

**REPORT OF THE REPUBLICAN
NATIONAL CONVENTION PUBLIC
SAFETY PLANNING AND
IMPLEMENTATION REVIEW
COMMISSION**

JANUARY 14, 2009

TABLE OF CONTENTS

INTRODUCTION	1
PART I. Factual Findings of the RNC Review Commission	4
THE CITY OF SAINT PAUL’S VISION FOR THE RNC AND MESSAGE TO THE COMMUNITY	4
<i>The Saint Paul Way: An Open and Welcoming Convention</i>	4
<i>Expectations: The Community Responds to the City’s Vision</i>	7
<i>The Tension Between the City’s Vision and Security Planning</i>	8
<i>The Community’s Reaction to Police Presence at the RNC in Light of Expectations</i>	9
THE SPPD SECURITY PLAN	10
1. The SPPD’s Operational Plans	10
<i>The Executive Committee and the 17 Subcommittees</i>	11
<i>Command and Communication Structure</i>	11
<i>The SPPD’s Arrest Strategy</i>	12
2. Training.....	13
<i>The SPPD’s Use of Force Continuum</i>	13
3. Equipment	15
<i>The Use of Vans for the MFF at the RNC</i>	15
<i>Bikes</i>	16
<i>The Communications System Employed at the RNC</i>	17
<i>Fencing</i>	17
<i>Joint Powers Agreements</i>	17

THE MEDIA AND THE SPPD SECURITY PLAN.....	18
<i>The Problems Facing the SPPD as They Prepared for Media Interactions</i>	18
<i>The SPPD's Historic Relationship with the Media</i>	18
<i>The Media's Expectations Prior to the RNC</i>	19
<i>The SPPD Public Information Officer Meets with the Media Prior to the RNC</i>	20
<i>Lawyers for the Media Meet with City and County Officials</i>	20
<i>SPPD Does Not Develop a Protocol For Media Arrests</i>	21
<i>Media Interactions with Law Enforcement on September 1 and September 4</i>	22
<i>Individual Media Arrests and Media Complaints</i>	23
INTELLIGENCE GATHERING AND THREAT ASSESSMENT.....	24
A. Recent History of Violent Activity at National Political and International Conventions.....	24
<i>Seattle WTO 1999</i>	25
<i>Los Angeles Democratic Convention 2000</i>	27
<i>Quebec Summit of the America's 2001</i>	27
<i>Boston Democratic National Convention 2004</i>	27
<i>New York Republican National Convention 2004</i>	29
B. The Gathering of Intelligence for the 2008 RNC.....	30
<i>Summary of Known Anarchist Goals and Tactics</i>	30
1. Law Enforcement and Community Concerns About Potential Violence.....	31
2. Law Enforcement Learns About the RNC Welcoming Committee.....	31
3. The Welcoming Committee's Plans to Use Violence at the RNC.....	32

4.	SPPD's Attempts to Limit the Number of Anarchists Joining the Welcoming Committee: Community Forums, Dialogue Officers and A Meeting With an SPPD Commander	33
5.	Disagreements Within Law Enforcement Regarding Intelligence.....	34
6.	The Pre-Convention Search Warrants	34
7.	The Federal Arrest Warrants For McKay and Crowder and the SPPD Warrant to Search the Dayton Apartment	37
8.	SPPD Develops a Plan for a Free Speech Area Distinct from that Used in Boston	37
LAW ENFORCEMENT'S INTERACTIONS WITH THE COMMUNITY AT THE RNC AUGUST 31 – SEPTEMBER 4		38
1.	August 31, 2008.....	38
2.	September 1, 2008	38
	<i>Law Enforcement Intelligence Leading Up to the RNC.....</i>	39
	<i>Staffing and Deployment of Officers.....</i>	39
	<i>Early Anarchist Activity on the First Day of the Convention</i>	40
	<i>The Peaceful Permitted Marches Proceed As Planned</i>	41
	<i>Anarchist Activity in Downtown Saint Paul</i>	42
	<i>The Anarchists Engage In Violence in Downtown Saint Paul.....</i>	44
	<i>Law Enforcement Re-Groups to Slow the Anarchist Activities</i>	49
	<i>An Anarchist Group is Moved to the Park off of Shepard Road and Arrested.....</i>	49
	<i>Citizen Complaints About Law Enforcement Activity on September 1</i>	50
3.	September 2, 2008	55
	<i>Law Enforcement Adjusts its Plan Based on the Events of September 1</i>	55
	<i>Law Enforcement Intelligence Concerning Anarchist Plans for September 2.....</i>	56

	<i>The Poor People’s March on September 2</i>	56
	<i>The Confrontation at Mickey’s Diner</i>	57
	<i>Citizen Complaints Regarding Law Enforcement Activities on September 2</i>	57
4.	September 3, 2008	58
	<i>The Rage Against the Machine Concert and Rally in Minneapolis</i>	58
	<i>Law Enforcement’s Plan for the Post-Concert Activities</i>	59
	<i>The Post-Concert Confrontations</i>	59
5.	September 4, 2008	61
	<i>Law Enforcement Intelligence Heading into September 4</i>	61
	<i>The Law Enforcement Plan for September 4</i>	61
	<i>The Staffing and Deployment of Officers on September 4</i>	62
	<i>The Mid-Afternoon Arrests</i>	62
	<i>The Anti-War Committee Decides Not to March According to Its Permit.....</i>	63
	<i>Anarchists and Others Decide to Head Toward the Xcel Energy Center</i>	63
	<i>Anarchists and Others Continue to Try and Enter Downtown</i>	64
	<i>Law Enforcement Decides to End the Confrontations.....</i>	65
	REACTIONS TO THE RNC FROM THE COMMUNITY, THE MEDIA AND BUSINESS	66
	<i>Protest Community and Residents</i>	66
	<i>Media</i>	67
	<i>The Business Community</i>	68
PART II.	The RNC Review Commission’s Conclusions	70
	<i>The City’s Vision for the RNC</i>	70
	<i>Planning and Coordination</i>	71

	<i>Intelligence and Threat Assessment</i>	72
	<i>The Violence on September 1-4, 2008</i>	72
	<i>The Media and the Security Plan</i>	75
PART III.	The RNC Commission’s Recommendations For Cities the Size of Saint Paul Planning on Hosting an NSSE.....	76
	<i>Setting and Communicating a Vision</i>	76
	<i>Planning and Coordination</i>	76
	<i>Intelligence and Threat Assessment</i>	79
	<i>Media</i>	79
Appendix A.	List of Interviews and Forums	81

REPORT OF THE REPUBLICAN NATIONAL CONVENTION PUBLIC SAFETY PLANNING AND IMPLEMENTATION REVIEW COMMISSION

Co-Chairs

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Andrew Luger

Commissioners

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INTRODUCTION

This Report constitutes the Factual Findings, Conclusions and Recommendations of the Republican National Convention Public Safety Planning and Implementation Review Commission (the “Commission”). The Commission was formed on October 1, 2008 at the request of Saint Paul Mayor Chris Coleman and by action of the Saint Paul City Council. The scope of the Commission’s work is defined in the attached Scope of Review and includes:

- Analyzing Law Enforcement’s Public Safety Plan for the Republican National Convention
- Examining Law Enforcement’s Implementation of the Plan
- Determining how Law Enforcement Executed the Plan

(Exhibit 1-01, www.stpaul.gov/rncreport).¹

The City Council requested that the Commission prepare a written report detailing its Factual Findings and Conclusions, and asked that the Commission make Recommendations for future events.

At the time of its formation, the Commission was directed by the City Council not to investigate specific incidents or make findings with respect to the conduct of individual members of law enforcement. That being said, during the course of our work, the Commission has identified several encounters between law enforcement and individuals that may merit further review by appropriate authorities. The Commission makes no judgment on the appropriateness of the officers’ actions during these encounters, but identifies them for possible further review because they stand out against the general actions of law enforcement observed by the Commission. Similarly, the Commission makes no judgments about the legality of the conduct of specific individuals who encountered law enforcement.

¹ Throughout this Report, we refer to documents, photographs and video that comprise the Exhibits to the Report. All exhibits can be found at www.stpaul.gov/rncreport.

In performing its work, the Commission conducted over 50 interviews, reviewed thousands of pages of documents, examined scores of photographs and watched hundreds of hours of videotape. The Commission also received dozens of written submissions from members of the community, many of which questioned police conduct and the need for a large law enforcement presence at the convention. A list of those interviewed by the Commission is annexed to this Report as Appendix A.

In addition, the Commission conducted three public forums:

- October 31, 2008 Forum with Business Leaders
- November 6, 2008 Forum with Residents and Members of the Protest Community
- November 19, 2008 Forum with Members of the Media

At the outset, the Commission wishes to express its gratitude to the many people we interviewed for their candor and openness in expressing their opinions and in patiently recounting their experiences. The Members of the Commission are particularly grateful for the willingness of so many members of the law enforcement community to share with us their thoughts on what worked, and what did not, in planning for and conducting the security operation at the 2008 Republican National Convention (“RNC”). Without the candor of those directly involved in the security operations, this Report would not have been possible. Similarly, we appreciate the efforts that so many members of the community took to share with us their thoughts about and experiences from the RNC. We reviewed these submissions carefully and used them as we interviewed city and Saint Paul Police Department (“SPPD”) officials and reviewed video of the events.

In addition, we would like to thank those in the media who gave us permission to utilize their photographs and video of the events that took place during the RNC as exhibits to this report. Specifically, we want to express our appreciation to: The *Minneapolis Star Tribune*, WCCO, *The Minnesota Independent*, *MinnPost.com* and Fox 9 News. We also reviewed a lengthy documentary concerning the RNC entitled “Terrorizing Dissent.” Because of its length, we are not attaching the entire film as an exhibit, but refer readers to the site where it can be viewed, www.terrorizingdissent.org. We received the permission of the creators of the film to refer to it here, and we thank them. We would also like to thank the many people who posted video of their experiences during the RNC on the Internet.

After the completion of its fact gathering process, the Commission met on three occasions in December 2008 and January 2009 to deliberate and reach agreement. Consistent with the Commission’s Scope of Review, this Report is divided into three parts: Factual Findings, Conclusions and Recommendations. This Report represents the unanimous view of all Commission Members. There is no dissenting or minority report.

Finally, there is one specific point regarding the work of law enforcement and Saint Paul city employees that the Commission wishes to make clear. While this Report concludes that there were mistakes made by the city and law enforcement in planning for and conducting security operations at the Republican National Convention, those findings should not

overshadow the dedicated work of so many members of the law enforcement community and the countless hours of tireless effort made by Saint Paul city officials. This Commission comes away from our task highly impressed by the professionalism and dedication of those who spent almost two years of their lives making this convention the success that it was. Nothing in this Report should diminish their efforts. Despite some areas of weakness in the planning for the event, and some troubling incidents during the convention, this Commission believes those serving Saint Paul on this effort did so with integrity and in the best tradition of their city.

PART I. Factual Findings of the RNC Review Commission

THE CITY OF SAINT PAUL'S VISION FOR THE RNC AND MESSAGE TO THE COMMUNITY

The Saint Paul Way: An Open and Welcoming Convention

Members of the Commission interviewed city and SPPD officials to understand their vision for how Saint Paul would conduct the RNC. We received a consistent response from all of those we interviewed: from the beginning, Saint Paul intended the RNC to be a “different” convention. City leaders were intent on hosting a convention that mirrored the values and principles of Saint Paul: free expression of ideas, community policing and an open and welcoming approach. Consequently, city leaders developed a vision for the RNC that embraced the values of the citizens of the city. The objective was to create a peaceful and respectful environment for the RNC, consistent with the history, values and culture of Saint Paul.

In the view of city leaders, during the RNC, Saint Paul would be “open for business” as usual. They believed that there was no need for businesses to close or for residents to leave the city while the convention was in progress. Indeed, city leaders encouraged citizens from throughout Minnesota to visit Saint Paul during the convention so as to watch the democratic process in action. The city also made clear that convention participants and their guests would be able to travel between their hotels and the convention safely and that their rights to express their political views would be protected. At the same time, the city envisioned that the expression of opposing views would be robust and protected. From the beginning, city and SPPD officials made it clear that peaceful protest was welcome at the RNC and that those wishing to exercise their First Amendment rights in a peaceful manner would be provided close access to the convention site and a meaningful way in which to make their voices heard. Finally, city leaders expected that the many visitors to Saint Paul during the convention would frequent local businesses and partake of all that Saint Paul has to offer.

At the same time, city and SPPD officials became aware of the fact that modern political conventions attract individuals and organizations intent on causing violence. While promoting the vision of an open and welcoming convention, city leaders made clear that those engaging in violent acts would be arrested. As discussed more fully below under Intelligence and Threat Assessment, city and SPPD officials reviewed how law enforcement handled the threat of violence at past political conventions and international conferences. Often, they found, police began the convention with a strong presence both in numbers and appearance. In the past, law enforcement typically chose to confront potential violence before it began by appearing in full riot gear in great numbers at the beginning of the convention. The appearance of such an armed force at the beginning of a political convention – when nothing violent or disruptive had occurred – struck police officials as not in keeping with the “different” convention they intended to host. As a result, as discussed more fully under “Security Planning,” the SPPD developed a “tiered” approach to the police response to violence that began with mostly “softer” appearing police at the beginning of the convention. SPPD officials believed that a softer approach from the beginning with an escalation in police presence only as necessary would be more welcoming to visitors and more conducive to peaceful protest. Thus, from the beginning, the security

approach adopted by Saint Paul was one that envisioned a substantial law enforcement presence, but one that started with lower visibility and less of a reliance on heavy riot gear unless and until increased visibility and gear were necessary.

Indeed, as Mayor Chris Coleman said at the time:

We are very, very ready for anything...The first thing people are going to notice is officers on the street with a smile on their face. I think that's the Saint Paul way.

To promote this vision of the 2008 RNC and to assure protesters, residents and others that this would be a "different" convention, city and police officials communicated regularly with the community at large public forums and at smaller meetings and gatherings. Throughout this time period, at approximately 200 such meetings, the city's message was consistent: Saint Paul was open for business and welcomed peaceful protest – the city was prepared to handle violence but anticipated a convention conducted the "Saint Paul way."

And the city went further. In 2008, SPPD officials began an experiment in direct communication between protest groups and police based on a dialogue model that originated in Europe. The SPPD formed a small police group, informally known as the Free Speech Liaison team or "Dialogue Officers" to foster respectful communication leading up to the RNC. The objective was to "establish communication networks and have them in place before the excitement and fervor of the RNC are in full swing." (Exhibit 1-02, www.stpaul.gov/rncreport). Nineteen officers were assigned the task of forging a dialogue with all participants and demonstrators.

As set forth in the SPPD's communication to the protest community, the SPPD made clear that it respected peaceful protest, even peaceful civil disobedience, and wanted to engage groups planning on peacefully expressing their First Amendment rights in dialogue:

It is undisputable that non-violent protest and even civil disobedience has played a compelling role in fostering significant social change, especially for those whose voice went unheard. Recognizing that philosophically and practically local police have a fundamental role as peace officers, problem solving and relationship building are essential to that end.

(Exhibit 1-02, www.stpaul.gov/rncreport).

The team consisted of police officers from Saint Paul and Minneapolis who had experience as negotiators in tense situations. This team assisted with very extensive pre-convention contacts with the community and initiated contacts with every area college.

According to the European model the Dialogue Officers studied, a group of such officers were to be stationed throughout downtown Saint Paul during protests and potential disturbances as "greeters" or community service officers. The plan was for these officers to assist protesters

and others to retreat from unlawful assemblies, obtain medical care and other similar forms of assistance.

While many protest groups expressed distrust with the Dialogue Officer concept, some welcomed the chance to discuss concerns and questions with the police. From these conversations, the Dialogue Officers produced a brochure discussing free speech rights and law enforcement which was approved by the Saint Paul Police Chief and distributed at community meetings. In pertinent parts, the brochure stated as follows:

Your Rights to Demonstrate and Protest

Can my free speech rights be restricted because of what I want to say – even if it's controversial?

No. The First Amendment prohibits Restrictions based on the content of speech. Police and government officials are allowed to place non-discriminatory and narrowly drawn “time, place and manner” restrictions on the exercise of First Amendment Rights.

Where can I engage in free speech activity?

Generally, all types of expression are constitutionally protected in traditional “public forums” such as public sidewalks and parks. Public streets can be used for marches subject to compliance with the City of St. Paul’s permitting process.

Do I need a permit before engaging in free speech activity?

Certain types of events require permits. Generally, these events include: (1) a march, parade or stationary event which causes an interruption in the normal use of the public streets or sidewalks (i.e., blocking pedestrian or vehicle traffic or partial/full street closures), or comprises more than 24 persons; (2) marches, parades or rallies at City parks, or certain designated non-City parks or plazas, such as federal property managed by the General Services Administration. The City permit scheme allows for the imposition of certain conditions on permits granted for these events, such as changes to the route of a march or limitations on the sound levels of amplified sound. *A permit cannot be denied because the event is controversial or will express unpopular views.*

If organizers have not obtained a permit, where can a march take place?

If marchers stay on the sidewalk and obey traffic and pedestrian signals their activity is constitutionally protected even without a permit. Marchers may be required to allow enough space on the sidewalk for normal pedestrian traffic and not unreasonably obstruct or detain passers-by.

Can a speaker be silenced for provoking a crowd?

Generally, no. Even the most inflammatory speaker cannot be punished for merely arousing the audience. A speaker can be arrested and convicted for incitement if he or she specifically advocates violence or illegal actions and where those illegalities are imminently likely to occur. (St. Paul Municipal Code Section 363A.14).

Do counter-demonstrators have free speech rights?

Yes. Police are permitted to keep two antagonistic groups separated but should allow them to be within the general vicinity of one another.

What other types of free speech activity are constitutionally protected?

The First Amendment can, under certain circumstances, protect communication such as theater, music, film and dance. Symbolic acts and civil disobedience that involve illegal conduct may be outside the realm of constitutional protection and may lead to arrest.

What should you do if an unlawful assembly is declared and a dispersal order is given?

Listen carefully to any police order to disperse. Even if you are not engaged in unlawful activity, you are subject to arrest if you do not leave the area defined by the police in their order to disperse. For example, where some individuals are walking on the sidewalk, the police may order everyone to leave the area.

Am I able to carry signs to hold up during a demonstration?

St. Paul Municipal Code Section 336A.14 makes it unlawful to process during a parade, race or public assembly any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless object is ¼ inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed ¾ inch in its thickest dimension.

Can I be arrested during a demonstration?

Yes, if you engage in unlawful behavior. Additionally, the SPPD may treat “non-cooperation” with the arrest process as a separate offense such as Obstructing Legal Process (609.50), Unlawful Assembly (609.705), or Presence at Unlawful Assembly (609.715) among others.

(Exhibit 1-03, www.stpaul.gov/rncreport).

In the end, however, the Dialogue Officer team was not fully integrated into the SPPD’s security plans for the RNC. Consequently, Dialogue Officers were not present on the streets of Saint Paul during the convention. The efforts of the SPPD to spread the message that free expression and even peaceful civil disobedience would be respected during the convention, however, did not go unnoticed.

Expectations: The Community Responds to the City’s Vision

Not surprisingly, the community responded with great enthusiasm to the city’s vision of and plans for the RNC. As Assistant Chief Matt Bostrom – the SPPD official placed in charge of overall planning for the RNC – met with community members and protest groups, he received a positive response. For example, in an article published by *MinnPost.com* on December 7, 2007, columnist Doug Grow wrote that Assistant Chief Matt Bostrom won the applause of peace groups when he explained Saint Paul’s plans for the RNC. (Exhibit 1-04, www.stpaul.gov/rncreport). At a public forum, Bostrom explained the city’s vision and told those who intended to protest that they would not be greeted by police in heavy riot gear. As Bostrom explained, protesters would see police on bicycles with smiles on their faces, and those wishing to express their views would be provided with a free speech area and a stage.

The business community was similarly pleased with the plans for the convention. Many downtown businesses expected a substantial increase in traffic as delegates, guests and others

wandered through Saint Paul shopping, eating and meeting at various locations. While they were concerned about security, many local businesses embraced the convention and planned to stay open for RNC.

The Tension Between the City's Vision and Security Planning

At the same time that the City was promoting its vision, law enforcement was gathering intelligence that suggested the RNC may attract hundreds, if not thousands, of violent activists. And the SPPD was not alone in discovering this possibility. Very early in the planning process, city and SPPD officials heard a consistent theme from the law enforcement, governmental and business communities: Saint Paul and surrounding areas were facing an attack by violent anarchists.² In short, the community was frightened and the city's vision for the RNC was threatened before it even got off the ground. Many community leaders, including those from the Chamber of Commerce, urged the city to promote a balanced message that addressed community fears without inflaming them.

As one participant in framing the city's message told the Commission, city and SPPD officials were caught between promoting their vision and addressing the security concerns of the community. This "tension," as he put it, between the vision of an open convention and the need for a substantial security force, provided city leaders with a difficult task – how to encourage participation by the community in the RNC without understating the real threat presented by violent activists? As numerous city officials told the Commission, they did their best to promote their vision while making it clear that thousands of officers would be present in Saint Paul and police would arrest anyone taking part in violent activities.

