonstrators.

### **Recommendations**

- **Whenever possible, the SPD should use arrests rather than chemical irritants or other less-lethal force in dealing with non-resisting, non-violent demonstrators who violate the law.**
- **The SPD should plan to have sufficient personnel available to make the use of chemical irritants or other less-lethal force unnecessary.**

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<sup>45</sup>Odenthal observed at the time that the use of chemical irritants often had "no clear tactical objective [and that] it appeared that it served no purpose other than to move the crowd several yards." (Odenthal, Richard, "The Battle in Seattle", p.12.)

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**Finding 4: The police failed to take adequate measures to prevent and deter disruption and serious criminal activity.**

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The fact central to the management of any large demonstration is that the police are going to be outnumbered, often overwhelmingly so. On November 30, there were roughly 100 demonstrators for every law enforcement officer; even with more adequate staffing the ratio could have been 50 to 1. Whether the police are able to maintain order, as well as an environment in which the quelling of disturbances does not interfere with peaceful protest, depends on keeping to a minimum the proportion of those demonstrators who are engaging in serious misconduct.

Many demonstrators arrive on the scene without a fixed predetermination about how they are going to act. Protesters with initially peaceful intentions may be caught up in some mass action or be angered by what they believe is hostile police action. Conversely, protesters who had plans for violence or disruption may be deterred by the lack of opportunity or the certainty of arrest. The extent to which police actions shape these attitudes and actions will often be of pivotal importance.

In the period of the WTO meeting there were a number of steps the police might have taken that would have reduced the magnitude of the problems they faced by 7:00 a.m. on November 30. We set out a number of these below. We do not insist that at the time it was foreseeable that all of these actions should have been taken; we write with the advantage of hindsight. Given the insufficient staffing levels, some of these would not have been practicable. But these suggested measures should provide authorities in future situations with examples of the types of tactics to be considered.

- On several occasions prior to the morning of November 30, protesters engaged in criminal conduct, including breaking windows at a Gap store and trespassing in the Kalberer building. In making the determination whether to try to make arrests in those situations, consideration should have been given to the extent to which such arrests might have disrupted or deterred plans for later misconduct.
- Steps should be taken to encourage non-disruptive demonstrators to separate themselves from disruptive elements. The number of demonstrators blocking intersections or routes from WTO hotels to the Paramount and the Convention Center was swelled by demonstrators who came downtown with no predetermination to be seriously disruptive, but merely a desire to demonstrate near the WTO. They would have been less likely to mingle with deliberately disruptive protesters if police had designated and widely publicized a large, appropriate area, such as a closed off street, in which demonstrators were welcome.

In fact, the designated demonstration areas were small, not identifiable on the scene, and were made known primarily to demonstration leaders. Not surprisingly, they went largely unused. It would have been far more effective for the police to have made the plan public by printing an explanatory map in the mainstream and alternative press, or having civilians pass out flyers to demonstrators as they reached downtown.

- Police knew from prior incidents in Eugene that the modus operandi of the anarchist groups

there included wearing masks to avoid identification and arrest. Their plans would have been significantly disrupted by an emergency order prior to November 30 forbidding the wearing of masks in the downtown area; violators of that order would have been self evident, and might have been arrested before they had done serious damage.

- Police should have assured that downtown dumpsters were locked or removed, and should have removed trashcans, newspaper machines, and debris usable as projectiles.
- The arrest capacity of the police on the street is measured, not in terms of total arrests, but arrests per hour. The sooner arrests had started, the larger the number of disruptive protesters who could have been removed from the area. Early arrests might also have set a tone that shaped the behavior of other demonstrators. Thus it would have been far better if police had been present in force by 5:00 or 6:00 a.m., established clear “do not cross lines”, and immediately arrested any early arriving protesters who crossed them.
- Delegates could have been moved to meeting sites prior to 7:00 or 8:00 a.m., when the number of demonstrators was still relatively small.

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**Finding 5: Demonstrators often were not given adequate warnings regarding the use of chemical irritants and other less-lethal force.**

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Demonstrators and the SPD After Action Report provide sharply different assertions about whether demonstrators were given verbal warnings before chemical irritants were used.<sup>46</sup> Demonstrators angrily objected that they were provided no such warning, and that some of them would in fact have dispersed had they known what was about to occur. The police insisted that they had issued warnings.