² Throughout this Report, the Commission will refer to those who planned to shut down the convention through violence as "anarchists." We do this for several reasons. First, these activists have repeatedly described themselves using this term. Second, an anarchist is by definition, "one who uses violent means to overthrow the established order." (Webster's Ninth New Collegiate Dictionary). Third, we do not view their actions as constituting "protest" as that term is commonly understood by the public. Thousands of demonstrators came to the RNC to protest against the war in Iraq, against various economic and social policies, against the way certain people in our society are treated, and for other reasons. They planned to protest through organized and permitted marches and peaceful civil disobedience. They came to Saint Paul to make their voices heard and to register their disapproval with government policies, as a free society allows and a free country encourages. They did not make Molotov cocktails or throw human waste at others. In this Report, we draw a sharp distinction between those who came to Saint Paul to protest and those who came to commit violence and interfere with the free speech rights of others. We refer to the former as "protesters" and the latter by their self-declared title, "anarchists." Our regrets to any non-violent anarchists reading this Report who disagree with the violent tactics of those who came to Saint Paul to do harm.

The Community's Reaction to Police Presence at the RNC in Light of Expectations

From the substantial number of comments this Commission received during our work, it is clear that many in the community mostly heard one part of the message – an open and welcoming convention with a soft police presence – and not the part that warned of the threat of violence. As we discuss more fully below in the section of the Report titled “Community Concerns,” the difference, stark to some, between the city’s expressed vision and the reality of a significant police presence in response to anarchist violence caused many to tell us that their expectations had not been met. While complaints communicated to this Commission ranged from the statement that Saint Paul took on the appearance of a “Police State,” to a feeling that protesters were “betrayed” by the SPPD who promised a light police presence with smiles on the faces of friendly officers, the overall tenor of the concerns received by this Commission can be traced back to the tension articulated above.

As many community members made clear to this Commission, the city’s vision was well articulated and raised expectations of people in Saint Paul. These included the expectation that the principles of neighborhood policing (long established in Saint Paul) would continue, and that law enforcement would be a supportive rather than a threatening force.

For a variety of reasons set forth in this Report, the city’s goals were achieved in many, but not all cases. As we make clear in our Findings and Conclusions, the SPPD had to adjust its plans early during the convention as a result of violent anarchist behavior. Police in riot gear were far more prevalent than expected, and police displayed a higher level of force to deter violent activities than was communicated prior to the convention. Although this Commission finds that this display and use of force was, with certain exceptions, proper and necessary in the management of violent behavior, the communication of the city’s vision did not adequately account for the possibility of increased police presence and violent anarchist activity.³ Thus, when citizens were confronted with the appearance of police in riot gear and officers engaging in the control of violent crowds, they were understandably taken aback. Because of the level of violence and the sophistication of the anarchists who descended on Saint Paul, the promise that officers would have a “human face” was not always fulfilled. Many citizens expressed extreme disappointment to this Commission, and a feeling that this was not the “Saint Paul way” they had been promised.

³ At public forums and in private communications, some community members questioned whether the anarchists were as violent as portrayed by law enforcement and questioned the police response. One voicemail message left for the Commission stated: “Apparently [Mayor] Coleman said there was a real orchestrated threat to the City. If there was, tell us about it. Let us know.” In this Report, we address this question directly. Having reviewed reports of anarchist behavior at prior conventions, law enforcement intelligence of the anarchists’ plans, motives and tactics, the reports of law enforcement officers who encountered the anarchists and hours of video coverage of the anarchists’ activities, we conclude that they did indeed pose a threat to the safety and security of Saint Paul. These were sophisticated, organized and tenacious activists intent on committing repeated and highly dangerous acts of violence.

THE SPPD SECURITY PLAN

1. The SPPD's Operational Plans

The selection of Saint Paul as the location of the 2008 RNC in September 2006, was remarkable, if for no other reason than a National Special Security Event ("NSSE") had not been conducted in a city the size of Saint Paul since the 9/11 terrorist attacks. It was apparent to the key planners from the time of the award that strong operations plans and coordination from a larger number of law enforcement agencies would be required for a successful event.

Saint Paul leadership began planning for the event shortly after the announcement of the event in September 2006. SPPD Chief John Harrington appointed Assistant Chief Matt Bostrom as the police department coordinator. Key events during the planning process included the following:

- January 2007 Governor requests NSSE Designation
- March 2007 NSSE Designation granted by the United States Department of Homeland Security
- May 2007 Establishment of Executive Steering Committee

Following the approval of the RNC as an NSSE, law enforcement identified the following agencies and their roles:

- United States Secret Service (Lead Federal Agency)
 - Security Design
 - Security Planning
 - Security Implementation
- Federal Bureau of Investigation
 - Crisis Management
 - Counterterrorism
- FEMA
 - Consequence Management
- City of Saint Paul (Lead Local Agency)
 - Contract with RNC
 - Provide City Services
 - Saint Paul Police Department
 - Saint Paul Fire Department
- Saint Paul Police and Fire Departments
 - Security Design
 - Security Planning
 - Security Implementation
 - Crisis Management

- Consequence Management

The Executive Committee and the 17 Subcommittees

The United States Secret Service and the SPPD were the lead planning agencies. Historically, the United States Secret Service uses a planning structure where multiple committees are created to address the various security components and planning aspects that need to be considered when preparing for an NSSE.

This Commission was told by numerous law enforcement leaders that the command structure during the planning process was hampered by an executive committee that grew too large (by some accounts over 50 members by the summer of 2008). According to reports we received, many involved believed the group was too large to work effectively to make decisions. Although the structure was developed through the experience of the United States Secret Service with NSSEs, many in law enforcement told us that it does not necessarily address the needs for comprehensive planning by a lead local agency working with 100 law enforcement partners. Many of the law enforcement officials we spoke with believed that the Executive Committee and 17 Subcommittee structure did not allow for the coordination and the deployment of resources and an effective command and control structure in the circumstances facing Saint Paul.

Command and Communication Structure

Home Land Security Presidential Directive 5 (“HSPD-5”), directed the Secretary of Homeland Security to develop and administer a National Incident Management System (“NIMS”). (United States Department of Homeland Security, 2004) The purpose of NIMS is to

provide a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, and local capabilities, the NIMS will include a core set of concepts, principles, terminology, and technologies covering the incident command system; multiagency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.

The NIMS framework provides for six major operational components: Command and Management, Preparedness, Resource Management, Communications and Information Management, Support Technologies, and Ongoing Management and Maintenance.

HSPD-5 also required all federal departments and agencies to adopt NIMS and utilize it when involved in managing domestic events. The directive also required federal agencies to require state and local government to adopt NIMS as a condition of receiving grants, contracts or other federal assistance.

While NIMS was developed in response to the September 11, 2001 terrorist attacks on the World Trade Center and Pentagon in an effort to improve coordination and response to disasters, it has become the model utilized by state and local agencies to manage significant public safety events such as the collapse of the I-35W bridge.

Initially, Saint Paul planned to utilize NIMS for the RNC and included it in the written Civil Disturbance Plan. The SPPD was later advised by the Secret Service that it did not rely on NIMS for NSSE events. It appears the sole planning and management strategy for the RNC relied upon the Secret Service's model with 17 Subcommittees led by the Executive Committee. Therefore, although NIMS is referenced in the SPPD's plan, it was not used for the RNC. Based on our interviews with law enforcement leaders, it does not appear that a clear method of control and command regarding decision-making for the RNC security operations solely outside of the Xcel was established to the satisfaction of all involved. As a result, in July 2008, a number of local law enforcement officials pulled together the key decision makers from the main local agencies in order to assist decision making on local security matters.

The SPPD made the decision early in the planning process to minimize the involvement of Patrol Officers in RNC-related events. SPPD leadership explained that, during the convention, they wanted to ensure that citizens in Saint Paul had sufficient police available to respond to non-RNC matters. As discussed more fully below, this plan did not go as expected. On the first day of the convention, Patrol Officers became heavily involved in the response to early anarchist activity in downtown Saint Paul.

The SPPD's Arrest Strategy

In accordance with the city's overall vision for the RNC and message to the community, the SPPD's plan was to minimize arrests and only arrest when absolutely necessary. As told to this Commission, the SPPD's approach to anarchist's efforts to block a street was: "If we don't need a particular intersection, let them have it." The SPPD believed, through this approach, they could prevent encounters with anarchists from escalating, thereby limiting violence and the need for large numbers of arrests. One consequence of this strategy, however, was a heavy emphasis on mass crowd control versus using extraction or targeted arrests when anarchists were conducting violent or unlawful activities. Indeed, the mission of the primary force against violence at the RNC, the Mobile Field Force ("MFF"), identifies crowd control, crowd management, containment, isolation and dispersal as their primary functions. The operational plan for the MFF also required that ALL enforcement actions required prior approval from an area commander. In addition, the plan states that when crowds are engaged in unlawful conduct, the MFF will make reasonable efforts to employ "non arrest" methods. (Exhibit 1-15, www.stpaul.gov/rncreport).

As we show below in our discussion of the events of September 1, while the plan was designed to minimize arrests and limit violence, in part because of the behavior of the anarchists who descended on downtown that day, the plan did not work out as anticipated.

2. Training

Approximately one year prior to the RNC, officers started attending a federally sponsored training in Aniston, Georgia. The training was titled Managing Civil Actions in Threat Incidents (“MCATI”) and was developed by experts in the field affiliated with the United States Department of Homeland Security. The training curriculum was offered to the SPPD free of charge, but required it be delivered as outlined in the curricula without modification, as it had been vetted, start to finish. The training was recommended to the Executive Committee for the RNC and approved in January 2008 as the training for the RNC. But this soon changed. Representatives from the Minneapolis Police Department (“MPD”) attended the training in Aniston and returned to report objections to certain aspects of the training. Specifically, the MPD Officers believed that the tools and weapon systems taught were not appropriate for the tactics and crowd control approach historically used in the Twin Cities environment. As a result, because of these objections, the use of the Homeland Security training program was cancelled. In its place, the Saint Paul Training Unit developed its own training program for the RNC. While the training program was based on the principles of the MCATI training, it was not taught solely by MCATI instructors nor did it rely solely on MCATI curriculum.

Law enforcement officials told the Commission that this change in the training program was a source of tension. Although the training developed by the SPPD was thorough and appeared philosophically and principally sound, there may have been a missed opportunity to draw on a vetted curriculum taught by experts with significant amounts of experience with civil disturbances. As some in law enforcement stated to us, the Twin Cities law enforcement community has had minimal civil disturbance experience in comparison to other areas of the country. While this may have been a lost opportunity, we have found it difficult to determine how, if at all, this change in the training program effected security operations at the RNC. The Commission was told that the need to develop a new training plan did delay the commencement of training.

The SPPD’s Use of Force Continuum

Since the 1980s, law enforcement agencies have incorporated into their department policies a use of force continuum. A use of force continuum describes the amount of force that officers may use to control and take into custody subjects resisting arrests in any given situation. The continuum serves to clarify, both for officers and the community, the complex nature of use of force by police officers.

The use of force continuum illustrates, on an escalating scale, the appropriate force an officer may employ matched by a corresponding level of subject resistance. It is not necessary for officers to progress through each level as a subject’s resistance increases. The principle behind the continuum is for officers to escalate or deescalate the amount of force used in response to a subject’s actions.

The Use of Force Continuum detailed in the SPPD Civil Disturbance Management Plan, (Exhibit 1-15, www.stpaul.gov/rncreport), outlines the various levels of force and weapons systems available for officer use during the RNC. The Continuum, however, mixes tactics and tools in a manner that the Commission found to be confusing. For example, the plan places the

use of chemical agents and tools high on the continuum, just below the use of deadly force. Placement at this level is inconsistent with contemporary programs that typically place use of chemical agents lower on the continuum, typically just above empty hand control techniques.

Commonly used continuums contain six levels as follows:

- Officer Presence
- Verbal Commands
- Empty Hand Control
- Pepper Spray, Baton, Taser
- Less Lethal
- Deadly Force

The Use of Force Continuum found in the Civil Disobedience Management Plan outlined the following levels of force:

- Constructive Force
- Physical Force
 - ♦ Type I (Batons, ASP)
 - ♦ Type II (Taser, 37 or 40 mm launched munitions, flash bangs)
 - ♦ Target Specific
 - ♦ Group Specific
 - ♦ Tactical Discharge
- Chemical Force
- Deadly Force

The plan states that “The five levels of force described in this policy do not change the use of force policies of the Saint Paul Police Department or (to the extent possible) any and all law enforcement agencies working under the JPA (“joint powers agreements”). Five phases of control are meant to give officers guidelines to what level of force is appropriate for situations and when to apply them.”

This modifying language could easily lead to confusion for officers when faced with resisting subjects.

Interestingly, the plan goes on to state that “It is the responsibility of the on scene Incident Commander or designee to evaluate the crowd situation or civil disturbance to determine the level of force to be utilized. Use of force will be authorized through the Area Commander in coordination through the MACC (unless exigent circumstances exist).” (Exhibit 1-15 at page 8, www.stpaul.gov/rncreport). The Commission has been told that the purpose of a use of force continuum is to give guidance to individual officers during encounters with subjects. We have heard that it is considered impractical by some to require an officer to ask for approval prior to utilizing force on a subject in a rapidly evolving encounter. While this heightened

approval requirement was put in place to allow for a more uniform use of force during the RNC, it may not have been workable under the circumstances.

The hierarchical approval and decision making structure outlined in the use of force area seems to add unnecessary bureaucratic steps that could needlessly unreasonably delay the deployment of tactics to control a quickly evolving event.

As discussed more fully below, it is the impression of this Commission from reviewing video of the events of September 1, 2 and 4, that the use of chemical agents was often used inconsistently with the approved Continuum, but in a manner and in circumstances that would be appropriate in most use of force continuum. During the RNC, officers used chemical agents such as pepper spray far more often than the Use of Force Continuum would suggest. Many times, officers can be seen on video utilizing chemical agents defensively, broadly to disperse unruly crowds. While this is consistent with a typical continuum, it does not fit within the plan for this convention. As noted below, the Commission is concerned about some apparent uses of chemical agents offensively, when the more appropriate action might have been to make an arrest.

3. Equipment

This Commission heard repeatedly from the community that MFF Officers did not wear badges or other forms of identification. This was a source of great disappointment to many who believed the SPPD had stated that this would not be the case. The concern is primarily addressed to officers within the MFF units as other patrols, such as Uniformed, Mounted and Bike officers wore their routine uniforms with standard identification during the RNC. The only identification visible for MFF Officers was a designation and number on their helmets. A letter designating the originating department followed by numbers designating their badge numbers were located on each side of the MFF Officers' helmets. This method of officer identification seems to have been used primarily for identification by fellow officers and not the public. The cryptic nature of the helmet identification would not be readily recognized by a citizen as officer identification, as would a name and agency patch.

The Use of Vans for the MFF at the RNC

During the planning for the RNC, the SPPD had an opportunity to witness the equipment used by law enforcement at other conventions. One particular piece of equipment that drew concern within the SPPD was the type of vehicle used to deploy the MFF. In keeping with the SPPD's plan to present a softer presence with the MFF only visible in full gear when necessary, the police decided to use unmarked mini-vans to transport the MFF. This had the effect of lessening the presence of the MFF when they were not confronting violence in downtown. The mini-vans were in stark contrast to the jeeps and similar vehicles used at other conventions that allowed for MFF units in full gear to ride standing along the side of the car. (Exhibits 9-01,9-02, 9-03 and 9-04, www.stpaul.gov/rncreport). Indeed, while visiting Denver during the DNC, Mayor Coleman was taken aback by the heavy visual presence of MFF in full riot gear driving through the city hanging on to transport vehicles.

This photograph depicting what the Mayor and the SPPD saw in Denver, and rejected for the Saint Paul RNC, demonstrates the concerns expressed about the heavy presence such an approach provided:



(Picture of Denver MFF riding on the outside of vehicles during 2008 DNC)

It became clear during the first day of the convention however, that the MFF units using mini-vans came with a disadvantage. Because the vans were unmarked and the MFF units were entirely inside the vehicle, they could not pass through the security fence. Therefore, the MFF Officers traveling in the vans were required to drive around the security perimeter surrounding the Xcel Energy Center (“the box”) to get anywhere. As described more fully below, this led to significant delays in MFF response.

Bikes

Virtually all law enforcement interviewed felt that Bike Officers were one of the most effective tools used for crowd control. Commanders said that they would have liked to have had more Bike Officers, after learning of their effectiveness.

The Communications System Employed at the RNC

The desire to isolate the RNC from normal operations guided the decision to create separate communication operations for the RNC and for normal day-to-day operations. During the RNC, police used two channels to communicate: the normal “dispatch” channel and a special RNC dispatch channel for RNC-related events. Training and communication relative to the communications plan reinforced that staff was to remain on their assigned channel unless specifically directed to change. On the first day of the convention, as anarchists descended on downtown Saint Paul, communications between the two communication groups broke down as Patrol Officers used the normal dispatch channel and RNC-related personnel listened to the RNC channel. As a result, patrol officers’ requests for help and for MFF assistance were not immediately transmitted to those monitoring RNC communications. As we describe in detail below, on September 1, the response to calls for help from Patrol Officers were significantly delayed due to the lack of coordination and ineffectiveness of radio communication. Out-of-state officers on post throughout downtown Saint Paul were not equipped with radios allowing them to monitor situations that were approaching their locations. Instead, they were notified by word of mouth.

Fencing

Shortly before the start of the RNC, the Secret Service erected a fence around the Xcel Energy Center (“the box”) and the protected areas nearby. While SPPD command staff was not surprised by the placement of fencing and access points containing the immediate area of the Xcel Center, the fencing was a significant impediment to the timely movement of public safety units, particularly large MFF divisions, in the downtown area.

Joint Powers Agreements

Saint Paul was the smallest city to host a national political convention in many years. Because of its size, Saint Paul faced substantial hurdles in its planning process. In order to deploy sufficient officers for the RNC, the city needed to recruit officers from jurisdictions around the country. This required the city to enter into over 100 joint powers agreements. The negotiation of these agreements took a great deal of time and stretched the city’s resources. The City Attorney’s office placed one person in charge of negotiating and executing the agreements. This one attorney had many other RNC-related responsibilities as well. Moreover, issues arose during the joint powers process that required re-writing and re-negotiating certain provisions. In addition, some jurisdictions delayed their response to the request for assistance until the city obtained final insurance coverage and funding from Congress for the RNC. As the insurance and funding issues delayed execution of the agreements, the SPPD was required to delay staffing and deployment decisions.

Many in law enforcement expressed appreciation for the hard work many city and SPPD officials put in to resolve these difficult issues, but acknowledged that the delays caused by the progress of the joint powers agreements led to delays in planning for the RNC.

THE MEDIA AND THE SPPD SECURITY PLAN

Members of this Commission interviewed numerous people involved in planning for the interaction between the media and law enforcement at the RNC. Commission Members interviewed members of the SPPD, the Mayor's staff, media consultants and the Saint Paul City Attorney to assess planning for the presence of local and national print and broadcast media, as well as alternative and independent journalists. In addition, Commission Members met with lawyers representing the Reporters Committee for Freedom of the Press, conducted a forum for representatives of the media, viewed a video of a two-hour forum held on September 22, 2008 sponsored by the Minnesota Society of Professional Journalists, and reviewed numerous videos and documents.

The Problems Facing the SPPD as They Prepared for Media Interactions

As told to this Commission, everyone planning for the RNC recognized that the presence of more than 15,000 local, national and international journalists, bloggers, and members of the independent media covering an NSSE posed unique problems. Police and city officials simultaneously had to:

- Protect the First Amendment rights of RNC delegates, media representatives and public participants;
- Maximize reporters' access to RNC proceedings and demonstrations;
- Maintain public safety and security, including the prevention of organized efforts to "shut down" the convention;
- Protect lives and property; and
- Facilitate journalists' coverage of protests under occasionally chaotic conditions.

In addition, in planning for this convention, those working on media relations faced the following recurring questions:

- Who is a "journalist" when it comes to covering organized and unanticipated marches, demonstrations and violent activities at a political convention?
- What special accommodations, procedures, and protocols, if any, should police provide to journalists under these conditions?

Several of those we interviewed observed that answering these questions only will become more difficult as technology – cameras, cell-phones and the Internet – changes the way people collect and disseminate information and broadens the domain of journalism from mainstream media to independent media, bloggers, and citizen-journalists.

The SPPD's Historic Relationship with the Media

It has been widely reported to this Commission that the SPPD's general media policy, training and practices are to foster openness and transparency and to allow the media to tell their story. The SPPD traditionally recognizes journalists' First Amendment rights to be close to crime scenes and public events. We heard from officers inside and journalists outside of the

department that the SPPD historically has had a positive relationship with representatives of the media and enjoys a reputation for openness and maintaining good lines of communication. Law enforcement officials told this Commission that the SPPD had no plans to change its policies of openness and accessibility for the RNC. Moreover, the SPPD's research into security planning at prior conventions, particularly New York and Boston, did not alert the department to any special problems associated with the media.

The Media's Expectations Prior to the RNC

Because of this historical relationship between the SPPD and the media, many journalists had high expectations for how they would be treated at the RNC. It appears to this Commission, however, that the expectations of journalists and the SPPD were not always the same. Several police officials told us that they went into the RNC with the belief that journalists did not enjoy any special rights of access or immunity from arrest by virtue of their role as members of the media. From their perspective, journalists have long understood that they cannot cross a police line to cover a fire or crime scene and should therefore have been aware that they could not remain present at an unlawful assembly and avoid arrest.

Not all journalists saw it this way. Several representatives of the media told us that, based on their prior experiences with SPPD, they expected that police would afford journalists some grace to cover news events and believed that journalists caught up during demonstrations would be protected and not treated as part of the problem. In this regard, they expected that police would promptly release properly credentialed journalists who were just doing their job covering an unlawful assembly, rather than cite or arrest them. While some journalists we spoke with agreed that they risked arrest by staying within an unlawful assembly in order to cover it, all felt that they should have been quickly released and given a citation at worst. Moreover, journalists have raised the concern that, during the RNC events and media arrests, they received conflicting messages from within law enforcement about how police would handle journalists. Finally, they complained that briefings prior to the RNC did not fully apprise them or they did not fully appreciate that normal police-media relationships would not apply during an NSSE.

Moreover, while some journalists agreed that covering an unlawful assembly from the inside carries with it the risk of arrest, others did not find the example entirely analogous. They held fast to the belief that a journalist covering an unlawful assembly is doing just that: covering an event. According to this approach, a journalist reporting from an unlawful assembly is not committing a crime and should not be subject to arrest in the first place. At the very least, according to this theory, the journalists arrested at an unlawful assembly should be immediately cited and released.

While these issues were the subject of some discussion between law enforcement and some in the media prior to the RNC, no resolution appears to have been reached. Police officials believe that they communicated the message to journalists that they would have to obey police orders and that they enjoyed no special status, claiming – “the rules are the same for everyone.” Some in the media, however, drew the opposite conclusion from the discussions and expected

that they would be given more deference than others caught in unlawful assemblies.⁴ At the same time, however, from a practical perspective, as the SPPD acknowledged, they had no interest in detaining members of the press who were simply covering events as they unfolded.

As we find in this Report, the lack of clarity as to how law enforcement would treat journalists at the RNC, and the lack of a clear policy toward the media, resulted in disparate expectations and treatment, confusion and some resentment by journalists toward the SPPD.

The SPPD Public Information Officer Meets with the Media Prior to the RNC

Planning for media coverage of the RNC began in April 2007. In the year preceding the convention, the SPPD Public Information Officer (“PIO”) received periodic press inquiries about security arrangements and press access. As a result, he met regularly with media representatives, and made about 100 presentations at Saint Paul public forums. In April 2008, the SPPD PIO conducted a briefing for about 30 reporters, producers, and editors to provide general background and to describe preparations and anticipated threats. He subsequently conducted a second general briefing, including a discussion on the potential for violence at the convention in July 2008.

Media representatives who attended these sessions told us that the briefings focused primarily on the scope of the RNC, access for coverage, and planning for what would happen if a disaster occurred. These briefings did not include discussions of how police would handle journalists covering demonstrations if members of the media were caught up during unlawful assemblies. They focused more on how to protect journalists from tear gas, rather than how to avoid being arrested. Several journalists complained that they did not receive briefings about unlawful assemblies, how to avoid being caught-up in one, or what processes police would employ for members of the media who did not get out of the unlawful assembly area.

The SPPD PIO conducted background conference calls for six Tuesdays leading up to the RNC to allow participants to ask off-the-record questions about planning for the event.

Lawyers for the Media Meet with City and County Officials

On June 26, 2008, about a dozen representatives of the SPPD, the Mayor’s office, and the Ramsey County and City Attorney’s Offices met with attorneys representing the Reporters Committee for Freedom of the Press (“RCFP”). The RCFP is a national organization that

⁴ It is important to note that, as a matter of law, the police understanding that journalists enjoy no special privileges beyond those of ordinary citizens under such circumstances is consistent with the United States Supreme Court’s First Amendment press decisions. *See, e.g. Branzburg v. Hayes*, 408 U.S. 665 (1972)(rejecting claims of journalists’ privilege not to disclose confidential sources); *In re Grand Jury Subpoena, Judith Miller*, 348 F.3d 1141 (Ct. App. D.C. 2006); *Zurcher v. Stanford Daily News*, 436 U.S. 547 (1978)(rejecting press claims for special First Amendment privileges during execution of Fourth Amendment search warrant); *Houchins v. KQED, Inc.*, 481 U.S. 1 (1978)(stating that the media has no right of “special access to information not available to the public generally,” such as access to interview prison inmates).

provides, among other things, legal advice to journalists relating to interactions with law enforcement. The meeting focused on how police would deal with journalists covering demonstrations, how to facilitate prompt processing if police detained or arrested journalists during demonstrations, and how to expedite the return of their equipment if seized. This was one of several meetings the media lawyers held with government officials and law enforcement to develop a plan for the treatment of journalists during the RNC.

Some participants at the June 2008 meeting told the Commission that the RCFP attorneys sought some form of special consideration for journalists covering unlawful assemblies. The attorneys, for example, requested that the police place journalists at the front of the line for release and requested some form of a protocol in the event police arrested journalists covering disturbances. The RCFP attorneys told us that they expressed concerns about police improperly arresting journalists covering a disturbance because police misunderstood their presence at the scene. They requested that identifiable and verifiable journalists be cited rather than arrested and subjected to lengthy booking processes. At the meeting, the lawyers were told that mass arrests were not expected and that police would only arrest journalists if they engaged in illegal activity. During interviews with this Commission, city and other government officials expressed some frustration that the media lawyers did not appear to have a clear understanding of what they wanted, and noted that the RCFP lawyers never provided a draft protocol, plan or other device for implementing their requests.

According to our interviews, none of the participants at the meeting had a clear definition of who was a journalist, satisfactorily resolved whether police should treat bloggers and/or demonstrators with video cell-phones as journalists, or provided a mechanism for how police could separate journalists from non-journalists when deciding who to arrest or how to process those arrested. None of the participants or planners followed-up or answered these questions prior to the RNC.

SPPD Does Not Develop a Protocol For Media Arrests

Following these meetings, the SPPD did not develop a systematic plan for dealing with media arrests during violent demonstrations or unlawful assemblies. Similarly, SPPD did not create a protocol to be followed by law enforcement at the RNC when detaining or arresting someone who claimed to be a member of the media.

The SPPD did allow journalists to ride-along or embed during the RNC. We heard questions about the SPPD's decision to embed reporters with police, including some concerns that the Department engaged in view-point discrimination by selecting embedded journalists. This, however, does not appear to be the case. The Commission was told that the SPPD received nine media requests from local media organizations to ride-along or to embed videographers and reporters with police units. According to information provided to the Commission, the SPPD granted all of the requests to embed that it received.

Beginning on August 30, 2008, and during the RNC, the SPPD PIO conducted daily briefings for anyone with press credentials from the RNC Committee on Arrangements and any other persons who could demonstrate that they worked for a news organization. During the

RNC, representatives from local and national agencies – Saint Paul, Minneapolis, and Bloomington Police Departments, Hennepin and Ramsey County Sheriff’s Departments, the Secret Service, Federal Bureau of Investigation, and others – staffed a Joint Information Center (“JIC”) to provide reporters with one-stop access to information.

The Reporters Committee for Freedom of the Press established a Media Hotline to provide legal advice and assistance to journalists covering the RNC. Its brochure warned that disturbances during political conventions sometimes led to mass arrests in which police took reporters into custody. The RCFP hotline brochure provided guidelines for how detained reporters should respond to police and contact telephone numbers for attorneys. (Exhibit 1-05, www.stpaul.gov/rncreport). Despite the arrests of several journalists, the RCFP received very few calls on their hotline.

Media Interactions with Law Enforcement on September 1 and September 4

The largest number of incidents involving the media occurred during coverage of demonstrations, violent actions, and unlawful assemblies on Monday, September 1 and Thursday, September 4. Police arrested about four dozen journalists during these events. The attached report by Anna Pratt of *The Minnesota Independent* lists many of the journalists arrested during the RNC. (Exhibit 1-06, www.stpaul.gov/rncreport).

Due to the lack of an agreed upon protocol relating to media arrests, journalists covering violent activities and unlawful assemblies received starkly different treatment on September 1, 2 and September 4. Late in the day on September 1, a number of anarchists and other alleged participants in the day’s unlawful events were moved to a park near Shepard Road. At that time, a large group of people at the park were surrounded by police and told that they were under arrest. Videotaped coverage of this event and statements to this Commission show that law enforcement allowed journalists to self-identify and leave the site without being arrested.⁵ (Exhibit 15-05, www.stpaul.gov/rncreport).

Just the opposite took place at the Marion Street Bridge on September 4. This Commission heard from many journalists that they were directed on to the bridge as the police were winding down attempts by anarchists and others to reach downtown. Once on the bridge, the journalists were not permitted to leave and many were arrested. Again, while some journalists to some extent acknowledged that they should have been arrested for staying within an unlawful assembly, others believed that they were essentially forced to join the crowd on the bridge by law enforcement and were improperly detained and charged.

As stated more fully in our Conclusions, this Commission is troubled by the events that culminated in law enforcement’s decision to direct people, including journalists, on to the bridge on September 4. With the respect to the journalists detained on the bridge that night, it is our view that, had the SPPD adopted an appropriate media protocol prior to the RNC, many of the

⁵ Similarly, during the unlawful assembly arrests in Minneapolis on September 3, after the Rage Against the Machine concert, police released people who self-identified as members of the media.

journalists on the Marion Street Bridge would not have been charged in the first place or would have been released quickly that evening.

Individual Media Arrests and Media Complaints

Not all of the media arrests took place during large unlawful assemblies. We heard testimony, reviewed videos, and received documents describing the arrests of professional journalists with RNC credentials covering the violence in downtown Saint Paul. For example, according to information provided to the Commission, on September 1, police arrested Matt Rourke, an AP photo-journalist with RNC press credentials, as he found himself encircled while covering violent protests at 9th and Jackson. As told to the Commission by AP, his news organization had great difficulty locating him and he was held for about ten hours before being released. On the other hand, officers released another credentialed, AP journalist, Evan Vucci, who was present at the same location. Again, according to information we received from the AP, Vucci states that police tackled him and destroyed his camera before checking his press passes and then releasing him.⁶ (Exhibit 1-07, www.stpaul.gov/rncreport).

We also heard complaints that police confiscated journalists' notebooks and equipment and that there were administrative delays in returning these items. Some media representatives characterized the arrests of journalists and temporary loss of their equipment as a form of prior restraint that prevented on-going coverage of events.

To some, the arrests and detentions of members of the media created a perception that police targeted photo and video journalists for arrest and/or equipment confiscation. These people were concerned that the police were trying to prevent photographers or videographers from covering events. We did not find evidence of any such intent on the part of law enforcement. First, law enforcement officials made clear to this Commission that they had no interest in preventing journalists from covering the disturbances during the RNC. Second, as anyone who was present at the RNC can attest, there were cameras and video equipment everywhere. One reporter commented during the convention that journalists outnumbered protesters and police. Third, this theory presumes that law enforcement intended in advance to engage in misconduct throughout the convention. As stated earlier with respect to the city's vision for the RNC, the SPPD planned for and anticipated being a mostly "soft" presence with few arrests. Because, in many ways, law enforcement did not anticipate engaging in the escalated response to anarchist violence that occurred, it would be unlikely that they could have planned to prevent the media from covering these unexpected events.

As we discuss more fully below under Conclusions, the Commission believes that the SPPD should have put in place a protocol for addressing the arrest or detention of journalists, had officers at arrest sites to assist in separating journalists and worked more closely with the

⁶ Because our Scope of Review does not include our rendering findings or conclusions relating to specific incidents, we are not in a position to conduct a thorough review of these allegations. At various times in this Report, however, we note certain matters that we found troubling, and that may warrant further review or investigation. The arrest of Matt Rourke is one.

media and their representatives to implement mechanisms for avoiding the detention and arrest of journalists during the convention.⁷

INTELLIGENCE GATHERING AND THREAT ASSESSMENT

A significant part of the security planning for the RNC involved the gathering of intelligence into potential threats of violence at the convention. The development of reliable intelligence began almost immediately after the awarding of the bid to the City of Saint Paul. First, local law enforcement officials gathered information from cities that had hosted prior national political and international economic conventions. Next, they traveled to many locations to speak directly with local law enforcement officials about intelligence gathering and the planning for violent activities at their events. Finally, they developed and implemented a strategy for identifying and monitoring those whose stated purpose was to engage in violent activities at the RNC.

In this section of our Report, the Commission addresses how local law enforcement identified and addressed the potential for violent activity at the RNC through intelligence gathering, threat assessment and security planning.

A. Recent History of Violent Activity at National Political and International Conventions

In order to understand the potential for violent activities at the 2008 RNC, local law enforcement set about to understand the historical threat to political and economic conventions in the United States and elsewhere. The information they received indicated that a loose coalition of self-proclaimed anarchist groups had a long history of engaging in violent acts designed to disrupt conferences and conventions. Although the origin of these activities dates back many decades, for planning purposes and to assess the potential threat against the RNC, the SPPD's review of such activities began with the World Trade Organization Ministerial Conference ("WTO") in Seattle in late 1999. For many in the law enforcement community, the WTO is considered a seminal event that illustrated how lack of preparation can leave a city vulnerable to those intent on committing violence under the guise of protest. In addition to the WTO, the SPPD reviewed prior political conventions and events in New York, Philadelphia, Oslo, Boston, Los Angeles and elsewhere. The SPPD also received written reports concerning security planning, threat assessment and the gathering of intelligence from law enforcement agencies throughout the country involved in conventions and conferences.

⁷ Such a protocol would have the added advantage of helping keep the media from becoming such an important part of the story. For example, the police arrested Amy Goodman from *Democracy Now!* when she violated police orders to stand behind a police line. Unlike most other journalists who were arrested during the convention, Goodman was not part of a large unlawful assembly and was not caught up in events while covering violence. Yet, her arrest received substantial publicity. We believe that a well thought out protocol with sufficient notice to journalists could have alleviated much of the attention given to media-related arrests and permitted the peaceful protesters the larger voice they deserved.

Seattle WTO 1999

From November 29, 1999 through December 3, 1999, Seattle hosted the WTO. As numerous post-event reports have noted, the Seattle police were not prepared for the violent and disruptive activities by groups of self-proclaimed anarchists intent on shutting down the conference.

Because the events of the Seattle WTO have had such an impact on security planning for national events in the years since 1999, the Commission summarizes at length the security challenges facing the Seattle police and some of the admitted mistakes of the police department.

Shortly before the WTO, Seattle police picked up “rumors” and reports of planned and spontaneous disruptive acts. (Exhibit 1-08, p. 18, www.stpaul.gov/rncreport). Although the Seattle police learned of plans to “shut down the WTO,” they did not find the rumored plans to be credible. Rather, Seattle police hoped for the best. As stated in their WTO After Action Report, the police department held to the principal that:

Seattle’s strong historical precedents of peaceful protest and our on-going negotiations with protest groups would govern the actions of demonstrators.

(Exhibit 1-08, p. 19, www.stpaul.gov/rncreport). During the conference, it became clear that the police department’s reliance on historical precedent – despite current contradictory intelligence – was misplaced. Because of their confidence that violent protests would not occur in Seattle, the police did not seek resources from neighboring departments and took few specific actions in response to the intelligence that suggested anarchists with violent motives planned to descend on the conference.

The reality struck early during the conference as hundreds of well-trained and well-organized anarchists literally attacked Seattle with the intent to stop the WTO. Throughout the WTO, the police repeatedly faced actions by violent groups who would converge and then disperse and reassemble in a different location. On the afternoon of Monday, November 29, several hundred anarchists broke windows, sprayed graffiti on buildings and then dispersed. They were accompanied by a bicyclist with a radio who told them of police locations, allowing the anarchists to flee before the police could respond effectively.

According to reports, the anarchists were so well organized that, on the Monday of the conference, when a small group announced they were “taking over” a portion of downtown Seattle, an anarchist leader warned them off, explaining that the next day, Tuesday, was the day for mass violence.

True to form, on Tuesday, November 30, four separate groups of anarchists, many with protective gear and gas masks, headed toward downtown Seattle. The groups converged on the downtown area, surpassing the capacity of the police on hand. By early Tuesday morning, anarchists were:

- Setting fires in the streets of Seattle;

- Attacking moving cars;
- Setting up chains across intersections;
- Chaining themselves to various objects and each other to block traffic;
- Throwing large objects, including concrete, into the streets;
- Moving dumpsters and other objects into the streets and at police officers who tried to stop them;
- Surrounding and assaulting delegates and prevented them from getting to the venue;
- Throwing debris at a hotel in which delegates were staying; and
- Throwing objects at police.

By 9:30 that morning, police realized that they had lost control of the city and called for emergency assistance from neighboring law enforcement agencies. Police were barraged with ball bearings, rocks, bottles and squirted with urine. Conference organizers warned delegates to remain in their hotels until police could restore order, and the anarchists effectively shut down the WTO. The violence continued for the remainder of the day and into the next day.

Numerous studies and reports followed the WTO. In their own assessment, the Seattle Police recognized their own mistakes and then made this prediction:

The planning and tactics employed by forces intent on “shutting down the WTO” may come to be recognized as a watershed event for disruptive protest in the new millennium, an event that established the model and standard for similar events in years to come.

(Exhibit 1-08, p. 3, www.stpaul.gov/rncreport).

The prediction of the Seattle police has come true. In numerous large scale political and economic events since the WTO, the tactics of the anarchists in Seattle, and their goals, have been copied, improved upon and expanded. In turn, law enforcement has stepped up its preparation for such events to avoid the failures of Seattle. For the most part, law enforcement’s efforts have been successful: despite many attempts, the anarchists have not been able to duplicate the riots of Seattle and have not shut down another convention. As officials within the SPPD made clear to this Commission, no police department since 1999 wants to be responsible for another WTO.

As the Seattle police department and others studying the events explained, there were many lessons to be learned from the anarchist attack on the WTO. First, because of a lack of funding and the short period of time to plan for security, the Seattle police did not have a well-coordinated security plan including resources from outside law enforcement agencies. Second, the security plan was far too limited – it did not take into account contingencies and worst case scenarios. Third, the police underestimated the sophistication, violent nature and tenacity of the anarchist groups and under-utilized the intelligence they had obtained about the structure and plans of the groups. Fourth, the police were far less mobile and agile than they hoped. Given the speed at which the anarchists attacked and then dispersed, the police found it more difficult to make arrests as events unfolded. The confusion this caused led to a lack of good communication

between police on the ground and their central command. Finally, the police failed to explain to the community in advance of the WTO the potential impact of the anarchists and the conference on the city, and failed to explain how the police might be required to use force to respond to anarchist activities.

After the WTO, each city that has hosted a major national or international event has taken into account the “success” of the anarchists in Seattle and the lessons learned by the Seattle police department.

Los Angeles Democratic Convention 2000

At the 2000 Democratic National Convention in Los Angeles, groups protesting the convention threw rocks and fired steel balls from slingshots at police after a Rage Against the Machine concert. A number of participants wearing bandannas over their faces set fires and others attempted to block intersections. Police estimated that hundreds of people participated in the violent activities. At times, they responded with rubber bullets and tear gas to disperse the violent crowds. In all, there were over 200 convention-related arrests including Assault with a Deadly Weapon and Possession of Explosives.

Quebec Summit of the America's 2001

In April 2001, Quebec City, Canada hosted the third annual Summit of the America's. The convention included heads of state from 34 countries. The Royal Canadian Mounted Police gathered 6,500 officers from Canadian law enforcement, erected three miles of security fencing including a three foot high concrete barrier with much of the security personnel inside the protected area. The Canadian police intelligence showed that hundreds of American anarchists were planning to descend on the convention to engage in violent activities designed to shut down the event. The police developed a security plan based on the intelligence they had obtained, and were prepared for the anarchists to engage in violent conduct.

On April 20, the second day of the convention, approximately 1,000 self-proclaimed anarchists calling themselves members of “Black Bloc” attacked the convention. The anarchists carried backpacks with changes of clothes to mask themselves as well as devices to be used as weapons and attacked the fence surrounding the event. The anarchists brought with them Molotov cocktails, bricks, slingshots with rocks, pipes and bandannas. In addition, the anarchists used various communication methods to coordinate their activities.

Despite the efforts of the anarchists, the conference proceeded uninterrupted by violence.

Boston Democratic National Convention 2004

Prior to the Democratic National Convention in July 2004, Boston police gathered intelligence on a group of anarchists calling themselves the Bl(a)ck Tea Society. The Boston police were determined to avoid a replay of the events of Seattle 1999 in their city. As one writer explained after the Boston convention:

The experience of Seattle during the 1999 World Trade Organization, when demonstrations led to violent clashes between protesters and an overwhelmed police force, was much on the mind of police officials . . . as they prepared their operational plan. There was as well the specter of recent conventions, such as the 2000 DNC in Los Angeles, where police . . . resorted to rubber bullets and tear gas to subdue unruly crowds. It was the kind of ugly scene that Boston police hoped to avoid.

(Exhibit 1-09, p. 11, www.stpaul.gov/rncreport).

The Boston police security plan included a “tiered” approach to the police presence. Under the tiered approach, the police would have a large presence, but would take a “soft approach” initially and only escalate to full riot gear as necessary.