We conclude, as contemporaneous press accounts indicate, that actual police practices varied to some extent. The warning given most often was based on a card prepared and approved by the City Attorney. As we explain below, the content of that statement was inadequate, and could fairly be characterized by demonstrators as not containing a warning about the use of chemical irritants. In some instances police did warn that chemical irritants would or might be used. On other occasions no warnings at all were given. Sometimes demonstrators simply could not hear whatever warnings were issued.

The most important problem here originates from the content of the pre-printed statement that was used. The statement generally read by the police was as follows:

I am ---- of the Seattle Police Dept. I am now issuing you a public safety order to disperse from the area. Your conduct is in violation of state and city law and your failure to leave the area now will subject you to arrest for failure to disperse, 12A.12.20 and/or pedestrian interference, 12A.12.015.

As is immediately apparent, this statement contains no mention of the possible use of chemical irritants, or of any other imminent police action. Thus, while police who read this statement were acting as directed, demonstrators who heard only the warning would have had no idea that they would be targeted with chemical irritants if they did not disperse.

The statement utilized by the police in these circumstances should be changed. The goal of the police in dealing with an unlawful assembly is not to lay a legal foundation for summarily punishing demonstrators, but to induce them to leave. At least some will leave if they know that the use of chemical irritants is imminent, and it is in the interest of both the police and the demonstrators that they be afforded a clear opportunity to do so. The warning should specify with unmistakable clarity what the police are about to do, how soon they will do it, and in what direction demonstrators should leave.

There were also persistent reports from demonstrators that they were simply unable to hear what the police were saying. It is unclear whether this may have occurred because of the limited power of the police megaphones, or because in some instances the demonstrations were particularly noisy. In either event, a warning that a demonstrator could not hear was no warning at all. The police should assess the range at which its megaphones are audible and intelligible on a noisy public street.

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<sup>46</sup>*Seattle Post-Intelligencer*, December 2, 1999, “Shorthanded in vandal rampage, police say” (“Stamper said that police policy was to warn protesters before taking aim, but many said they never heard the warnings in the chaos.”)

## **Recommendation**

- **Except in emergency situations, police should not use chemical irritants or other less-lethal force to disperse a non-violent crowd without first effectively communicating to members of the crowd that (a) a chemical irritant or other less-lethal force is about to be used, (b) which type of less-lethal force is about to be used, (c) the manner or direction in which the crowd should disperse, and (d) how long it has to do so.**

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**Finding 6: The events surrounding the WTO do not demonstrate any need to repeal the Seattle Intelligence Ordinance.**

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The SPD After Action Report asserts that the city's failure to adequately prepare for the demonstrations was due, to a significant degree, to the limitations on information gathering imposed by Seattle's 1979 Intelligence Ordinance. We conclude that there is no substantial basis for that assertion.

The intelligence reports prepared by the Seattle Police Department prior to the WTO in fact predicted accurately and in detail the goals and tactics of the various protest groups. The central problem was that police commanders and city officials chose to ignore the contents of these reports.

The preparations and plans of a number of groups were repeatedly detailed in press accounts prior to the WTO. Of particular significance, the efforts of DAN and other groups working with it to organize disruptions that would shut down the WTO were carried out quite openly. DAN's basic plan was set forth on its website no later than September 6, was reported in the Seattle Times on September 10, and was known to city officials.<sup>47</sup> The work of recruiting thousands of individuals to converge on downtown Seattle required a very public effort, and the use of such highly visible techniques as a website. The likely appearance of anarchist groups was also discussed in the press, and at least one such group maintained a website listing possible targets.<sup>48</sup> In this instance the most potent investigative tools were not a repeal of the Seattle Intelligence Ordinance and a platoon of infiltrators and informants, but a subscription to the Seattle newspapers and a computer connected to the Internet.

The police, moreover, were in fact able to obtain authorization under the Intelligence Ordinance for certain investigative activities related to the WTO. No assertion has been made that any requested authorization was in fact denied. Equally important, no specific situation has been identified in which investigative work forbidden by the ordinance would have been nonetheless justified or have yielded vital new information.