The “soft approach,” however, was not always in full view. As a result of the perceived threat to the convention from these anarchists, Boston Police took a number of pre-emptive steps that included a show of police strength beyond the initial security plan. In one highly publicized and criticized example, the police created a Designated Free Speech Zone (“DZ”) for political protests that was enclosed by an eight foot high fence with overhead netting and razor wire. The DZ was guarded by police in riot gear. This was to be the focal point for those wishing to express their opposition to the convention. Participants, however, described the zone as more like a cage. (Exhibits 8-01, 8-02 and 8-03, www.stpaul.gov/rncreport).

Shortly before the convention, groups including the Bl(a)ck Tea Society sued the City of Boston to change the location and configuration of the DZ. United States District Court Judge Douglas Woodlock, in a written opinion, denied the request. In his decision, however, Judge Woodlock was highly critical of the DZ:

It is a grim, mean, and oppressive space whose ominous roof is supported by a forest of girders that obstruct sight lines throughout as the tracks slope downwards towards the southern end.

The overall impression created by the DZ is that of an internment camp.

Between the overhead tracks, which provide very low clearance in many parts, and the multiple layers of fencing, mesh, and netting, the DZ conveys the symbolic sense of a holding pen where potentially dangerous persons are separated from others. Indeed, one cannot conceive of what other design elements could be put into a space to create more of a symbolic affront to the role of free expression.

At the same time, Judge Woodlock explained the potential threat to the DNC and future conventions by violent anarchists, a threat that necessitated strong security measures:

Two aspects of the DZ situation make the circumstances irretrievably sad. First, the many who wish vigorously but peacefully to express their dissent are inhibited

in their ability to reach their intended audience because the recent experience has shown that there is a reasonable likelihood that an aggressive few will insist on expressing themselves through the use of violence. We have come to a point where it may be anticipated, at this and similar national security events, that some significant portion of the demonstrators, among those who want the closest proximity to delegates or participants, consider assault, even battery, part of the arsenal of expression.

(Exhibit 1-10, www.stpaul.gov/rncreport).

As the photograph below demonstrates, the Boston DZ was not an attractive location for the people who wanted to express their opposition to the convention.



As discussed below, the imagery of the Boston DZ had an impact on SPPD officials planning security for the 2008 RNC in Saint Paul.

In a review of the convention and security planning by the Boston police, a writer from the John F. Kennedy School of Government, Harvard University, noted that few anarchists came to Boston for the DNC and the level of violence was low. Some credited the large police presence and the “soft approach,” along with the lower than expected turnout by the anarchists, as reasons for the limited amount of violence and the small number of arrests.

New York Republican National Convention 2004

Over one year in advance of the 2004 Republican National Convention (“RNC”) in New York, police gathered intelligence showing that a national coalition of anarchists were planning to engage in violent action to destroy property, harm individuals and shut down the event. Law enforcement in New York City summarized the anarchists’ potential tactics to include: multiple changes of clothing to mask their appearances and identity; the use of Molotov cocktails and slingshots along with bags of urine; and close coordination and planning prior to the event.

On August 31, 2004, anarchists gathered at various locations throughout New York with the stated purpose of descending on the convention and taking over hotel lobbies where delegates were residing. In what was described by the media as a “cat and mouse” chase between anarchists and police, a group calling itself the “A31 Coalition” organized activists from over 20 states to shut down the convention. A31 Coalition members stated that they were not interested in participating in large marches or in carrying signs: their goal was to block the convention from taking place. Anarchists spread their message using a web site entitled RNCnotwelcome.org. The New York police made early arrests as the anarchist activities began and the convention proceeded uninterrupted.

Police arrested approximately 1,800 people at the 2004 RNC in New York. Many of the cases were later dismissed. The New York Civil Liberties Union later issued a report critical of the police for engaging in mass arrests and other tactics.

B. The Gathering of Intelligence for the 2008 RNC

Upon receiving the award to host the 2008 RNC, local law enforcement from Saint Paul, Ramsey County and elsewhere traveled to numerous locations to gather information from law enforcement agencies regarding the potential threat for violent activity at the convention in Saint Paul. SPPD and Ramsey County Sheriff’s Office (“RCSO”) officials learned that law enforcement had encountered organized groups of anarchists employing similar tactics for many years. They anticipated that the 2008 RNC could attract similar groups using the same tactics. Shortly thereafter, the SPPD and RCSO, in conjunction with other law enforcement agencies, began to gather intelligence on groups planning to attend the convention with the express intent to shut down the RNC.

Summary of Known Anarchist Goals and Tactics

Based on the experiences in Seattle, Quebec City, Los Angeles, Boston and New York, the SPPD learned that the anarchist groups intent on committing violence at conferences and conventions over the years have used some combination of the following tactics:

- Recruit participants nationally with the goal of “shutting down” the convention or conference;
- Utilize blockades to stop traffic;
- Attempt to attack and quickly disperse in multiple groups in order to confuse police and spread their resources;
- Monitor police planning and responses to anarchist activity;
- Wear bandannas and other clothing to mask their identities;
- Start out wearing black clothing and later change to everyday street clothing to confuse police, camouflage themselves and take on the appearance of peaceful protesters;
- Carry slingshots, and use rocks, feces, urine and other items to throw at police;
- Wear backpacks to carry weapons and a change of clothes; and

- Utilize peaceful marches as their starting off point for attempts to shut down the conference or convention.

By the time SPPD and RCSO officials began their work, the pattern of anarchist behavior at national conventions was well established. It was originally unclear, however, how many anarchists would attend the RNC or how violent they would be. Initially, the SPPD hoped that the RNC would be similar to the Boston 2004 DNC: a small number of anarchists, little violence and few arrests. While the Minnesota law enforcement community understood that the RNC could attract hundreds of well organized and disciplined anarchists intent on committing violence in the metro area and disrupting the convention, they initially hoped for the best.⁸ SPPD and City officials then set about the task of communicating their vision of the convention and preparing the law enforcement community for the possibility that anarchists would bring their brand of violence to the RNC.

1. Law Enforcement and Community Concerns About Potential Violence

The images of Seattle and other conventions were not lost on those in Minnesota. As the SPPD and city officials informed the community (including protesters, Twin Cities law enforcement agencies and business leaders) about the 2008 RNC, they heard a common theme in response: Are we going to be under attack? Will there be significant violence? SPPD officials described this to the Commission as a significant problem – before the planning for the RNC could even begin, some in law enforcement, business and the protest community were so concerned about public safety that planning could be difficult.

City officials and the SPPD immediately faced a difficult public relations and planning problem: they needed the support of various communities to organize the event but they could not coordinate these communities if people were preoccupied with fear. Consequently, city officials and the SPPD tried to calm people down and explain that they could handle the potential violent activities that may arise. At the same time, at this early stage in the planning process, law enforcement hoped that the anarchists would not come to Saint Paul in large numbers.

2. Law Enforcement Learns About the RNC Welcoming Committee

Not long after the security planning began, however, law enforcement learned that the anarchists who disrupted the WTO and who threatened to disrupt prior conventions, had their eyes on Saint Paul. Law enforcement learned that a national coalition of anarchists were planning on disrupting the RNC, and that they had decided to call themselves the “RNC Welcoming Committee.” Using various web sites and other forms of communication to promote their efforts and recruit members, the Welcoming Committee openly advocated blockading the Xcel Center, immobilizing delegate buses and blocking connecting bridges leading to Saint Paul. For example, in a June 2007 “Call to Action,” the Welcoming Committee stated that its intent

⁸ See, e.g. Affidavit of Assistant Chief of Police Matthew Bostrom, dated June 19, 2008, pp. 21-22 in *Coalition to March on the RNC, and Stop the War v. City of St. Paul, et.al.*, Civil Action No. 08-835. (Exhibit 1-11, www.stpaul.gov/rncreport).

was to “derail” the convention and remake it “according to our own visions.” The Welcoming Committee told potential partners that they would not limit anyone’s tactics or agenda, and that they would incorporate the visions of various groups attending from around the country. To law enforcement, these words made clear that the Welcoming Committee was openly encouraging violence. The Call to Action ended with the following message:

September 1, 2008, we, the RNC Welcoming Committee, invite all anarchists and anti-authoritarians, all radicals and rabble rousers, all those who are fed up with government lies, and spectacles to show up ready for action and ensure that we leave no place for these expired politicians. What we create here will send the convention crashing off course into insignificance.

(Exhibit 1-12, Welcoming Committee Documents, www.stpaul.gov/rncreport).

As discussed above, the rhetoric and techniques advocated by the Welcoming Committee were not new. In many ways, they were simply a refinement of what anarchists at the WTO, Quebec City, Los Angeles DNC and New York RNC had articulated. What was unclear to the SPPD, until very close to September 2008, was how many anarchists would come to Saint Paul, and how violent they would try to be.

In order to protect the convention and those who planned to protest peacefully, law enforcement needed to understand how serious a threat the Welcoming Committee presented to the RNC. Therefore, the SPPD and the RCSO began to gather intelligence into the Committee, using the standard investigative means available to law enforcement agencies, including:

- Open Source (the review of publicly available information);
- Undercover Officers (law enforcement officers who posed as anarchists and joined the organizations for the purpose of reporting on their activities);
- Informants (members of the organizations who cooperated with law enforcement and provided information on the organizations’ plans); and
- Surveillance of Welcoming Committee activities.

3. The Welcoming Committee’s Plans to Use Violence at the RNC

Through these means and methods, law enforcement learned that the Welcoming Committee had the following plans:

- To recruit members nationally at a series of events designed to increase interest in their plan to shut down the RNC;
- As of May 2008, to utilize a three part strategy described as “Swarm, Seize, Stay” on September 1, 2008 to shut down the convention;
 - ♦ “Swarm” meant that anarchists would descend on Saint Paul from different directions and use different tactics;
 - ♦ “Seize” represented the instruction to take some piece of property (e.g. an intersection or bridge) and declare it your own;

- ♦ “Stay” indicated that anarchists were to remain in downtown Saint Paul for as long as possible;
- To divide Saint Paul into regions or sectors with different groups from around the country adopting specific regions of the city.
- To follow the plans for permitted marches and to organize in conjunction with the peaceful protests; and
- To consider various methods of shutting down the convention including blockades and direct action at the Xcel.

(Exhibit 1-12, Welcoming Committee Documents, www.stpaul.gov/rncreport).

In addition, law enforcement learned that the anarchists traditionally tried to play what was described in New York as a “cat and mouse” game with police. Their tactic, as reported to the SPPD and RCSO, was to create a disturbance in one area causing police to rush to that location. The people causing the disturbance would then run in a different direction, encouraging the police to follow. All the while, the intelligence showed, another group of anarchists would emerge in a totally different location and try to attack the convention site. The SPPD dubbed this the “whack-a-mole” approach after a popular game that depicts a similar cat and mouse type chase.

4. SPPD’s Attempts to Limit the Number of Anarchists Joining the Welcoming Committee: Community Forums, Dialogue Officers and A Meeting With an SPPD Commander

From prior experience, law enforcement knew that the 2008 RNC presented an additional security problem: Minnesota, they believed, had long been home to anarchist groups who could be recruited to join the national Welcoming Committee. SPPD was concerned that these local anarchists, along with other disaffected activists, could be used by the Welcoming Committee to increase their numbers and the level of the threat the Welcoming Committee presented. The SPPD believed that it was critical for them to convince otherwise peaceful protesters not to join the violent activities of the Welcoming Committee.

As a result, the SPPD made efforts to work with peaceful protest groups and to convince them not to align themselves with the Welcoming Committee. First, they conducted numerous meetings with the protest community in an effort to work cooperatively with those who wished to engage in peaceful protests at the convention. These included meetings with the ACLU, anti-war groups, public forums with various protest groups and numerous other meetings. As reported to this Commission, members of the Welcoming Committee also attended the public forums and used them to recruit members.

Second, as discussed earlier, the Commission learned that a number of SPPD Officers sought to utilize a European technique involving “Dialogue Officers” to keep the Welcoming Committee from recruiting otherwise peaceful protesters to join their cause. The Dialogue Officers, also known as Free Speech Liaison Officers, sought to make contact with various peaceful protest groups to build relationships that would lead, among other things, the peaceful

groups to resist efforts by the Welcoming Committee to recruit them. In addition, the Dialogue Officers planned to have plainclothes officers present during protests and violent activities to continue the relationship and keep peaceful protesters from joining the anarchists. These officers were also to assist protesters during violent confrontations by providing easy exit routes and assisting them in obtaining medical care. The Dialogue Officer approach, however, never really got off the ground despite hard work by some committed members of the SPPD.

Third, an SPPD commander attended a September 2007 Welcoming Committee picnic in Saint Paul. The commander showed up in an effort to convince the anarchists not to try and disrupt the convention. Based on reports of the meeting available to the Commission, the commander appears to have been well-received. At this picnic, the SPPD took pictures of some Welcoming Committee members, and they took pictures of themselves with the commander. Indeed, the meeting was made part of the Welcoming Committee's post-meeting report.

5. Disagreements Within Law Enforcement Regarding Intelligence

There was some disagreement among members of law enforcement as to how many anarchists would come to Saint Paul for the event under the guise of the Welcoming Committee. While most estimates predicted between 500 and 1,000 anarchists would attend, some estimated that 3,000 or more could come to the convention. It was not clear to law enforcement how many additional activists from local and other groups would join the Welcoming Committee, but it was believed that the Committee's recruiting efforts were not as successful as the anarchists hoped.

There was also some tension between the different law enforcement agencies gathering intelligence. In the summer of 2007, the SPPD and the RCSO agreed that the RCSO would be the lead local agency gathering intelligence into the Welcoming Committee, although the SPPD continued its own intelligence gathering activities that did not conflict with those of the RCSO.

As the date for the RNC approached, law enforcement intelligence gathering increased, and the information concerning the Welcoming Committee's plans and tactics grew. Through informants, undercover officers and open source materials, law enforcement received information about specific individuals who were recruiting members to join the Welcoming Committee and locations where materials for use in violent activities would be stored.

6. The Pre-Convention Search Warrants

Shortly before the RNC was set to begin, law enforcement officers in charge of intelligence gathering met to discuss how to use the information they had obtained about the plans of the Welcoming Committee and its members. As many noted and explained to this Commission, it is one thing to gather intelligence, it is another to use it to develop a plan to ensure public safety. Based on the information law enforcement had gathered to that point, law enforcement made the decision to apply for search warrants for specific locations believed to contain devices the anarchists hoped to use to shut down the convention and to engage in violent acts in Saint Paul.

In a detailed August 29, 2008 affidavit in support of search warrants in Saint Paul and Minneapolis filed with the Ramsey County District Court, law enforcement officers described

the intelligence gathered by the RCSO since August 2007. (Exhibit 1-13, www.stpaul.gov/rncreport). By this point in law enforcement's efforts to gather intelligence on the Welcoming Committee, it was clear that the anarchists would focus their efforts on the first day of the convention, September 1, 2008. In a separate affidavit filed in federal court on September 5, 2008 in support of a criminal complaint, Special Agent Christopher Langert of the FBI set forth the FBI's intelligence obtained regarding a Texas anarchist group. The information obtained by the FBI confirmed some of the intelligence gathered by local law enforcement related to the violent intentions of the anarchists traveling to Saint Paul for the RNC. (Exhibit 1-14, www.stpaul.gov/rncreport).

The Ramsey County affidavit provided a detailed, fifteen-page factual summary of local law enforcement's intelligence and its investigation of the Welcoming Committee. The affidavit explained that the Welcoming Committee was a self-described "anarchist/anti-authoritarian group" whose website declared its goal to "crash the convention, shut down and disrupt the RNC." As set forth in the affidavit, police investigators relied on a variety of sources to obtain probable cause for the searches.

As the affidavit explained, the RCSO investigation of the Welcoming Committee began more than a year earlier. As previously explained, the RCSO used a variety of investigatory techniques, including: viewing and monitoring open source information on the Internet; using an undercover investigator who posed as a member of the Welcoming Committee; and employing two confidential informants who posed as members of the Welcoming Committee and who had provided reliable and corroborated information during other criminal investigations in the past. Finally, police used surveillance to monitor Welcoming Committee members, activities and public statements.

According to the affidavit, the Welcoming Committee's recruiting and training activities were sophisticated and extensive, including travel to or communicated with groups in 67 cities. The Committee held two national gatherings to plan for direct action to disrupt the RNC. The first meeting was held from August 31, 2007 to September 1, 2007. The second was held on May 3, 2008. Over 100 delegates from 40 anarchist affinity groups attended this second gathering. The affidavit explained that at this gathering, attendees discussed kidnapping delegates, blockading bridges, and using sprayers filled with urine or chemicals on police.

During this meeting, delegates also agreed to divide Saint Paul into seven sectors for which different groups would be responsible. From July 31 through August 3, 2008, the Welcoming Committee hosted an "action camp" at Lake Geneva, Minnesota, to teach direct action techniques.

Notably, at this meeting at Lake Geneva, the affidavit states that fifty attendees received instruction in violent activities such as the manufacture of Molotov cocktails.

During August 2008, police surveillance and informants observed six alleged leaders of the Welcoming Committee purchasing and assembling materials – fireworks for homemade incendiary devices, equipment and tools to manufacture lock-boxes and "sleeping dragons" to block roads and ingredients for Molotov cocktails – for use during the RNC. On August 28,

2008, a Confidential Informant received Welcoming Committee documents at the Committee's central location, known as the "Convergence Center." These documents included instructions in how to "crash" the convention, manufacture a Molotov cocktail and how to use a slingshot aimed at police.

During the execution of the warrants at the three Minneapolis residences, police seized the following items:

- Metal caltrops and materials to make more caltrops;
- Knives, machetes, slingshots and marbles;
- Smoke canisters and bombs, fireworks, gas masks and bottles of vinegar to combat the effects of chemical irritants;
- Materials to make sleeping dragons (PVC pipe, chicken wire, lock boxes);
- Buckets of nails, bolt cutters and hacksaws;
- Bottles and buckets containing yellow liquid (suspected to contain urine);
- Heavy chains, rebar, broken up cement blocks;
- Spray paint, two-way radios, ninja foot-spikes; and
- Welcoming Committee documents and sector packets alleged to detail surveillance photos and intelligence for out-of-town anarchists.

(Exhibits 2-01 through 2-48, www.stpaul.gov/rncreport).

The Ramsey County Sheriff's Office has since confirmed, through lab reports, that the bottles and buckets of liquid seized during the searches contained urine. (Exhibit 1-19, www.stpaul.gov/rncreport).⁹

The documents seized during these searches also led law enforcement to 287 East 6th Street, which was the Welcoming Committee's communication center. On September 1, 2008, at that location, law enforcement recovered six police scanners tuned to police communication channels, computers, maps, and communication devices which the persons present used to direct anarchist actions against the police.

Saint Paul Police Officers also executed a search warrant at 951 and 949 Iglehart Avenue, Saint Paul, on August 30 at which members of the I-Witness Video Group were staying. Police detained the owner of the home and other people present for two hours while they obtained a search warrant to search the premises for firearms, weapons, hazardous materials, computers, cell-phones and the like. The police did not seize any items during the execution of the warrant. On October 9, 2008, the homeowner served notice on the city of Saint Paul that he will file a

⁹ Many community members asked the Commission whether reports of anarchists throwing urine and feces were accurate. Some questioned whether these allegations were simply invented to make the anarchists look more violent than they were. These lab reports, along with various photographs we have seen, statements we have received from law enforcement officers and video, make it clear that the anarchists most certainly used human waste as a weapon and had much more that they intended to use. (Exhibits 4-51, 4-52, 11-04, www.stpaul.gov/rncreport).

\$250,000 lawsuit related to this search. Because this matter is in litigation, the Commission expresses no opinion about the sufficiency of the search warrant, the conduct of the search or the merits of the suit.

7. The Federal Arrest Warrants For McKay and Crowder and the SPPD Warrant to Search the Dayton Apartment

On September 5, 2008, the FBI obtained an arrest warrant for David McKay and Bradley Crowder for their alleged activities to disrupt the RNC by use of Molotov cocktails. The affidavit accompanying the warrant application details some of the FBI's intelligence into the activities of the Texas affinity group believed to be working with the Welcoming Committee. (Exhibit 1-14, www.stpaul.gov/rncreport). The affidavit explains that, beginning in 2007, the FBI received information from an informant in San Antonio about the activities of the Texas group. According to the informant, Crowder attended what the RCSO affidavit described as RNC#2 in May 2008 to plan activities to disrupt the RNC. The informant told the FBI that Crowder was traveling to Saint Paul with others from the Texas group in a van with a trailer. The trailer contained shields to be used at the RNC. SPPD seized 34 shields from the trailer on August 31, 2008. The FBI reported in the affidavit that Crowder, McKay and others went to a Walmart in Saint Paul and purchased items used to make Molotov cocktails. The informant later told the FBI that Crowder and McKay were storing Molotov cocktails in an apartment on Dayton Street. On September 3, 2008, SPPD obtained a search warrant for the Dayton location, and seized Molotov cocktails, gas masks, a bolt cutter, a sling shot and other items.

McKay and Crowder were indicted by a federal grand jury for the District of Minnesota on September 23, 2008 for illegal possession of firearms. Crowder had pled guilty, and McKay is awaiting trial.

8. SPPD Develops a Plan for a Free Speech Area Distinct from that Used in Boston

As described above, City officials and leaders of the SPPD explained to the Commission in detail their vision for the RNC, a vision that included a welcoming approach to those who wanted to exercise their rights to protest, peacefully, against the convention. The SPPD officials who traveled to Boston to discuss security for the convention were taken aback by the images of the Boston DZ. (Exhibits 8-01, 8-02 and 8-03, www.stpaul.gov/rncreport).

The SPPD officials decided that, in keeping with their vision for the RNC, they would create a free speech area that was closer to the Xcel Energy Center than the DZ was to the Boston venue.¹⁰ In addition, despite the need for stringent security around the Xcel, they decided

¹⁰ Exhibits 1-11 and 1-20, www.stpaul.gov/rncreport, Affidavit of Assistant Chief of Police Matthew Bostrom, dated June 19, 2008, p. 18 in *Coalition to March on the RNC, and Stop the War v. City of St. Paul, et.al.*, Civil Action No. 08-835 (describing the DZ in Boston as 450 feet from the convention center entrance). The protest area at the DNC in Denver was approximately 700 feet from the Pepsi Center (Exhibit 9-05, www.stpaul.gov/rncreport). The Saint Paul PVA was approximately 150 feet from the Xcel.

to have a free speech area that was not heavily guarded, had no covering and used fencing that allowed speakers to be seen as well as heard.

In addition, SPPD leaders decided to allow the protest marches to take place while official RNC business was being conducted inside the Xcel Energy Center. This was the first national political convention at which such large contemporaneous marches within sight and sound of the venue were allowed. (Exhibit 4-01, www.stpaul.gov/rncreport).

LAW ENFORCEMENT'S INTERACTIONS WITH THE COMMUNITY AT THE RNC AUGUST 31 – SEPTEMBER 4

1. August 31, 2008

The day before the official beginning of the RNC, two permitted parades were scheduled, including a Veterans for Peace march. The parades proceeded peacefully from the State Capitol, along the official parade route and back to the State Capitol. Law enforcement presence along the route was limited to Reserve Officers, Bike Officers and some MFF Officers near the Landmark Center. The parades proceeded with limited incident. Police arrested seven people when they departed from the permitted parade route near W. 7th Street and St. Peter and converged on the Landmark Center. (Exhibits 3-01 and 3-02, www.stpaul.gov/rncreport). The Commission heard few comments from the public regarding the August 31, 2008, parade. However, one marcher, a Viet Nam War veteran, criticized the presence of a significant number of helicopters over the parade route, which gave him flashbacks to his service in Viet Nam. The Commission has determined that the air space over the Xcel Energy Center was protected as part of the Security Plan for the RNC, consistent with national security standards. Numerous agencies had aircraft either deployed or available for deployment during the RNC. Most of these were helicopters. In addition, news helicopters were deployed throughout the RNC; however, those deployments were limited by the airspace security.¹¹

2. September 1, 2008

There were two permitted marches scheduled for the first day of the convention: a morning march by the Iraq Veterans against the War and an afternoon march by the Anti-War Coalition to March. (Exhibit 1-21, www.stpaul.gov/rncreport). The organizers of the Anti-War Coalition March stated that they anticipated tens of thousands of people would participate in the march. However, when the march began at 1:00 p.m. on September 1, the actual number of marchers was estimated at between 3,500 and 10,000. The 3,500 estimate was provided by a Saint Paul Police Officer who was present and who has significant experience controlling crowds on the Capitol grounds where the march began.

¹¹ The Commission was, however, troubled to learn about the experience of this veteran and community member and we appreciated his candor. While we have no basis to question the need for a strong air presence, this issue could have been helped somewhat by stronger communication prior to the event that the public should expect helicopters and other security from the air during the convention.

Law Enforcement Intelligence Leading Up to the RNC

One of the fundamental principles of the law enforcement planning for the RNC was that officer actions and deployment would be based on intelligence wherever possible. By August 30, 2008, the police had clear intelligence that September 1 was the anarchists' "all in" day, during which they would attempt to cause maximum disruption with the goal of "shutting down" the RNC. Police also had intelligence prior to September 1 that the anarchists had divided Saint Paul into sectors for anarchist action, that they would attempt to get to the Xcel Center from different directions (a "pincer move") and that they would attempt to get the police to chase them ("whack-a-mole"). (Exhibit 1-12, www.stpaul.gov/rncreport). However, the police also had intelligence that the anarchists on September 1 would embed themselves in the large, peaceful march and then break off from that march to attempt to get to the Xcel Center. Whichever strategy the anarchists adopted, intelligence indicated that they would likely begin their activity simultaneously with the peaceful march.

The commander of police MFF operations told the Commission that he attempted to deploy resources in preparation for both an anarchist threat embedded within the main march and for a threat coming from divergent directions. He further stated that the intelligence for September 1 was "right on" except for the intensity and confrontational nature of the anarchist conduct. He, and others within law enforcement, were surprised by the organization, tenacity and aggressiveness of the anarchists and by the amount of damage they caused.

Staffing and Deployment of Officers

Based on the intelligence and the experience of the August 31 parades, the SPPD placed primary reliance upon the MFF to respond to any anarchist or other illegal activity. MFF divisions were posted at intersections one block away from the permitted parade route. Based on the group that had left the permitted parade route on August 31 and converged on the Landmark Center, on September 1 planners deployed MFF along the parade route on W. 7th Street between St. Peter and Cedar. An MFF unit was also deployed at 10th and Wabasha to enforce the parade route turn at that intersection. Otherwise, the permitted parade route was staffed with unarmed Reserve Officers and saw horses at intersections.

Some MFF deployments were dictated by considerations other than intelligence and events. At the insistence of the United States Secret Service ("USSS"), one MFF division was deployed "inside the box" (inside the fenced perimeter around the Xcel Center). At the request of the City of Minneapolis, one Minneapolis MFF division was deployed in downtown Minneapolis throughout the RNC. At the insistence of Ramsey County, the Ramsey County MFF was deployed around county buildings in downtown Saint Paul. Finally, the State requested that the State MFF be deployed at the Capitol. These special considerations limited the number of MFF Officers initially available for intelligence-driven deployment. (The Ramsey County and State MFF divisions were available for redeployment, as events dictated.)

On September 1, there were approximately 11 Bike Rapid Response Teams ("Bike") deployed. The four Saint Paul bike units had 12 officers per unit. The seven Minneapolis bike

units had seven officers per unit. Although initially deployed along or near the permitted parade route, the Bike teams' mobility allowed them to redeploy quickly.

Saint Paul Patrol Officers were not part of the RNC deployment plan for September 1. As discussed above, Patrol Officers were told that there would be no change in their role during the RNC and that it would be "business as usual." As a result, Patrol Officers received no specialized equipment for crowd control and little special training. (Some Patrol Officers received a short refresher training course in basic crowd control.)

Saint Paul SWAT Officers in tactical gear were deployed to provide security around the perimeter of the Xcel Center. SWAT Officers wearing standard khaki uniforms and tactical gear appeared to some citizens to be members of the military. Thus, when SWAT Officers engaged with anarchists, these khaki uniforms caused some to believe that the National Guard was engaged with protesters. (Exhibit 12-01, www.stpaul.gov/rncreport). This was incorrect. (The National Guard was deployed late on the afternoon of September 1 in the area of Kellogg and Wabasha, but only as a rear guard behind the MFF and had no direct interaction with any anarchists or protesters during the RNC.)

Early Anarchist Activity on the First Day of the Convention

At approximately 11:00 a.m. on September 1, two Saint Paul Patrol Officers responded to a citizen complaint regarding a crowd pushing a dumpster down the street in the area of W. 7th Street and Western. The two Patrol Officers encountered approximately 10 anarchists with covered faces pushing a dumpster down the street. The officers attempted unsuccessfully to stop this conduct and followed the anarchists in their squad cars for approximately two blocks. The anarchists pushed the dumpster into one of the squad cars. The Patrol Officers radioed for help via the dispatch channel (Ch. 2). After seven or eight minutes, a SWAT unit responded. Later, a Neighborhood Response Team and additional Patrol Officers also responded. (According to MFF Officers, the closest MFF was 20 minutes away due to obstructions to motor vehicle traffic caused by the fenced area around the Xcel Center ("the box").) Police made several arrests and the remainder of the anarchists fled on foot.

At approximately 12:15 p.m., three Patrol Officers responded to a traffic accident with injuries at John Ireland Blvd. and Kellogg ("Cathedral Hill"). Shortly thereafter, they observed a group of approximately 75 anarchists, some wearing helmets and gas masks, pushing a dumpster down Dayton past the Cathedral and moving toward the Capitol. The Patrol Officers used the Ch. 2 dispatch channel to call for assistance, including a request for assistance from the MFF. Dispatch commanded the officers to back off, which they did. Six to eight patrol squads responded. MFF, however, did not respond at that time. The crowd pushed the dumpster down John Ireland Boulevard. to Saint Anthony, throwing garbage onto the street. The anarchist crowd then returned to John Ireland Boulevard, abandoned the dumpster and walked back toward the Cathedral. A unit of MFF had responded by this time, but did not contain or disperse the crowd. (Exhibit 4-10, www.stpaul.gov/rncreport). The anarchists then moved west to the Marion Street Bridge. At 1:00 p.m., while crossing the Marion Street Bridge over I-94, several anarchists used temporary traffic signs and sand bags on the bridge as weapons of convenience, throwing them onto the freeway off-ramp below. One of the weapons struck a loaded delegate

bus. This is all clearly visible on video. (Exhibits 4-11, 4-12, 4-13, 4-14, 4-15, 4-16, 12-01 and 14-03, www.stpaul.gov/rncreport). At the intersection of Kellogg and John Ireland, the anarchist crowd circled another delegate bus and broke the bus' windshield before the MFF moved the crowd. The MFF and Patrol Officers were able to encircle the crowd at Summit Park. However, according to the Patrol Officers, dispatch advised the officers not to intervene and to let the anarchists go. The anarchists fled from Summit Park, eventually joining other anarchists in downtown Saint Paul. (Exhibit 14-04, www.stpaul.gov/rncreport).

At approximately 12:30 p.m., a crowd of anarchists split off from the main protester gathering at the Capitol grounds and marched east down 12th Street to the Minnesota Avenue Bridge over I-94. An MFF unit at 12th and Cedar initially stopped the crowd from proceeding east on 12th to the Minnesota Avenue Bridge and entering downtown. However, the MFF unit withdrew and allowed the anarchists to enter downtown. A television station video recording from the scene shows an MFF supervisor saying "step back" and "let 'em go." (Exhibit 10-05, www.stpaul.gov/rncreport.) The anarchist crowd then spilled into downtown Saint Paul, causing significant damage and mayhem for the next several hours.

Operational commanders have told the Commission that "in real time," they were not aware of the pre-march events at Cathedral Hill or 12th and Cedar. Operational commanders at the MFF Command Center have told the Commission that they did not authorize MFF (or Patrol) Officers to "let 'em go" at either 12th and Minnesota or at Summit Park. Further, the commanders told the Commission that MFF division commanders had clear direction to detain and arrest persons engaged in criminal behavior. The Commission has attempted unsuccessfully to identify and interview the MFF supervisors who had detained and released the anarchist crowds at 12th and Cedar and at Summit Park. The failure to contain and control anarchists at those locations may be explained by the RNC Law Enforcement Civil Disturbance Plan, (Exhibit 1-15, www.stpaul.gov/rncreport), which provides that MFF Division Commanders should not take action without supervisory authority. MFF Officers who were involved in the events of September 1, 2008, told the Commission that MFF commanders at the scene were not given authority on September 1 to deploy without higher levels of authority. All police supervisors interviewed by the Commission agreed that had law enforcement detained the anarchists at those locations and prevented them from entering downtown, the later property damage and violent interactions with police would have been greatly reduced or mitigated.

The Peaceful Permitted Marches Proceed As Planned

There were two permitted marches on September 1 utilizing the permitted parade route. (Exhibit 1-16, www.stpaul.gov/rncreport). The morning Iraq Veterans against the War march proceeded peacefully without any interaction with police. In fact, a national leader of Iraq Veterans against the War wrote a letter after the RNC to the SPPD commending the department for its "supportive" and "respectful" conduct during the march. (Exhibit 1-17, www.stpaul.gov/rncreport).

The very large march of the Anti-War Coalition to March was scheduled to start at 1:00 p.m. By that time, a large number (500-1,000) of anarchists were already loose in downtown Saint Paul and becoming fully engaged with Patrol Officers and Bike Officers. (See below.)

Because of the mayhem the anarchists were creating in downtown, Saint Paul law enforcement and political leadership discussed whether to allow the permitted march to proceed. As they discussed that day, there existed a significant risk that the entire downtown area could descend into chaos if the rampaging anarchist groups became entangled with the large crowd of peaceful permitted marchers. These leaders deferred to the police as to whether the permitted march would constitute a significant security risk given the anarchist activities. Assistant Chief of Police Matt Bostrom personally decided to allow the parade to proceed. Assistant Chief Bostrom told the Commission that he based his decision to allow the parade to proceed simultaneously with anarchist mayhem a few blocks away on the following considerations:

- The anarchists had already peeled off from the peaceful protesters and “self-identified” themselves;
- There was no current intelligence of an anarchist threat inside the group of peaceful protesters;
- The parade route was contained with MFF within one block of the route; and
- The march participants were ready to proceed and had been promised the right to march.

As a result, under extremely tense circumstances, the SPPD allowed the peaceful protesters to exercise their right to march and be heard.

The Anti-War Coalition march proceeded on schedule with a Saint Paul Police Officer driving a cart with a “follow me” sign at the front. The parade route was lined with unarmed Reserve Police Officers, except for two two-block stretches where MFF were deployed on W. 7th St. and the intersection of 10th and Wabasha.¹² The march of between 3,500 and 10,000 people completed the route within two hours without incident and without any significant interaction with the police. (Exhibits 10-03, 10-04, 14-06, 14-07, 14-12 and 14-13, www.stpaul.gov/rncreport).

Anarchist Activity in Downtown Saint Paul

After the MFF unit at 12th and Minnesota “let” the anarchist group “go,” the anarchists proceeded south on Minnesota. At approximately 12:30 p.m., a Patrol Officer at the old Saint Paul Police Headquarters at 10th and Minnesota made a radio call for assistance to respond to the group of anarchists. Patrol Officers responded. For approximately the next few hours, Patrol Officers were fully engaged throughout downtown with the 500 anarchists.

The anarchist groups entered downtown from several different directions: from the north down Minnesota; from the west from John Ireland Boulevard; and from the east across the I-94 bridges. The combined groups eventually totaled 500-1,000 people.

¹² The Commission has learned that commanders made a mid-march change to the parade route in order to provide a clear route to and from the PVA. The return route was changed from Cedar to Minnesota and the MFF deployment was extended to the intersection of W. 7th and Minnesota.

As the following photographs of anarchists throwing items off of the Marion Street Bridge on to traffic, and smashing the windows of a police car make clear, the people who descended on Saint Paul on September 1 were not unruly college students or wayward kids. They were violent criminals intent on causing harm to person and property.



(Anarchists throwing materials off of the Marion Street Bridge on September 1, 2008)



(Anarchists smashing the windows of a police car on September 1, 2008)

Patrol Officers informed the Commission that they called for MFF assistance repeatedly on the normal dispatch channel but got no response. (Exhibit 11-01, www.stpaul.gov/rncreport). The Patrol Officers reportedly had no access to the separate RNC dispatch channel. In order to get a message to the RNC dispatcher responsible for the MFF units, the patrol dispatcher had to deliver a message physically to the adjoining RNC MFF Command Room. This communication problem, which was remedied before the end of the day on September 1, significantly impaired and delayed the response by MFF and Bike units. The communication problem between MFF and other officers, especially Patrol Officers, may, in part, be explained by the RNC radio operation plan, which directs that MFF Officers are prohibited from leaving the RNC Dispatch Channel.¹³

The Anarchists Engage In Violence in Downtown Saint Paul

For approximately two and one-half hours, a small group of Saint Paul Patrol Officers were largely alone, except as set forth below, in the downtown area dealing with over 500 anarchists. As one experienced Patrol Officer told the Commission, that afternoon was one of “the scariest moments” in the officer’s career. One officer was knocked to the ground by an anarchist while single-handedly attempting to make an arrest. (Exhibits 4-37, 4-38, 4-39, 4-40 and 12-01). He radioed “officer down.” Mayor Coleman was in the Command Center at that time and described hearing the call “officer down” as one of the most frightening moments of his life.

¹³ The RNC Dispatch Channel was a separate radio channel for law enforcement to address RNC-related incidents.

The photograph below shows what happened to this officer as he tried to make an arrest and was knocked to the ground by an anarchist:



In addition to Patrol Officers, small groups of non-Saint Paul Police Officers were deployed at intersections in Saint Paul largely for traffic control purposes. The Commission was told that these officers were not linked by radio with Saint Paul Dispatch. The Commission was told of one incident near 7th and Wacouta where an anarchist crowd started breaking windows and began marching toward a small group of Cedar Rapids, Iowa officers who were guarding an intersection. These officers were unaware of the advancing crowd until warned by a Saint Paul Patrol Officer.

The Bike Officers were originally deployed near the Capitol grounds with the assignment of monitoring the permitted parade. The Bike Officers were monitoring the RNC dispatch channel and not Ch. 2, the route dispatch channel used by Patrol. Therefore, when the Bike Officers came across the anarchists who broke away from the main protest along 12th St., it was “accidental.” Bike Officers eventually created a barricade at 7th and Minnesota and attempted to force crowds moving south on Minnesota west toward the permitted parade route. At that location, anarchists charged the Bike Officers line, throwing bottles and using poles from their

protest signs as weapons. Bike Officers responded with pepper spray. (Exhibits 4-26, 4-27, 12-01 and 12-02, www.stpaul.gov/rncreport).

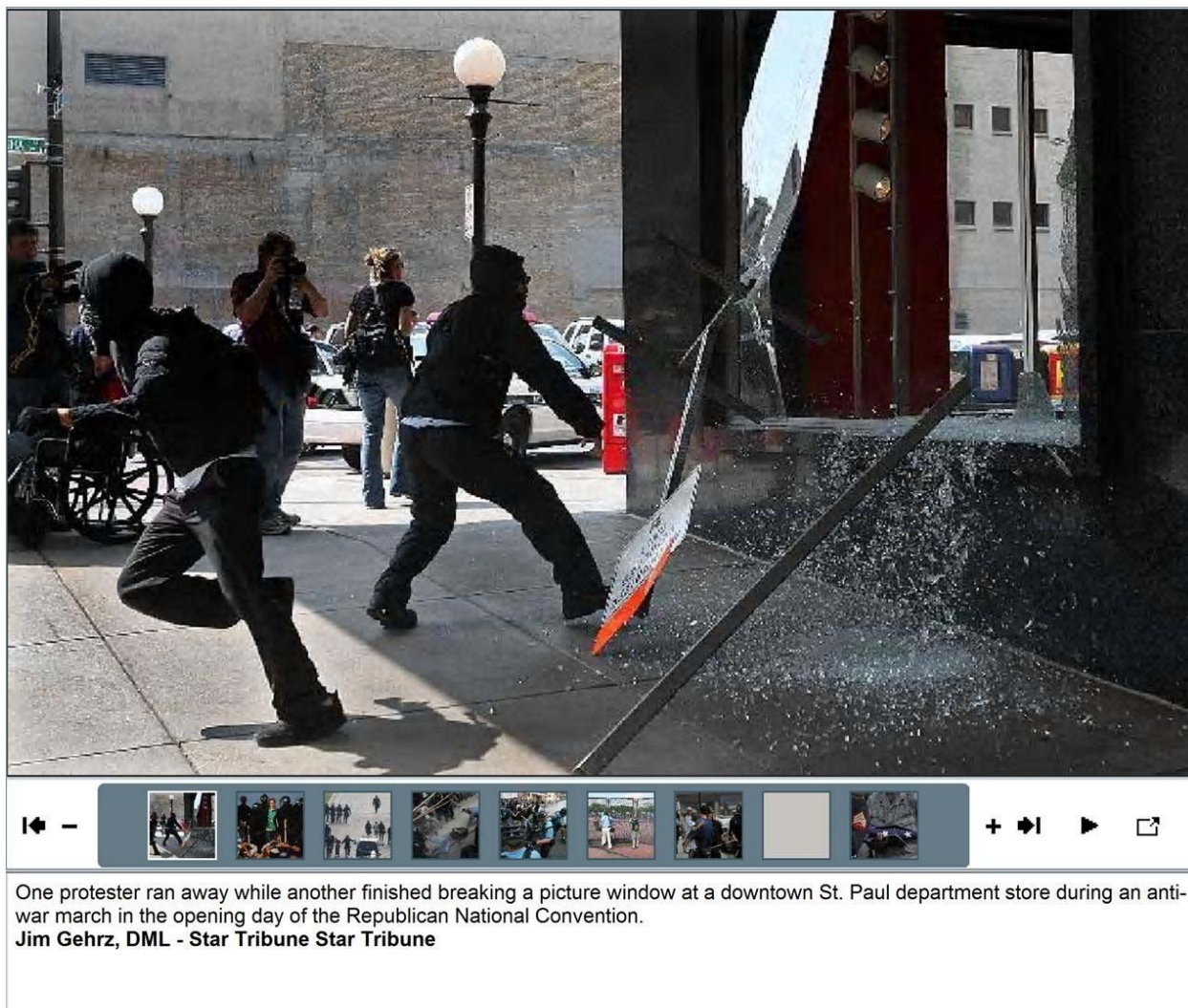
Saint Paul SWAT Officers in tactical gear were deployed just outside “the box” and were monitoring Ch. 2. When they heard the Patrol Officer calls for assistance, they responded and engaged anarchists near the parade route. (Exhibit 12-01, www.stpaul.gov/rncreport).