Given the information that the SPD long chose to ignore, it is difficult to imagine what other intelligence could have changed its plans. One witness asserted before the panel that the SPD was surprised that DAN demonstrators appeared at delegate hotels, rather than only at meeting sites and intersections. But if the SPD had decided not to prepare for thousands of protesters blocking the streets and entrances to the Convention Center and Paramount, it seems improbable that that plan would have been altered by knowledge that the demonstrators were also going to hotels.

At one point, immediately prior to the beginning of WTO, a delay of several days did occur in

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<sup>47</sup>*Seattle Times*, September 10, 1999, "Protesters busily practicing for WTO meeting in Seattle" ("The goal of [anti-WTO] organizers was bluntly stated in a recent e-mail circulated among protest organizers: 'SHUT DOWN THE WTO TUES NOV. 30' 'MASS NONVIOLENT DIRECT ACTION'"; "At past [Ruckus Society] camps, there were training sessions on the history and philosophy of nonviolence, clandestine scouting-evasion techniques, climbing, radio communications, blockades and a workshop to 'learn how to lock your head to something,' according to Ruckus Society literature.")

<sup>48</sup>"N30: List of Seattle targets", [www.infoshop.org/octo/targets.html](http://www.infoshop.org/octo/targets.html) (The page shows a newspaper article listing corporate financial supporters of the Seattle Host Organization and suggests that they are a "pretty good list of targets, for whatever actions people have planned.")

the sharing of intelligence information with the SPD. Other jurisdictions were apparently concerned that, because of the Intelligence Ordinance, sensitive information might be passed on to criminal suspects once it came into possession of the SPD. Ultimately those jurisdictions concluded that the ordinance would have no such effect. By itself this incident suggests a need only to clarify for other jurisdictions the nature and operation of the ordinance.

We believe that the purposes underlying the Intelligence Ordinance are sound, and that the core of its substantive protections should be retained. The Ordinance itself, however, is unusually long and complex; it could be simplified and streamlined in a manner fully consistent with the civil liberties it is intended to protect. There is some indication that the ordinance has had some unintended and undesirable consequences.<sup>49</sup>

### **Recommendation**

- **The city's Intelligence Ordinance should be reviewed by the city council. The review should focus on how the ordinance has been interpreted and applied and whether modifications are in order to prevent unintended consequences.**

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<sup>49</sup> The ordinance imposes personal liability on officers who violate its prohibitions. This has been interpreted to forbid the city from indemnifying officers for such violations, even if they occur in good faith. The city does, however, indemnify officers for all other work-related civil liability, even the use of excessive force. This distinction seems inexplicable.

Under the ordinance, information can only be compiled where there is a basis for concluding that a criminal act is likely to occur in Seattle. In an era when international terrorism remains a problem, intelligence estimates often cannot assess in advance exactly where a terrorist group may strike. The ordinance as written would forbid the city from receiving FBI intelligence about a terrorist group whose specific target was not known. This seems unwise.

As the ordinance is currently written, outside agencies must guess at their peril whether information provided to the city would violate the law and have to be shared with the targets of investigations. At least in the case of information provided by other agencies, it might make sense to amend the ordinance to provide that the information should be returned to that agency, not disclosed, if the Auditor determines that its retention is forbidden by the ordinance.

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**Finding 7: City officials should balance public comments about protecting the rights of demonstrators with appropriate admonitions that criminal behavior will not be tolerated.**

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The mayor and members of the city council made public statements prior to the WTO that encouraged protestors, welcomed demonstrators to the city, and generally set a tone of tolerance toward those who objected to the WTO. While these statements may be appropriate, they failed to include appropriate admonitions that the law would be enforced.

**Recommendation**

- **Public officials should balance their comments related to events that are likely to cause civic disruption with appropriate admonitions that the law will be enforced.**

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**Finding 8: The uniformed police officers deployed on the streets during WTO at times lacked sufficient visible identification.**

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It is SPD policy that identifying information (e.g. name tag, badge number, etc.) of all non-undercover officers should be clearly apparent to the civilians with whom they are dealing. This policy of self-identification helps to deter misconduct and provides members of the public with a greater degree of assurance that the police, because their identities are known, will act appropriately. That policy can be particularly important during a demonstration, when police and/or demonstrators may, correctly or not, be fearful or angry.