MFF Officers told the Commission that their response to Patrol Officer calls for assistance in the early afternoon was impaired by the radio channel communication problem and by difficulty in moving as a group. The MFF Officers and their multiple vans were required to travel together. They reported to us that they would get stuck in traffic, at stop lights and for other reasons and had to wait for the remainder of their caravan. In addition, they could not drive through the area protected by the fence and sometimes had to take circuitous routes to respond to a call. As one MFF Officer told us, every time the unit was deployed somewhere, “we always arrived late.” Despite being labeled the “mobile” field force, they told us that they were not particularly mobile or agile.

Between approximately 12:30 p.m. and 3:00 p.m., the anarchists moved relatively freely through downtown Saint Paul. Except for an area along the parade route, loose items, including planters, refuse containers, newspaper boxes and traffic signs were not removed from the streets downtown. Many of these items became weapons of convenience for anarchists, who also used them to block streets and cause damage. (Exhibits 4-23, 4-24, 4-35, 4-46 and 12-02, www.stpaul.gov/rncreport). During their rampage, the anarchists broke windows on buildings and squad cars, slashed tires on squad cars and media vehicles, blocked streets, attacked individuals including police officers, RNC delegates and bystanders and attempted to prevent RNC delegates and delegate buses from entering the Xcel Center. (Exhibits 4-26, 4-27, 4-29, 4-30, 4-31, 4-32, 4-34, 4-35, 4-36, 4-37, 4-42, 4-47, 11-01, 12-01, 12-02 and 15-02, www.stpaul.gov/rncreport).

In these photographs, anarchists can be seen breaking windows in downtown Saint Paul:





(Photograph used courtesy of the *Minneapolis Star Tribune*)

Contrary to the traditional concept of anarchism, the anarchists on September 1 were organized and coordinated. The Commission has learned that law enforcement recovered a radio on the early afternoon of September 1 from a backpack abandoned by an unofficial medic traveling with the anarchists. Police thereafter overheard radio communication between anarchist leaders. In addition, the Commission has learned that later on the afternoon of September 1, the police identified and seized an anarchist command and communications center with state-of-the-art monitoring and communications equipment at the Allen Building at 6th and Wall.

This ability to communicate and coordinate allowed the anarchists to engage police in a game of “whack-a-mole” on the early afternoon of September 1, in which the police were always chasing the anarchists but not controlling them.

During their rampage through the City, many of the anarchists disappeared behind walls or cars and removed the black clothes and scarves they had been wearing. They emerged in average street clothes, thereby enhancing their ability to blend in with peaceful protesters and avoid arrest. On video, the Commission was able to see anarchists in black clothing and bandanas covering their faces disappear and then re-appear looking like students, and waving peace signs. (Exhibit 12-01, www.stpaul.gov/rncreport).

Law Enforcement Re-Groups to Slow the Anarchist Activities

By approximately 2:00 p.m. on September 1, MFF commanders realized that the police could not play “whack-a-mole” with the anarchists. Shortly before 3:00 p.m., all Patrol Officers were ordered to vacate downtown Saint Paul. (Exhibit 12-01, www.stpaul.gov/rncreport). Shortly thereafter, MFF units were deployed south and east of the Landmark Center and began marching forward, forcing the anarchists north and east. As police proceeded, they deployed less than lethal weapons, such as pepper spray, smoke grenades and tear gas, to get the anarchists to retreat. This engagement was most visible along Kellogg between Wabasha and Robert.

The Commission has learned that the use of pepper spray is very low on the use of force continuum as applied during the RNC and is preferred over physical contact. This assumes, however, a defensive use of pepper spray to ward off attack, or a general use of the spray to clear a wide area. At times during the RNC, however, law enforcement directed pepper spray at specific individuals, in an offensive fashion. In one particular incident on September 1 we observed on video, a woman, who was standing still immediately in front of advancing MFF units on Kellogg, was repeatedly doused with pepper spray, rather than arrested. Such apparent uses of pepper spray as an offensive weapon troubled the Commission. One police leader told the Commission that offensive use of pepper spray aimed at a specific individual would not normally be an acceptable use of force. Given this, we believe that what appears to be the apparent excessive use of pepper spray as an offensive weapon against specific individuals may warrant further review.

An Anarchist Group is Moved to the Park off of Shepard Road and Arrested

Advancing MFF units drove anarchists to the intersection of Robert and Kellogg where the anarchist group split, part going north on Robert and the remainder going east on Kellogg and eventually down the hill to Shepard Road. MFF Officers followed the anarchists who ran north on Robert to the area of 9th and Temperance where they escaped or were arrested.

The anarchists who fled to Shepard Road congregated at the intersection with Jackson. Several anarchists began to approach MFF Officers in the intersection. The anarchists used a hard shield that was disguised behind a protest banner. (Exhibits 4-53, 12-01 and 15-04, www.stpaul.gov/rncreport). During several confrontations in downtown, police reported having bags of urine and feces thrown at them. (Exhibits 4-50 and 11-04, www.stpaul.gov/rncreport). Feces and bottles were thrown at the MFF Officers at Jackson and Shepard. The Commission obtained photographs of bags of feces thrown at Jackson and Shepard from the photographer. (Exhibits 4-51, 4-52 and 4-53, www.stpaul.gov/rncreport). MFF Officers deployed smoke grenades, causing the anarchists to abandon their shields and to retreat west on Shepard.

As the anarchists fled west, another MFF unit blocked Shepard at Chestnut. The fleeing anarchists ran into a crowd of spectators who were in a park near that intersection listening to a concert across the river. The combined MFF units encircled the crowd of anarchists and bystanders, all of whom were told that they were under arrest and were told to be seated. Although MFF supervisors entered the crowd and attempted to identify and remove members of the media and bystanders, Saint Paul police leaders later acknowledged that mere bystanders were likely included in those arrested. The Commission has reviewed video of the arrests showing police removing, and not arresting, some bystanders and members of the media. (Exhibits 15-05, 15-06 and 15-07, www.stpaul.gov/rncreport).

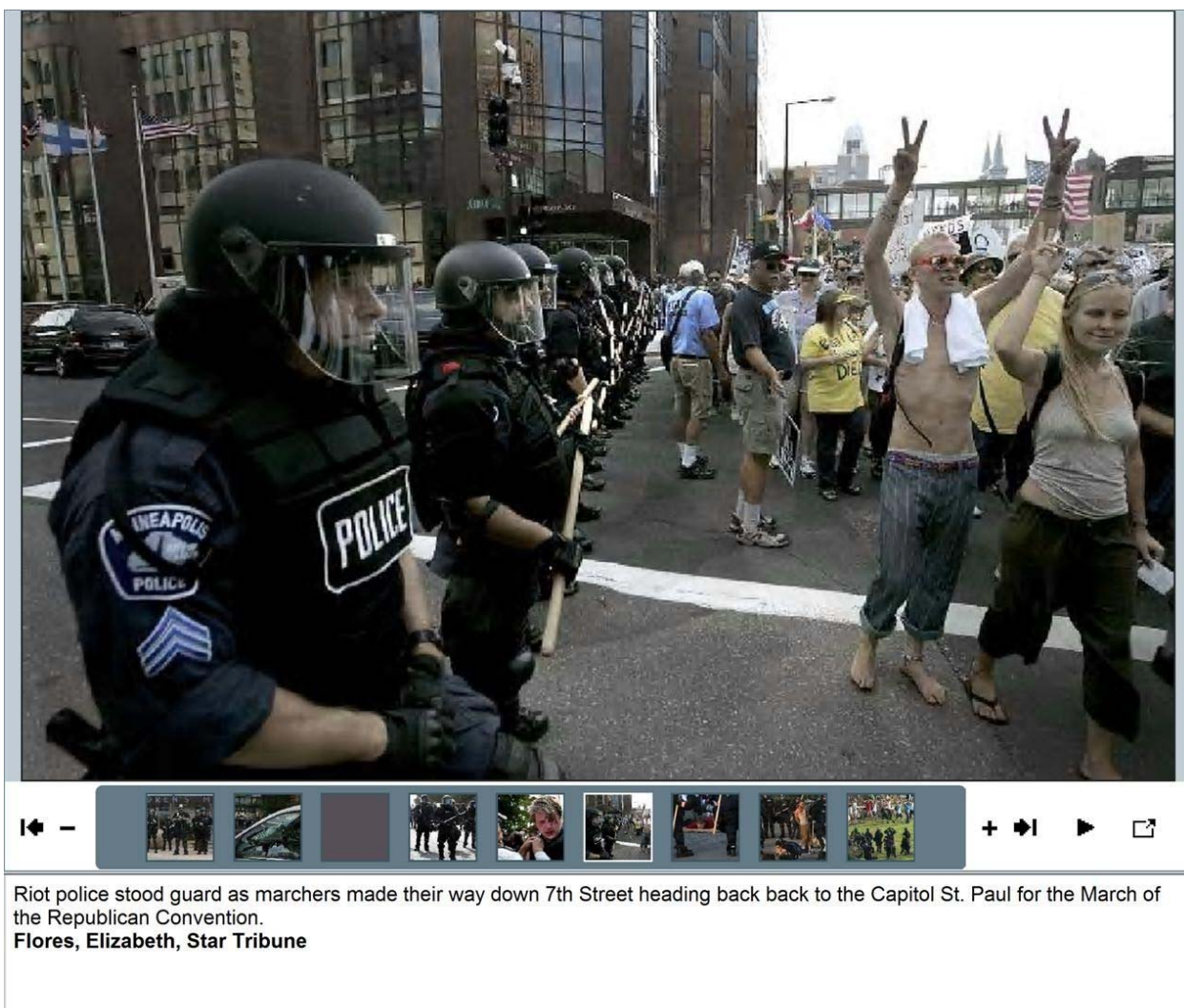
Law enforcement arrested a total of approximately 284 people during the anarchist activities on September 1, 2008.

Citizen Complaints About Law Enforcement Activity on September 1

The Commission received numerous complaints from citizens about police excessive use of force and what they perceived to be a “police state” presence on September 1. It was not always clear where the citizen had been located that day and one’s location could have a significant impact on one’s perspective of the events of September 1.

For example, the Commission reviewed video that showed a light police presence along much of the permitted march route on September 1 with two exceptions. At two locations along the route, MFF in full riot gear were present due to specific security concerns that arose shortly before the march.

The photograph below from the *Minneapolis Star Tribune* shows one of the MFF units along the parade route.



Riot police stood guard as marchers made their way down 7th Street heading back back to the Capitol St. Paul for the March of the Republican Convention.
Flores, Elizabeth, Star Tribune

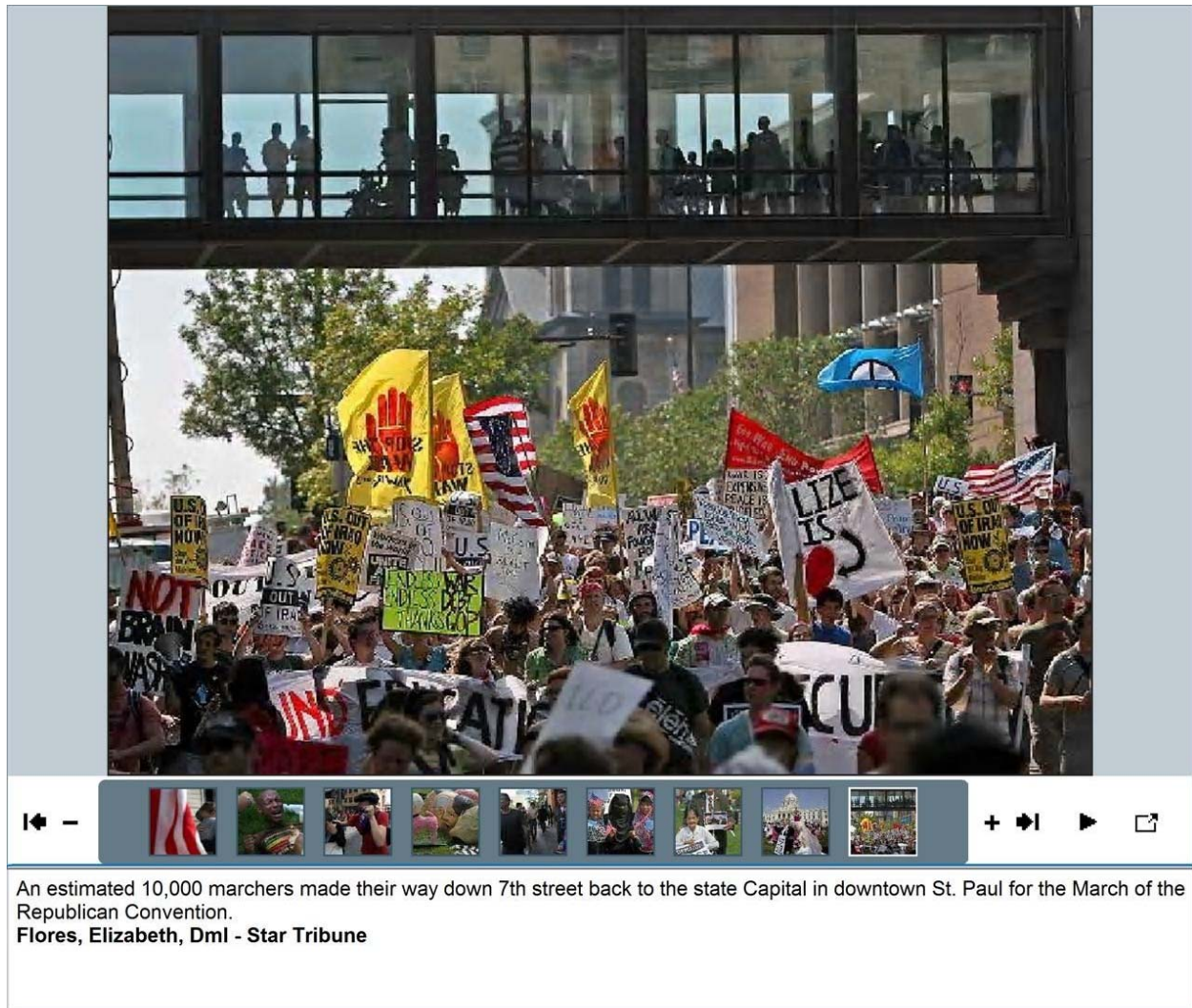
The following photograph from the *Minneapolis Star Tribune* similarly shows the MFF unit on September 1:



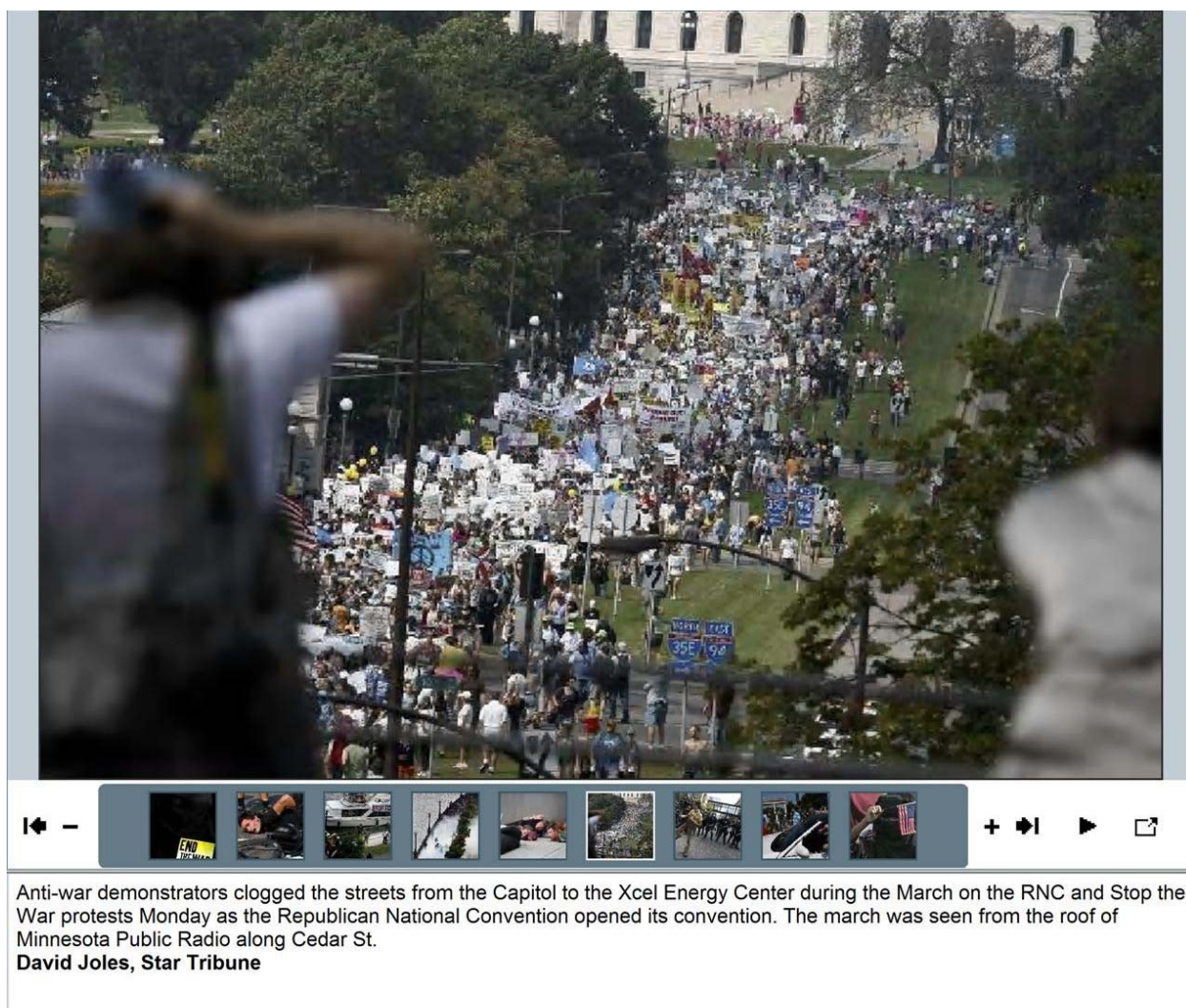
Protester Jack Anderson of Richmond CA poses for a photo with police officers in riot gear as anti-war demonstrators clogged the streets from the Capitol to the Xcel Energy Center during the March on the RNC and Stop the War protests Monday as the Republican National Convention gets underway.
David Joles, Star Tribune

While citizens certainly had a basis for claiming surprise at the police presence at these locations based on the SPPD's stated plan, we found the police department's reasoning for this change to be reasonable and appropriate under the circumstances. The day before the September 1 march, just a few protesters were able to breach the fence. While these protesters did so peacefully, the SPPD had reason to be concerned that the anarchists would not breach the security perimeter in the same, non-violent way. In addition, this Commission finds that, by allowing the large Anti-War Coalition march to proceed at the same time anarchist mayhem was occurring only blocks away, law enforcement and the city's political leadership honored their public commitment to do things differently during the RNC and to support the peaceful exercise of free speech rights.

In the following pictures from the *Minneapolis Star Tribune*, one can see the peaceful parade proceeding elsewhere with limited police presence as promised by the SPPD.



An estimated 10,000 marchers made their way down 7th street back to the state Capital in downtown St. Paul for the March of the Republican Convention.
Flores, Elizabeth, Dml - Star Tribune



Those who viewed later police interactions with anarchists in downtown Saint Paul, however, had every reason to be surprised at the heavy police presence. Again, as law enforcement has told this Commission, this was not what they intended or hoped for. But the plan had to change once over 500 well-organized and highly violent anarchists descended on downtown. The heavy presence that resulted – police in riot gear in large numbers – was fully justified in light of the hundreds of tenacious and violent anarchists who literally attacked the downtown area to commit violent acts and destroy property. Because of the criminal conduct of many anarchists, much of downtown Saint Paul was for several hours on September 1 a moving crime scene. With the exception of the troubling and apparently excessive use of pepper spray for offensive purposes, the Commission finds that the police conduct and tactical clothing and weapons used on September 1 were appropriate under the circumstances.¹⁴

¹⁴ In addition, as noted above, the Commission has expressed its concerns about the treatment of some journalists covering these activities.

The Commission received a complaint from one person claiming that he was abused in the Ramsey County Adult Detention Center following his arrest on September 1. This young man has made his allegations known publicly, and has stated them at public forums. The allegations, however, go to his treatment at a county facility and are outside of the scope of this Commission's review. Therefore, we have made no findings about what did or did not happen to him. Because of the seriousness of these allegations, the Commission assumes that the matter will be investigated by appropriate authorities.

The Commission also received citizen complaints that the police conducted an improper mass arrest along Shepard Road on the early evening of September 1. The Commission was able to verify that, late in the day on September 1, MFF units moved a small crowd of anarchists who had been part of the crowd engaging in unlawful conduct west along Shepard Road. The MFF then allowed those anarchists to become co-mingled with a peaceful crowd at a park near the intersection of Chestnut and Shepard. The police then notified everyone in the area that they were under arrest. Once they did so, law enforcement worked through the crowd and tried to arrest only those people they believed were involved in the prior unlawful activities. At the same time, law enforcement announced that anyone who was a journalist was free to go. (Exhibits 15-05, 15-06 and 15-07, www.stpaul.gov/rncreport). Nevertheless, it appears to the Commission, as Saint Paul law enforcement leaders have publicly acknowledged, that some peaceful bystanders were almost certainly among those arrested. While it does not appear as though an actual "mass arrest" occurred following what appears to be a "mass stop," the allegation of a mass arrest may warrant further review by law enforcement authorities.

3. September 2, 2008

The events of September 1, 2008, had a significant impact on the law enforcement and political leadership of Saint Paul and the rank and file police officers deployed that day. All of these officials expressed the dismay they felt in witnessing the prolonged and intensely violent anarchist activity in their city. At the end of the day, all of these officials expressed their commitment not to permit a repeat of the events of September 1.

Police and political leaders, including intelligence supervisors, expressed their surprise with the organization, tenacity and aggressiveness of the anarchists. Although the police had intelligence that the anarchists viewed September 1 as the "all in day," the police were surprised by how quickly and how early in the day the anarchists became violent and by how much damage they would cause.

Law Enforcement Adjusts its Plan Based on the Events of September 1

In response to the events of September 1, between that evening and the morning of September 2, police leadership changed their strategy for dealing with the anarchist threat. Almost all of the leadership of law enforcement agencies involved in the RNC told the Commission that there were an adequate number of law enforcement officers deployed for the convention. However, police commanders concluded that the MFF, as deployed on September 1, was not nimble enough and was too focused on crowd management, as compared to crowd control. Therefore, on September 2 and thereafter, the police strategy for dealing with anarchist threats at the RNC was one of "contain and control." In addition, the MFF took steps to become

more mobile and increase their ability to respond to calls for assistance more quickly. Finally, they made the decision to deploy MFF in riot gear in a far more visible way starting on the second day of the convention. All of these changes, made in light of the events of September 1, dramatically increased the police presence and the visibility of police in tactical gear.

During the second day of the RNC, there were two permitted parades held along the permitted parade route. (Exhibits 1-16 and 1-21, www.stpaul.gov/rncreport). There was also a permitted truck parade. With the exception of the Poor People's March, which for the most part was peaceful in and of itself, these parades proceeded without incident or any significant interaction with law enforcement.

Law Enforcement Intelligence Concerning Anarchist Plans for September 2

Saint Paul Police developed intelligence that those anarchists not arrested on September 1 planned to use the Poor People's March on September 2 to cause problems by attaching themselves to the end of the parade. According to the intelligence police received, the anarchists intended to deviate from the parade route, most likely in the area of W. 7th Street and St. Peter. The intelligence suggested that anarchists would use the march as a means to get to the Xcel Energy Center and disrupt the convention. Representatives of the SPPD and the United States Department of Justice shared this intelligence with the leaders of the Poor People's March, who stated that the marchers in their group would stay on the allowed parade route.

Unlike other parades which started on the grounds of the State Capitol, the Poor People's March began at Mears Park. There was tension at the beginning of the march for a few reasons. First, two people were arrested at the park after police recovered potential weapons and bags of urine from their backpacks. (Exhibits 5-01 and 11-04, www.stpaul.gov/rncreport). Second, the parade leaders were frustrated because they had no public address system available to them at the park. The leaders of the march wanted to address the crowd, but had difficulty doing so without a public address system. (In getting their permit for the park, according to the SPPD, they had not requested a public address system.) Police officials, including Assistant Chief Bostrom, attempted to help with this problem.

The Poor People's March on September 2

The Poor People's March began at approximately 5:00 p.m., which made it a rush-hour parade. The parade organizers also wanted to march along a route that required last-minute adjustments to the permitted route. The parade followed a circuitous route north from Mears Park to University Avenue, then east to the State Capitol. At the Capitol, the parade followed the normal permitted route toward the Xcel Energy Center and back. During the march, the entire route was lined with MFF units in full tactical gear. This new, heavy presence was a direct response to intelligence and to the events of September 1, but was in contrast to what many protesters stated had been promised by the SPPD in advance.

The Poor People's March proceeded without incident to the public viewing area ("PVA") adjacent to the Xcel Energy Center. At that location, the peaceful protesters attempted to serve a

“citizen’s arrest warrant” on participants within the convention. Thereafter, a majority of the marchers peacefully left the area along the parade route.

However, the anarchist element at the back of the parade continued to congregate at the PVA. This gathering lasted for approximately one hour. At that point, police “inside the box” observed individuals inside the PVA attempting to pull down the fence or climb over it. In addition, police had intelligence indicating that anarchists planned to attack the Xcel. In response, police directed a division of MFF to enter the PVA and order the crowd to disperse. Upon entering the PVA, the MFF commander gave three dispersal orders, at which point the MFF was directed to use smoke grenades for those who did not follow the dispersal orders. This smoke caused part, but not all, of the crowd to disperse. Because of the anarchists attempting to climb the fence and the intelligence they had received, the MFF was then authorized to use smoke grenades and some tear gas, which caused the crowd to move towards Mickey’s Diner at 7th Street and St. Peter.¹⁵

The Confrontation at Mickey’s Diner

The anarchists and others then headed toward Mickey’s Diner where they congregated in the intersection at W. 7th and St. Peter in front of Mickey’s. MFF Officers at that location reported bottles and rocks being thrown at them. Intelligence officers at that location also reported overhearing anarchists planning to divert police attention in the area, thus causing the police to chase them. This would allow the anarchists to pierce the police lines and fences and get to the Xcel Energy Center. Police informants notified law enforcement when the anarchists were preparing to launch their plan and head to the Xcel.

The SPPD was determined not to allow a repeat of September 1. Based on the information in their possession, at this time, the MFF Officers were again directed to order the crowd to disperse. (The dispersal warnings are clearly audible on video tapes from the scene.) Thereafter, MFF Officers used less than lethal force (smoke, tear gas and 40mm marking rounds) to disperse the crowd north on St. Peter toward the Capitol grounds. (Exhibits 5-02, 5-03, 10-06 and 11-04, www.stpaul.gov/rncreport). Other MFF lined St. Peter, thereby preventing the crowd from heading toward the Xcel. Police commanders have described the use of force on September 2 in the area of Mickey’s Diner as a successful and “deliberate implementation of strategic escalation” of force in response to intelligence and conduct on the ground.

Citizen Complaints Regarding Law Enforcement Activities on September 2

The Commission received numerous comments from participants in the Poor People’s March regarding the use of force by police in the area of Mickey’s Diner and about the police presence throughout the march. A number of people complained that the heavy police presence

¹⁵ The Commission received a number of complaints about the SPPD clearing the PVA, claiming that this action was a denial of the right to free expression. The Commission finds that the police action to clear the area on September 2 was justified under the circumstances and does not appear to have been motivated by anything but a desire to prevent anarchists from tearing down or scaling the fence.

along the parade route and at Mickey's diner created the appearance of a "police state." There is no question that marchers and those congregating at Mickey's Diner after the march witnessed a heavy police presence, the likes of which Saint Paul has not seen before. Again, this was inconsistent with the vision and message the city had communicated prior to the convention. This, we believe, is an example of how the city's articulation of its vision created expectations that could not be met once the threat of anarchist violence became a reality. While unfortunate given the goals of the city prior to the convention, the Commission has determined that the police presence in tactical gear was a justifiable and deliberate response to intelligence and the events of September 1 and the behavior of the crowd present at the scene. While we do not dispute the fact that, to some, the heavy presence created a strong visual impression they believed to resemble a "police state," we do not see how the SPPD could do their job properly without this presence. While the Commission has determined that the increased presence of police in riot gear and the use of force near the PVA and Mickey's Diner was an appropriate implementation of the use of force continuum developed for the RNC, the city simply did not do enough to prepare the community for this possibility.

There was a specific allegation concerning September 2 that, if accurate, the Commission found troubling. We believe that this allegation warrants further review. One individual, whose identity is known to the Commission, reported that he was retreating from 7th Street and St. Peter, as directed by the police, and talking on his cell phone when he was shot in the side with a 40mm marker round. The Commission has seen a photograph of the bruise apparently left by the impact of the round. The citizen denies being engaged in any active criminal activity at the time. Police officials have advised the Commission that such less than lethal rounds are only to be fired at targeted individuals engaged in unlawful behavior, such as throwing objects, and not at crowds in general. In addition, the use of such weapons requires a higher level of authorization unless the officer in question is in imminent danger. Because the scope of our work does not include the investigation of specific incidents, the Commission has not conducted a thorough interview of this person; investigated who may have shot the round; determined whether there are police reports regarding the incident; or substantiated whether the complainant was engaged in illegal activity at the time. As a result, we reach no conclusions regarding this citizen's allegation but suggest that authorities conduct a review of the matter.

4. September 3, 2008

During the third day of the RNC, two permitted parades were held along the authorized parade route. (Exhibit 1-21, www.stpaul.gov/rncreport). These parades proceeded peacefully and without incident. In fact, there were no RNC-related incidents reported anywhere in Saint Paul on September 3, 2008.

The Rage Against the Machine Concert and Rally in Minneapolis

The musical group Rage against the Machine ("Rage") had a concert scheduled for the Target Center in Minneapolis for the evening of September 3, 2008. Law enforcement anticipated a potential violent event in Minneapolis that evening. Because the event was to take place in Minneapolis, the preparation for and response to the event fell under the command of the Minneapolis Police Department ("MPD"). The anticipation of potential violence in Minneapolis on September 3, 2008, was based on the following intelligence:

- Historical experience from the Los Angeles Democratic National Convention in 2000, indicating that the concert of Rage in Los Angeles that night was the worst night of that Convention. Law enforcement reported that Rage had a history of inciting people to violent conduct at NSSE gatherings and similar conferences;
- SPPD intelligence indicated that there would be a march following the Rage concert aimed at the hotel of Candidate John McCain (the Minneapolis Hilton), and at the headquarters hotel of the National Republican Party (the Minneapolis Hyatt). In addition, SPPD intelligence indicated that anarchists intended to use the march following the Rage concert as a cover for targeted acts against downtown businesses with a multi-national presence, such as the Wells Fargo Bank and Starbucks;
- Early on September 3, 2008, MPD Officers found caches of rocks, broken concrete, bottles, etc., in several areas around the Target Center; and
- MPD intelligence indicated that the planned march following the Rage concert was not organized by the Welcoming Committee, but involved unaffiliated groups and individuals.

Law Enforcement's Plan for the Post-Concert Activities

In response to the intelligence, the MPD developed a plan of action for the anticipated post-concert march and protest: numbered streets leaving east from the Target Center; *e.g.*, 6th Street, 7th Street, 8th Street, would be blocked in order to prevent individuals from going east on those streets into downtown. The march would be allowed to proceed west down 1st Avenue North to Loring Park. MFF would be in place on 1st Avenue North, north of the Target Center, and on the numbered streets heading east. This plan was developed based on intelligence and the resulting anticipation that there would be hundreds, if not thousands, of marchers.

Officers were deployed while the Rage concert was ongoing, but before the concert ended. Four divisions of MPD MFF were deployed along 1st Avenue North and the numbered streets heading east. Bike and Horse Officers were also deployed in that area. A hybrid of non-MPD MFF Officers were deployed near the targeted hotels and businesses.

When the Rage concert ended at approximately 11:00 p.m., it quickly became apparent to MPD Officers that the marchers would not have the numbers of individuals involved that was originally suspected. This was apparent both from visual observations, interaction with departing concert-goers who were friendly and outgoing to police and intelligence from inside the concert which indicated that Rage had told the concert-goers not to do anything when they left the concert. Even before the concert, MPD developed intelligence that indicated some anarchists were critical of Rage as capitalists who were merely taking advantage of the protest activity.

The Post-Concert Confrontations

At the end of the concert, a group of approximately 100 to 150 individuals gathered outside the Target Center near the intersection of 7th Street and 1st Avenue North, with the

apparent intent of marching in protest. (Exhibits 6-01 and 6-02, www.stpaul.gov/rncreport). However, this group was not moving down 1st Avenue towards Loring Park as planned but, rather, was confronting MFF Officers who were blocking 7th Street at 1st Avenue North. This confrontation resulted in the approximately 100 to 150 individuals sitting down in the middle of the intersection of 7th Street and 1st Avenue North, effectively controlling the intersection. After a period of time, the MPD declared an unlawful assembly. While the protesters were sitting in the street, three warnings were given.

As part of the plan to deal with the anticipated, large protest, MPD had shut down automobile traffic on 1st Avenue North. This resulted in the protest crowd having free control over the street. MPD Officers determined that the crowd was small enough that 1st Avenue North could again be open to vehicle traffic. At this point, MPD abandoned their original plan.

Upon the reopening of 1st Avenue North, traffic began moving and that traffic movement reduced the problem of the protesters in the intersection, as the vehicle traffic caused the protesters to get out of the intersection.

MPD concluded that the intersection of 7th Street and 1st Avenue North was a bad location for an interaction with the marchers who were engaging in unlawful assembly. Within a block of that intersection were two large Convention delegate parties, which created a significant risk of co-mingling of protesters with large groups of spectators.

MPD ordered the MFF on 7th Street to open and allow movement of the protesters east along 7th Street. At that time, the group of protesters began running down 7th Street to the east. Bike Officers were able to get in front of that movement. Private building security along 7th Street was advised of the crowd coming down the street; therefore, the route of the march was covered by private security and some MFF. Private security was linked to MPD Communications Center via an initiative called "Radio Link," which provides radio communication between MPD and private building security. MPD was able to block the intersection of 7th Street and 2nd Avenue South, with Bike Officers, Horse Officers and some MFF Officers. At that location, 99 individuals were arrested for unlawful assembly. (Exhibit 6-03, www.stpaul.gov/rncreport).

Officers used limited, less-than-lethal force during the events of September 3. They used some pepper spray and fired a few rounds of 40mm paintballs at individuals at the point of arrest at 7th Street and 2nd Avenue South when some individuals tried to push their way through the police line.

Numerous media accompanied the protester march down 7th Street from 1st Avenue North to 2nd Avenue South. When MPD Officers made arrests, the media were promptly identified and escorted away from the scene of the arrests.

Law enforcement was effectively able to control the march between 1st Avenue North and 2nd Avenue South and no arrests occurred anywhere else in downtown Minneapolis other than at the intersection of 7th Street and 2nd Avenue South. This entire event took approximately

one and one-half hours between the end of the Rage concert at 11:00 p.m. and the time of the arrests at 12:30 a.m.

In planning their response to the anticipated march on September 3, MPD expected to face a crowd of close to 1,000 individuals. This resulted in what MPD acknowledges may have been too many officers for the eventual size of the crowd, which could have contributed to a feeling of a “police state” by observers on the late evening of September 3.

5. September 4, 2008

Two marches were scheduled for the final day of the RNC. (Exhibit 1-21, www.stpaul.gov/rncreport). Both marches were scheduled to proceed from the State Capitol down the permitted parade route to the PVA and back. One march by the Youth against War and Racism, proceeded as scheduled in the mid-afternoon of September 4. There were no incidents during the march and there was limited contact with law enforcement. (Exhibit 7-01, www.stpaul.gov/rncreport). (The MFF did not line the parade route for the march because intelligence indicated that this group wanted nothing to do with the anarchists or their tactics.) The second marchers, the Anti-War Committee, did not march as scheduled. (*See below.*) The Anti-War Committee’s marching permit expired at 5:00 p.m. on September 4.

Law Enforcement Intelligence Heading into September 4

Intelligence officers reported to Operational Commanders that the anarchists considered the final night to be for those who were not arrested on prior days of the RNC. Intelligence officers reported that September 4 was an “all in” day. According to broadcast interviews with march organizers, the Anti-War Committee march was not planned to be a “family-friendly event.” Intelligence officers overheard march organizers making comments about the marchers being “truly committed” and telling others “don’t bring the kids.” Intelligence also indicated that organizers were promoting the September 4 march as an opportunity to get arrested if one had not already been arrested. According to intelligence, the goal of the march was to cause confusion with the police through a “whack-a-mole” strategy so that the marchers could get some people to the Xcel Center. The marchers were reported to be carrying “come alongs,” cable-pulling devices capable of pulling down a fence, and bags of urine. Intelligence indicated the marchers wanted to be at the Xcel Center when Sen. McCain was in the arena so that they could disrupt the convention. To dispel any confusion about the intent of the marchers on September 4, march organizers stated from the podium during the pre-march rally that the marchers proposed to violate the permit and to avoid the permitted route and time.

The Law Enforcement Plan for September 4

Law enforcement leaders, including the Saint Paul Police Chief, the Operational Commander and the MFF Commander, met at 9:00 a.m. on September 4 to discuss the intelligence for that day and to develop a plan in response to that intelligence. That plan reflected the knowledge and experience gained by law enforcement on prior days of the convention. According to the plan, if the September 4 parades proceeded as permitted, the parade would follow the route from the State Capitol to the PVA and back that was followed on September 2. If the marchers did not proceed pursuant to the permit, the plan was to close the

bridges over I-94 and keep the marchers away from the Xcel Center. This plan reflected the agreement of the law enforcement leadership. According to the plan, if the marchers did not begin their march by 5:00 p.m. when the permit expired, the permit would be cancelled and this group would not be allowed to enter downtown or head to the convention site.

In the event it was necessary to close the bridges, the plan included closing all city bridges leading into downtown St. Paul, including the Smith Ave. Bridge. According to Operational Commanders, they had learned from European precedent to use equipment to create lines wherever possible and instead of people. As a result, arrangements were made with the city to obtain large vehicles such as snowplows to be available to block the bridges if necessary. Based on the intelligence that September 4 was to be an “all in” day for the marchers and anarchists – and one that was not “family friendly,” (i.e. violent) – the plan was to have all appropriate law enforcement resources available. According to police leadership, the plan was to block the bridges and then “wait out” the anarchists and protesters.

The Staffing and Deployment of Officers on September 4

With the exception of one MFF division “inside the box” and one MFF in downtown Minneapolis, all MFF Officers were available for response on September 4. They were initially held in a position where they could deploy either along the parade route or on the bridges leading into downtown. MFF was supported by all Bike and Horse units. These units were initially deployed around the State Capitol grounds. In addition, a small group of motorcycle officers was eventually deployed in blocking the bridges. Approximately 1,000 Reserve officers were deployed on September 4 until about 5:00 p.m. to control traffic around the Capitol grounds and downtown. St. Paul Patrol Officers were not included in the initial RNC deployment on September 4; however, throughout the day, some of the officers were deployed to support the work of the MFF and other RNC-related law enforcement units.

The Mid-Afternoon Arrests

A pre-march protest and rally was held on the State Capitol Mall on the afternoon of September 4. The organizers had obtained a permit for the protest and rally until 7:00 p.m. that evening. During the rally, law enforcement officers identified two individuals in the crowd they suspected to be involved in significant property damage in downtown Saint Paul on September 1. The MFF Commander authorized the arrest of these individuals and deployed Bike Officers to execute those arrests. Bike Officers were in the area of the Capitol and agreed to make the extraction and arrests. According to the Bike Officers, they had trained for this.

The extraction and arrest of the two suspects took place in mid-afternoon. When the Bike Officers entered the crowd, the crowd quickly surrounded them and turned on them. In order to now extricate both Bike Officers and the two suspects, a unit of MFF and of Horse Officers responded and assisted the Bike unit. In addition, some Patrol Officers responded to a request for assistance.

Although one law enforcement commander told the Commission that he believed the “surgical” arrest of the suspects had stopped the momentum of the crowd, that opinion was not

shared by officers involved in the “surgical extraction.” Bike Officers who participated in the arrest told the Commission that they were scared while in the crowd and that the arrests changed the mood of the crowd. A review of videotape of the event supports the conclusion that the extraction during the rally energized the crowd and directed the crowd’s anger toward the police. (Exhibits 10-08 and 10-09).

The Anti-War Committee Decides Not to March According to Its Permit

The SPPD assigned a sergeant to work with protest march organizers during the pre-RNC permitting process and to assist with the marches during the RNC. For example, the sergeant led every march along the parade route in a cart with a sign indicating “FOLLOW ME.”

The Anti-War Committee had a permit to march on September 4 that had a start time of 1:00 p.m. and an end time of 5:00 p.m. At noon and again at 3:00 p.m., one of the march organizers told the sergeant, “We’re not going to march when you tell us to.” The march, in fact, did not proceed during its permitted period.

According to officers present, it was clear by 4:00 p.m. that the march would not proceed as permitted. The SPPD then had reason to believe that many in the crowd would seek to execute a plan to disrupt the convention’s last night by heading to the Xcel Energy Center. At 4:50 p.m., the MFF Commander moved in heavy equipment to block every bridge over I-94 from Jackson to Ireland. He also moved MFF into position near the same bridges. Law enforcement was not going to allow the anarchists and others to disrupt the convention with an unpermitted “march” or attack on the venue.