The SPD policy of self-identification was not fully adhered to during the WTO, most often for reasons not involving any deliberate misconduct by individual officers. The rain ponchos and special protective gear worn by Seattle officers often covered their identification, and bore no identifying name or number. A unique identifying number was supposed to be attached to the front top of each officer's helmet, but there are a number of photographs of officers with no identification visible on their helmets. In at least some instances these officers appear to be members of the Seattle Police Department.

Citizens have complained to the panel that on some occasions officers with no visible identification refused to reveal their identity on request. We understand that police officers engaged in enforcement actions may not be in a position to give an immediate response to such requests. However, police department policy should require uniformed officers to always have clear identification visible.

The primary burden to see that this policy is adhered to, however, rests with the city. It is incumbent on the city to provide officers with equipment, including special rain and protective gear that includes the appropriate identification.

**Recommendation**

- **The city should provide police officers with equipment, such as rain and protective gear, that properly identifies them as Seattle officers and also provides for individual officer identification.**

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**Finding 9: In practice, the "limited curfew" zone was treated by the police as creating a "no protest zone."**

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The declarations signed by the mayor creating the "limited curfew" zone do not on their face restrict in any way what could be done in that area. Rather, it limited who could go into the zone, leaving those who did so to protest against the WTO or anything else.<sup>50</sup> In federal court, the city defended the constitutionality of the declaration on that basis.<sup>51</sup> At some point subsequent to the issuance of the declaration, the city created a website which explained that protest activity was in fact allowed within the zone.<sup>52</sup>

The realities on the streets of Seattle on December 1 through 3, 1999, were otherwise. Police officials initially described the area as a "no protest zone." Captain Jim Pugel, who commanded SPD forces during the day, explained that on the morning of December 1, 1999, "I was told there could be no protests in the restricted area."<sup>53</sup> Pugel then briefed two platoons, presumably conveying to them the substance of the order as it had been explained to him.

Written directions were prepared for police officers regarding the rules of engagement within the zone and were distributed by fax.<sup>54</sup> The panel failed in its attempts to obtain a copy of those directions.

One lieutenant's after action report described having made arrests "in the no-protest zone".<sup>55</sup> Another SPD officer's report stated that the subject matter of a December 1 roll call briefing was "demonstrator zones."<sup>56</sup> The "activity log" of the Sheraton Command recounts that at one point "SPOC

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<sup>50</sup>Local Proclamation of Civil Emergency Order Number 3 (Revised) states that "no person shall enter or remain in a public place as defined in SMC 15.02.046C within the above described limited curfew area except the following: Delegates and personnel authorized by the WTO to participate in official WTO functions; Employees and owners of businesses within the limited curfew area and other personnel necessary to the operation of those businesses; Persons who reside within the limited curfew area; Representatives of the press with proper credentials; City officials with valid identification, and; Emergency and public safety personnel."

<sup>51</sup>News Advisory from the offices of the Seattle City Attorney, December 1, 1999 ("The City countered [the ACLU's arguments] that the mayhem in this particular area during the preceding 24 hours threatened to continue to and would interfere with the constitutional rights of the WTO delegates and others to assemble and engage in free speech, as well as threatening further harm to public safety and property.")

<sup>52</sup>A commentary of frequently asked questions regarding the civil emergency posted on the city's website says, "The term 'no protest zone' is a misnomer. The City established a 'limited curfew zone' or buffer zone in several blocks around the Convention Center and nearby hotels housing WTO delegates. In short, the proclamation provides that only WTO delegates, residents, business owners and employees, media, local officials and public safety personnel may enter the zone. Anyone permitted in the zone may lawfully exercise their First Amendment rights." The earliest version of this website that we have seen was posted late in the evening of December 1<sup>st</sup>.

<sup>53</sup>Pugel, Jim, After Action Report, January 5, 2000, p. 9.

<sup>54</sup>Sheraton Command Activity Log, December 3, 1999, p. 8.

<sup>55</sup>Paulsen, Steve, After Action Report, January 10, 2000, p. 2.

<sup>56</sup>Byers, Tom, After Action Report, January 12, 2000, p.2.

called to say that the soft line of the 'no protest' zone is gone, and that the 'hard line' is now the perimeter.<sup>57</sup>

### **Recommendation**

- **Whenever the mayor's emergency powers are used to impose restrictions on civil liberties, special care should be taken to make certain that both police and citizens understand the terms and conditions of the restrictions in order to avoid unintended consequences.**

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<sup>57</sup>Sheraton Command Activity Log, December 3, 1999, p. 9.

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**Finding 10: Police and fire department commanders failed to adequately resolve disagreements about the fire department’s role in assisting police during the WTO. This failure led to unnecessary conflict between these two vital public safety agencies.**

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One of the issues that arose during the planning for the WTO was the role of the fire department in responding to civil disturbances; for example, whether fire personnel and equipment would be used to cut chains or pipes linking demonstrators together or whether fire hoses would be used to spray protestors or flood streets where large numbers of people were blocking traffic or access to WTO sites.

A November 16, 1998 fire department memorandum outlines the department’s operational guidelines as follows:

1. The Seattle Fire Department will not engage in controlling or dispersing mob type civil disobedience with apparatus, hose lines or any other equipment. Civil disorder is a law enforcement matter and shall be mitigated only by those agencies.
2. The Seattle Fire Department will stand ready to provide fire protection, medical aid, hazardous material identification, decontamination, and technical rescue during civil unrest when the area is secured and protected by the Police.
3. The breaking, cutting or grinding of locks, chains and cables securing either individuals or groups to each other, or to fixed objects, will be restricted to those instances where a medical emergency exists. There may be instances where life safety issues may require authorized intervention. Only Special Operations or WTO Commanders may approve actions.
4. Fire Companies and Specialty Units will not take action to remove, hinder or stop climbing, hanging or repelling demonstrators unless specifically authorized by Special Operations or WTO Commanders. Standard department Technical Rescue procedures will be instituted immediately for demonstrators who need specialized equipment and expertise to prevent injury due to equipment failures or falls.
5. When confronted with aggression or violence that places firefighters at risk of physical harm, and when police protection is inadequate or unavailable, fire units will immediately withdraw to a safe area, clear of the demonstration.

Despite this clear direction from the fire department, immediately prior to WTO there were urgent efforts by police officials to persuade the fire department to provide assistance with demonstrator separation. There is evidence that some fire commanders agreed to help, but were then stopped by higher-ranking commanders. There is also evidence that police commanders attempted to prepare police officers for such activity by borrowing equipment from the local pipe fitters union. There is no evidence that police actually used this borrowed equipment.

Police commanders also attempted to persuade the fire department to assist police by using fire hoses to spray protestors (police commanders used the phrase “misting down” protestors) or flood the

streets where these protestors were sitting. The first request to use hoses from fire department engine companies was made on December 30 at 3:46 p.m., according to the fire department Resource Management Center Activity Log. The log notes that the request was denied. Police commanders then asked the mayor's office to override the fire department's refusal to provide assistance. There is contradictory testimony about how the mayor's office responded to this police request.

Following negotiations, the fire department did provide police with a street-sweeper type truck and instructed police officers how to use its hoses. However, this equipment was apparently never used.

There is no evidence that police ever sought to use fire hoses directly against protestors in a manner reminiscent of the civil rights protests in the south in the 1960s.

This incident points up a serious lack of decisive leadership among city officials. Conflict between the police and fire departments, two of the city's most vital services, should be quickly resolved, and the mayor should intervene decisively if these conflicts persist. Unfortunately, this is yet another example of how the city failed to adequately prepare itself for what WTO was quite predictably going to present the city.

### **Recommendations**

- **Fire hoses, which are powerful and can cause serious injury, should never be used against individuals engaged in non-violent civil disobedience. Such use is not an appropriate police crowd control tactic.**
- **The fire department, except in extraordinary circumstances, which were not present during WTO, should not be used for crowd control or other law enforcement purposes.**

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**Finding 11: Police actions had the unintended effect of provoking or prolonging disturbances on Capitol Hill.**

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There are important lessons to be learned from the problems that arose on Capitol Hill. We believe that the disturbances would have been far more limited if the police had utilized different tactics. We reach this conclusion, however, with the advantage of hindsight. In retrospect we, and many Capitol Hill residents, know much that was not understood by police officials on the scene on the nights of November 30 and December 1. Any attempt to fault the decisions of police commanders would require resolution of particularized factual disputes of little significance to the broader understanding that we believe law enforcement officials should draw from these incidents. The police department and the public should ask, not whether officials should be criticized for actions related to Capitol Hill, but what – in retrospect – might have led to a less harmful outcome.

During the night hours of November 30 and December 1 police officials made a series of critical tactical decisions. Each of these had important unintended and undoubtedly unanticipated consequences.

1. At about 8:00 p.m. on November 30, the night crowd management commander directed police to push a group of several hundred demonstrators east on Pine Street from I-5 to Broadway. According to the police commander, the demonstrators were throwing rocks, bottles, and other objects at the police. Several officers had sustained injuries; at least two had fallen and were being treated by paramedics. The commander, knowing his officers were outnumbered, believed they were vulnerable to such attacks because they were downhill from the demonstrators. As was true through much of the day, police had little or no capacity to make large-scale arrests due to under-staffing.

The operation to push the demonstrators east on Pine Street to Broadway did succeed in denying them the advantage of higher ground. But, in other ways, it made the situation considerably worse. Rather than dispersing, the size of the crowd was swelled by sympathizers who happened to be on Capitol Hill, or by residents who became sympathizers because of the use of chemical irritants. Equally important, the issue that animated the demonstrators changed to the disadvantage of the police. At the start of the day the vast majority of the demonstrators were concerned only with the WTO. But the use of chemical irritants to drive demonstrators up Pine provoked anger towards the police from local residents and pedestrians, as well as the original demonstrators. What was a medium size anti-WTO demonstration turned into a larger anti-police demonstration.

2. Finding themselves confronted with a large and loud crowd, the police remained on Capitol Hill until nearly 2 a.m., a period of more than five hours. The continued presence of the police fueled the protests. When the police finally left early on the morning of December 1, the demonstrators simply dispersed. There is reason to believe the entire incident would have ended hours earlier if the police had departed sooner.

Police officials on the scene had difficulty understanding the nature of the crowd that they faced. On both nights the vast majority of the demonstrators consisted either of local

residents annoyed or angered by the presence of the police or their use of chemical irritants, or anti-WTO demonstrators who had found something else to protest. Neither group posed any threat to life or property. There were a small number of more aggressive troublemakers, who intermittently tried to rush police lines or who threw objects at the police. In the dark, and with no real time intelligence from within the crowd, the police had no way of realizing that these particularly visible individuals were only a small fraction of the crowd. Police commanders were also receiving inaccurate reports about the size of the crowd and about the danger of violence.

Even after the fact the police department did not appear to fully understand the situation that existed on the nights of November 30 and December 1. The police department After Action Report repeatedly refers to the Capitol Hill protesters as "rioters". But the protesters did not, as occurred downtown, break windows, destroy property, attack civilians; nor did they loot or commit acts of arson. This was a protest against the continued police presence; that presence was not – as had been the case downtown, and as police on Capitol Hill believed at the time – a solution to the problem; it had become an important cause.

3. On the night of December 1, the police again returned to Capitol Hill. One contingent was shadowing a group of protesters that had left the downtown area along Denny Way; these police continued to do so long after the group had left downtown and was marching around on Capitol Hill. Another larger contingent of police went to the East Precinct in response to concern that the Precinct House itself might become the focus of protests. Because chemical irritants were not used at the outset, the presence of the police did not initially draw the sort of hostile crowd that was present on November 30, and thus did not immediately lead to trouble.
4. At approximately 8:55 p.m. on December 1, a lieutenant, accompanied by one other officer in a police vehicle, attempted to drive through a large crowd of demonstrators to reach several individuals the lieutenant believed were throwing rocks at other officers. There is a significant dispute about how fast the car was driving and about whether, when the car was stopped in the midst of the crowd, demonstrators threatened the officers or attacked the car. In either event, the lieutenant believed he was in danger and called for assistance. In the wake of this incident, the crowd became aggressively hostile and began throwing objects at the police.
5. Following the incident with the police vehicle, several platoons of police, using chemical irritants and other less lethal force, marched north on Broadway from Pine to Harrison, and then swept back south on Broadway to Pine. This had an impact on local residents and pedestrians similar to the December 30 march up Pine, causing considerable hostility to the police and swelling the number of demonstrators. The march up Pine, whatever its collateral consequences, at least did accomplish the intended goal of moving the crowd to level ground; the sweep up Broadway, however, appears to have accomplished nothing, since the demonstrators who had been pushed to Harrison, their number increased and their mood considerably worsened, simply followed the police back to Pine.

Even in retrospect it is not possible to conclude with confidence that all of these decisions were mistaken, although some certainly were. But several conclusions are nonetheless clear. On occasions, actions taken by the police had the counter-productive effect of aggravating rather than resolving problems; e.g., such as the police sweep north on Broadway. In some instances any possible benefit to be gained by police action seems minor compared to the risks that were incurred; e.g., the effort to drive a police vehicle through a hostile crowd to reach rock throwers.

Again, with the advantage of hindsight, it is possible that much of the trouble on Capitol Hill could have been avoided had the police chosen to strategically disengage rather than remain in place. Such disengagement, especially when officers are vastly outnumbered, exhausted from long hours of continuous duty, and have become the central focus of the opposing crowd, is a highly prudent, wise and commendable command decision.

### **Recommendations**

- **Police should always have clearly defined objectives before moving against large crowds. On-scene commanders must understand these objectives. These commanders must weigh the tactical benefit of a particular police action against the risks involved. Especially during civil disorder, some risks – such as inadvertent involvement of bystanders, increased officer safety risk, an escalation of violence, or the chance that crowds will turn against the police – should be carefully considered. A decision not to take action may be appropriate in some circumstances and should not be criticized.**
- **Police should remain alert to the possibility that their presence or tactics during civil disorders can shift the focus of a crowd away from their original concern and onto the police themselves. In these situations, police need to exercise wise caution, even considering the strategic option of disengaging from the crowd in order to minimize the risk of escalation.**
- **Police should have real time intelligence that will permit on-scene commanders to understand the composition and attitudes of a crowd.**

## Conclusion

The events that occurred during the WTO were a misfortune for the City of Seattle, and for many of the individuals affected. There are important lessons to be learned from those events, for demonstrators and law enforcement officials alike, both in our city and elsewhere. But it is no less important to put and keep those events in perspective.

A very small number of demonstrators committed property crimes, set fires, or threw objects at the police; the vast majority of protesters neither engaged in nor approved of that conduct. A very small number of law enforcement officers may have used undue force; the vast majority clearly did not. It is simply inaccurate and unfair to label all demonstrators as rioters or all police officers as brutal. Sponsors of entirely legitimate protest activities have unfairly and incorrectly been attacked as supporting disruptions aimed at shutting down the WTO. Some of the criticisms that have been voiced since last November smack of guilt by association, a form of unfairness about which members of the Seattle Police Department are particularly, and legitimately, concerned.

Some of the more troublesome rumors and reports that circulated during or immediately after the WTO appear to have been unfounded. During the incidents on Capitol Hill, the SPD radio broadcast a report that demonstrators were filling containers with gasoline at the Broadway Chevron station; that report was inaccurate. A report that all flammable liquids had been removed from the shelves of the Capitol Hill QFC has proved accurate but misleading. They were removed by store employees, not purchased or taken by demonstrators.<sup>58</sup>

On the other hand, there is also no credible evidence that law enforcement officials were using exotic military chemical weapons. Suggestions that federal officials were dictating city actions are belied by the actual decision-making process, in which officials from a variety of federal agencies had only a limited, sporadic, and sometimes conflicting role. A rumor persists that police deliberately threw or rolled tear gas canisters into Capitol Hill bars or stores. We have interviewed numerous business owners in the area, and none report any such incident.

Seattleites continue to disagree about what occurred during specific incidents that transpired during the week of November 28. Some of these factual disputes will be addressed in litigation; others may never be definitively resolved. But virtually all of us share a common view of what should have occurred – that the WTO delegates should have been able to meet, that demonstrators should have been able to express their views in a public and effective manner, that the Seattle meeting of the WTO should have furthered a robust debate about the WTO and trade policy, and that property crimes, rock throwing, the setting of fires, assaults on delegates and police officers, and the use of chemical irritants all should not have occurred. A broad spectrum of individuals and organizations – from the police unions to the American Civil Liberties Union – share a wide range of values about our community and our government. It is the pursuit of those common values, not disputes of historical fact, on which we all should focus.

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<sup>58</sup>Clever, Dick, Capitol Hill Chronology (“Chuck Householder, manager of Fred Meyer Broadway store, says all flammables had already been removed by store personnel. Greg Taylor, assistant manager at 1401 Broadway QFC, said all flammables were removed from shelves per instructions from QFC corporate.”)