Anarchists and Others Decide to Head Toward the Xcel Energy Center

At approximately 4:50 p.m., the sergeant announced to the crowd that the permit to march had expired. Although the marchers had a permit to rally on the Capitol grounds until 7:00 p.m., upon hearing that the permit had expired, the crowd of approximately 1,500 people moved quickly to the intersection of 12th and Cedar, where the MFF blocked the bridge.

Shortly after 5:00 p.m., the crowd, recognizing that access to downtown via the Cedar Street Bridge was blocked, moved to the John Ireland Bridge. That bridge was blocked by a unit of Horse Officers, which was shortly thereafter reinforced by Motorcycle Officers and MFF. (Exhibit 14-14, www.stpaul.gov/rncreport).

From approximately 5:00 p.m. to 6:00 p.m., there was a stand-off between the crowd and the police at the end of the John Ireland Bridge. (Exhibit 7-02, www.stpaul.gov/rncreport). The police delayed taking action. Finally, at approximately 5:30 p.m., the police gave the first dispersal order.¹⁶ Approximately 10 to 15 minutes later, police gave a second dispersal order.

¹⁶ Although the RNC Civil Disobedience Plan indicates that the statutory dispersal orders were to be documented and saved, the Commission has learned that that was not in fact done. Rather, each MFF commander was given a written and laminated card with the “script” for a verbal dispersal order.

At approximately 6:00 p.m., before a final dispersal order was given, the crowd ran back toward the Capitol and then toward the Cedar Street Bridge.

At approximately 6:15 p.m., the crowd again congregated in front of the MFF unit blocking the Cedar Street Bridge. Fairly quickly, the MFF gave two successive dispersal orders. At 6:35 p.m., MFF and Horse Officers surrounded a small group of approximately 80 people at the front of the crowd. The remainder of the crowd relocated a short distance toward the Capitol but otherwise stayed in the area. At 6:45 p.m., the surrounded group was ordered to sit and the arrests began. The confrontation at 12th and Cedar was not accompanied by any violence which the Commission could see on video. The people arrested at this location appeared to be engaged in peaceful civil disobedience. Similarly, the arrests were non-violent. (Exhibit 14-17, www.stpaul.gov/rncreport).

Anarchists and Others Continue to Try and Enter Downtown

The crowd that had backed away from the intersection of 12th and Cedar when the arrests were made had approximately 400 to 500 people.¹⁷ This crowd then moved toward the Sears parking lot between Marion and Rice. MFF units responded to the Sears lot, where elements of the MFF briefly chased a group of individuals of varying sizes around the parking lot and the adjoining neighborhood.

At 8:00 p.m., a large tight-knit crowd entered University Avenue from Marion. (Exhibit 14-28, www.stpaul.gov/rncreport). A Bike Officer unit had established a line across University to the east of the crowd near the intersection of University and Rice. A command decision had been made not to allow the crowd to enter the neighborhood north of University. There was a brief standoff between the crowd and the Bike Officers. Police gave another dispersal order. After approximately two minutes, the police deployed the first smoke grenade. Very shortly thereafter, officers threw smoke grenades toward the crowd. (Exhibits 7-04 and 14-29, www.stpaul.gov/rncreport).

Within two minutes of the smoke grenades being deployed, most of the crowd retreated toward the Sears store and parking lot. Only a dozen or so people remained on University. By 8:05 p.m., only one or two individuals remained on University in front of the Bike Officer line. One of these individuals, a young woman with her arms raised, walked slowly alone in the street back and forth in front of the line of Bike Officers. This woman was alone, did not appear to be engaged in any violent activity and appeared to be engaging in civil disobedience. After some time, video from the Capitol and from the media shows that the Bike Officers approached her, pushed her with their bikes and began dousing her with pepper spray. (Exhibits 11-01, 11-05, 11-06, 14-30, 14-31 and 14-32, www.stpaul.gov/rncreport). Based on the information available to us, the Commission finds this incident to be very troubling and believes it requires further review.

¹⁷ When the crowd originally confronted police at 5:00 p.m. at the Cedar Street Bridge, the crowd had approximately 1,500 people. With every successive move that evening, the crowd got smaller as some people left, but did not entirely disperse.

Law Enforcement Decides to End the Confrontations

Following the events on University Avenue, the MFF Commander made a decision to bring the confrontation to an end. The Commission learned that the decision was based on the fact (1) that the total confrontation had already lasted almost four hours; (2) that it was clear the crowd was not going to disperse completely on its own; (3) that it was getting dark; (4) that chasing the crowd (“whack-a-mole”) was not working; and (4) that the police could not risk anarchist activity in the neighborhoods in the area.

Police dispatched heavy equipment and MFF Officers to the south end of the Marion Street Bridge, where they were not easily visible due to the bend in the road. MFF and other units then began moving south from University through the Sears lot toward Marion, thus causing the crowd to move toward the Marion Bridge. (Exhibits 7-05, 7-06 and 10-10, www.stpaul.gov/rncreport). Citizens have told the Commission that they were told by police to go to the Marion Bridge, even when they made it clear that they wanted to disperse. It appears from video and from the statements available to the Commission that, at this time, everyone in the vicinity was directed to the Marion Bridge. (Exhibit 10-10, www.stpaul.gov/rncreport). Finally, when the crowd was on the bridge, the MFF blocked off the north end of the bridge. All people on the bridge, approximately 350, were told to sit down. They were then arrested. (Exhibit 10-11, www.stpaul.gov/rncreport).¹⁸ This included many members of the media, including journalists wearing credentials. The arrests began at approximately 8:45 p.m. According to law enforcement commanders, the arrests were on the grounds of unlawful assembly based on the multiple dispersal orders at the Cedar and John Ireland Bridges and on University Avenue. Although there was no plan for dealing with arrested journalists, several police leaders who were present at the arrests personally escorted some members of the media off the bridge, where they were tagged and released, thus expediting the process. Other members of the media were not treated as well. As stated earlier, the Commission concludes that the failure of the SPPD to develop a protocol to handle the media under such circumstances was a shortcoming in their planning for the RNC.

There are a number of aspects of the events of September 4 about which the Commission has concerns.

First, although the conduct of the crowd on that evening was consistent with the intelligence (*see above*), this was not the same anarchist crowd the police encountered on September 1 in downtown Saint Paul or near Mickey’s Diner on September 2. Although the crowd clearly included anarchist elements based on their behavior, the crowd also included a large number of people who intended to engage in peaceful civil disobedience. This was apparent at 12th and Cedar where police arrested about 80 protesters engaged in non-violent civil disobedience. Moreover, law enforcement intelligence revealed that many of the out-of-town anarchists had either been arrested or left Saint Paul by September 3. The Commission believes that law enforcement faced a significant challenge on September 4 because they faced a mixed

¹⁸ During the arrest process, one gun, one winch (known as a “come along”) and several knives were recovered.

crowd of non-violent protesters and violent anarchists and that they did not resolve this issue as they confronted the crowds on September 4.

Second, the Commission is concerned that law enforcement conveyed a mixed and confusing message about the escape route available to those who wanted to obey the dispersal orders. People were originally told to escape north toward University if they wanted to disperse. However, later, police blocked off University and routed people back toward the bridges. Even later, people were told to go toward the Marion Bridge, only to be arrested there.

Third, the Commission is concerned about the lack of clarity regarding the plan and strategy for September 4. We believe that the decision to block the bridges was reasonable based on intelligence. The plan was then to “wait out” the crowd. However, within one hour, police gave two different sets of dispersal orders but only arrested about 80 people. Police then allowed the event to continue for almost two more hours. The Commission believes the law enforcement after-action review should address the fact that the police neither “waited out” the crowd, nor did they promptly arrest the crowd that failed to disperse in response to the orders. This led to what has been described to the Commission as a true “mass arrest” on the Marion Bridge.

Finally, the Commission has concerns about the actual arrests on the Marion Bridge. The Commission has determined that the events of September 4 covered a very large area around the Capitol,¹⁹ that the events lasted almost four hours, that dispersal orders were given in several different locations early in those events, that people could lawfully rally on the Capitol grounds until 7:00 p.m., that many people had lawful reasons for being in the area of this “moving crime scene” (Sears, McDonalds, Kelly Inn, Capitol) and that the crowd was finally swept onto the Marion Bridge. The Commission believes that the allegation of an illegal mass arrest in which those not involved in illegal activity were charged with crimes warrants further review.

REACTIONS TO THE RNC FROM THE COMMUNITY, THE MEDIA AND BUSINESS

Protest Community and Residents

The Commission received information from the protest community and residents in a number of formats. First, the Commission co-chairs were present at a forum hosted by Saint Paul City Council Member Dave Thune on September 24, 2008. Many people, including residents, protesters and others spoke openly about their experiences at this session. A tape of this session was available for the remaining Members of the Commission to review. Second, the Commission hosted a public forum on November 6, 2008 that was also attended by people who explained their views about law enforcement’s interaction with the community. Third, many people contacted Members of the Commission formally and informally to express their views. Fourth, we conducted some formal interviews of people involved in the protests. Fifth, we received dozens of written submissions and comments, many quite lengthy, describing people’s experiences with and views about the RNC.

¹⁹ One commander referred to this as a “moving crime scene.”

The following is a summary of community concerns about and reactions to law enforcement's security operations at the RNC:

- The police presence was not the “soft” appearance that was promised; on the first day of the convention, there were already police dressed in full riot gear.
- The large, black opaque security fence was seen as intimidating to some protesters and residents.
- The SPPD promised that all police would be easily identifiable; MFF Officers did not have badges or identification with their names displayed.
- It appeared to some as though the SPPD abdicated control over security in downtown Saint Paul to the Secret Service or the F.B.I.
- Law enforcement overreacted to what really amounted to no more than unruly behavior by students, the type of behavior that would be ignored following a sporting event.
- The pre-convention searches, particularly the search at the Iglehart address, were designed to limit dissent and to silence independent media.
- The allegations that anarchists were throwing urine and feces was invented or vastly overstated.
- Law enforcement engaged in mass arrests on September 1 and September 4.
- Law enforcement took over the Public Viewing Area to silence protesters on September 2.
- MFF Officers and others engaged in excessive and offensive use of peppery spray.

Based upon the Commission's review of the public safety aspects of the RNC, it is clear that the peaceful protest community was the real loser in the event. The protest community lost out because their messages disappeared in the “noise” created by the anarchists and the media's disproportionate coverage of the anarchists' conduct and its coverage of itself.

Media

The Commission received information about the media's experiences at the RNC from private interviews with journalists, a September 22, 2008 forum conducted by the Minnesota Society of Professional Journalists, a November 19, 2008 forum conducted by this Commission and interviews with attorneys for the media. The media had the following overall concerns about their interactions with law enforcement during the RNC.

First and foremost, journalists across a broad spectrum were highly critical of law enforcement's decision to arrest and detain members of the media covering the disturbances in downtown Saint Paul. This Commission heard repeatedly from the media that they were unprepared for law enforcement to treat them no differently from those involved in the disturbances and that such treatment was either in violation of the Constitution or improper under criminal law.

Second, and on a related note, journalists were critical of the uneven treatment given to the members of the media when decisions to detain and arrest were made. For example, people

noted that journalists were permitted to self-identify at the mass detention on September 1 and were allowed to leave the scene while no such permission was given under similar circumstances on September 4. Similarly, on September 4, some members of the media were released quickly from the arrest scene by law enforcement officials while others were not. These, and other, examples of disparate treatment created mixed expectations and misunderstandings that could have been avoided.

Third, the media was critical of the decision by the government not to draft a uniform protocol governing how journalists would be treated during the RNC. Those we spoke with expected that the dialogue between journalists and the government prior to the convention never really addressed the media's concerns and questioned why government officials did not take the discussion to the next level. Notably, government officials told us that they were not certain what exactly the media wanted and did not believe that a protocol was necessary.

In our Conclusions and Recommendations, the Commission sets out our view that a uniform protocol should have been prepared prior to the RNC and discussed with journalists intending to cover the convention and related disturbances. The protocol should have included a uniform policy either excluding journalists from arrest simply for covering disturbance such as unlawful assemblies or permitting them to be cited and released quickly upon arrest. In addition, it is our view that in planning for an event such as the RNC, law enforcement should place officers familiar with the journalist community at the scene of disturbances and detentions so as to make certain that the protocol is implemented in an effective way.

The Business Community

The Commission's meeting with business leaders on October 31, 2008 had a significantly different tone than our meetings with the protest community and the media. The business community made clear to us that, while there were many in the business community who were disappointed and frustrated by certain aspects of the RNC, they were overall appreciative of the city's efforts to work with them and highly supportive of the police department's work in protecting the city from violent activists. As business leaders told this Commission, city officials, led by Saint Paul's Director of Marketing, Erin Dady, took great care to ensure that members of the business community received repeated briefings on security and other plans for the RNC. The Marketing Director prepared a PowerPoint presentation that explained the city's vision for the convention as well as specifics related to anticipated changes in traffic patterns, parking and other changes to downtown Saint Paul. She provided this presentation to numerous business audiences including the Saint Paul Chamber of Commerce, the Building Owners Management Association, the West 7th Avenue Business Association, regional chambers, and many others. (Exhibit 1-18, www.stpaul.gov/rncreport).

In addition to the meeting held with this Commission, business leaders also met to discuss the RNC at a post-convention session sponsored by the Chamber of Commerce.

At both sessions, business leaders articulated their views of the successes of the convention and the areas in which the convention did not meet their expectations. Some participants specifically addressed concerns they had heard expressed in the protest community.

In general, the business community expressed the following messages to this Commission as a result of their internal discussions and their submissions on October 31, 2008:

- Overall, the convention was a success: celebrate and highlight the positives.
- Visitors seemed to enjoy Saint Paul.
- Travel around downtown was difficult and hurt business.
- Many businesses were disappointed in the results of the convention based on their expectations of an increase in customers. As one person put it: be careful what you promise.
- Businesses appreciated the amount of time city officials took to educate them and prepare them for the convention.
- The police worked very hard under extremely trying circumstances.
- Level of security around the Xcel Center was surprising and hurt business, particularly on West 7th.
- Some business people, particularly from smaller businesses, watched much of the interaction between police and anarchists, and felt that the police were restrained in light of the anarchists efforts to provoke and taunt them.
- Given what happened in Seattle and what has happened elsewhere, this level of security was warranted and “what could have happened never did.”

In addition, there were some specific comments:

- A representative of the Landmarks Center explained how protesters engaged in peaceful civil disobedience breached the fence outside the center, causing police to station MFF outside the center on September 1. On another occasion, an MFF commander specifically allowed protesters to engage in peaceful but unlawful behavior outside the center and ended the encounter with a “group hug” before sending the protesters on their way.
- Another person stated that those who wanted to protest peacefully and lawfully “lost out” to anarchists who engaged in violence.
- Some employees were shaken up when they arrived at work downtown because anarchists “rocked” their cars, frightening them, before letting them proceed on the roads to their places of employment.
- Jon Stewart and his staff stated that the RNC was “one of the best” experiences they have had broadcasting from a remote location.

While overall, the business community expressed a positive response to the convention and was greatly appreciative of the efforts of city and SPPD officials, they were disappointed that the expected increase in business in downtown Saint Paul did not materialize.

At the October 31, 2008 forum, Commission Members informed those present that some in the community had remarked that downtown Saint Paul looked like a “police state” during the convention. We asked the business people who witnessed police interactions with protesters and anarchists during the convention for their thoughts and comments. Most strongly disagreed with this assessment while acknowledging a heavy police presence in the city.

PART II. The RNC Review Commission's Conclusions

The following are the Conclusions of the RNC Review Commission on the issues we were asked to investigate:

The City's Vision for the RNC

- The vision articulated by city and SPPD officials for Saint Paul's role as host to the RNC well reflected the culture and values of the city and the professional, community-oriented tradition of its police force. The vision was a "different" convention with a softer police presence and with Saint Paul "open for business" and welcoming to those who wanted to engage in peaceful protest including peaceful civil disobedience.
- The city and SPPD were, in many ways, successful in their role as hosts of the RNC: they hosted a safe convention that was not disrupted by violence, allowed for thousands of peaceful protesters to have their voices heard and promoted Saint Paul to a national and international audience in a positive way. The successful convention was the result of the hard work and professionalism of many people from many different agencies.
- There was a natural tension between the city's vision for the RNC and law enforcement's need to be prepared for potential violence at the convention.
- Throughout the planning process, city and SPPD officials needed to calm concerns primarily in the business and law enforcement communities that the convention would bring with it large amounts of violence in many locations in and beyond Saint Paul.
- As a result of the city's determination to host a "different" convention, and, in part, in response to business and law enforcement concerns, officials communicated a message that raised expectations about a light police presence at the convention to an unrealistic level given the real prospect of violent activities at the convention.
- While communicating their vision of a different convention, city and SPPD officials should have taken steps – such as showing photographs of anarchist activities and of police in full riot gear – to prepare the community better in case the vision of a "different" convention with a soft police presence could not be fully realized.
- Because of the high expectations created for this convention, the public was unprepared to witness riot gear outfitted officers and to see the use of pepper spray, smoke and other chemical devices to clear crowds of anarchists from the

streets of Saint Paul. The public was similarly unprepared for the amount and appearance of the security fencing surrounding the Xcel Energy Center.

- Notwithstanding the best intentions and hard work of many city and SPPD officials, the high expectations of the public for this event were unrealized.

Planning and Coordination

- It is more difficult for a city the size of Saint Paul to host a convention such as the RNC. Because the SPPD did not have sufficient officers within its own ranks to provide security for the RNC, the city was required to enter into joint powers agreements with over 100 jurisdictions. This process took many months and substantially delayed the security plan, coordination and training for the RNC.
- The difficulty of a city the size of Saint Paul arranging for security at the RNC was compounded by the fact that the convention site was in the middle of downtown. Because of the location of the Xcel, law enforcement was required to protect a convention, downtown businesses, residents, peaceful protesters and traffic from a swarming group of anarchists all at the same time within close proximity.
- The city officials who handled the joint powers agreements were overworked and should have had more staff and more support as the process of negotiating the agreements became a source of delay for finalizing the security plan and a distraction to those leading the security planning.
- The SPPD's need to enter into agreements with over 100 agencies meant that all of the 3,500 officers assigned to the RNC did not and could not share Saint Paul's vision.
- The Executive Committee and 17 Subcommittee planning structure was too cumbersome for this event where local law enforcement was already comprised of so many agencies. When the SPPD decided not to follow NIMS for organizational and planning purposes, they lost a valuable planning tool that could have assisted with the management of this project.
- Because the planning structure was so cumbersome for the unique planning challenges presented by this event, law enforcement never developed a coordinated, comprehensive written security plan for the RNC that could be easily explained to and understood by so many different agencies.
- The difficulty of negotiating so many joint powers agreements and adjusting to the Secret Service's Executive Committee and Subcommittee structure impeded law enforcement's ability to form a unified planning mechanism that was effective for the numerous agencies involved.

- The SPPD assured protesters that all officers would wear identification. The SPPD neglected to follow through on this promise with respect to MFF Officers, whose badges and identification were not visible when they were in full riot gear.
- The initial proposal to develop a team of Dialogue Officers showed promise. This concept should have been fully implemented and made part of the security plan. Dialogue Officers should have been involved in communications with protest groups and should have been present to assist protesters, the media and others during disturbances.

Intelligence and Threat Assessment

- Law enforcement developed strong and reliable intelligence into the operations and plans of the anarchists and the Welcoming Committee's intent to disrupt the RNC. Based on their intelligence and the experiences gained from law enforcement in Seattle, New York, Los Angeles, Boston and elsewhere, the SPPD understood the tactics and goals of the anarchists.
- There is a clear and distinct difference between peaceful protesters – including those who engage in peaceful civil disobedience – and violent anarchists.
- As a result of careful planning, the SPPD developed a comprehensive plan to confront the Welcoming Committee. This included a tiered approach (starting with a soft presence, increasing to riot gear as necessary), patience and restraint when useful and sufficient officers to confront the anarchists.

The Violence on September 1-4, 2008

- Law enforcement was not fully prepared for the anarchists to descend on Saint Paul on September 1 as early as occurred and in as violent a way as they did. Because law enforcement was taken by surprise on September 1, and for other reasons, anarchists were able to descend on downtown Saint Paul.
- Anarchists committed serious violent acts on September 1. These were not unruly or wayward students, they were well-organized, sophisticated and tenacious. They had state-of-the art communication devices, coordinated plans and well-thought out tactics that included the use of Molotov cocktails, human waste, caltrops and other items to hurt police and citizens and to damage property.
- Despite the SPPD's plans, for several hours on September 1, the anarchists had almost free rein in their efforts to engage in violent acts downtown. Although the ultimate dollar value of the damage was somewhat limited, those throwing sandbags, signs and other debris on to passing traffic could have easily hurt or killed innocent people.

- The SPPD security plan contained two provisions that unwittingly contributed to the success of the anarchists on September 1. First, the plan was designed to minimize arrests and emphasize crowd control. For example, on September 1, the MFF divisions did not all have arrest teams with them. This may have contributed to the multiple decisions to let anarchists go early when they were surrounded, rather than to arrest them. The failure to arrest anarchists engaged in early unlawful activities, enabled them to advance to downtown. Second, the plan required the MFF to get permission to act. This likely also influenced those MFF Officers who did not prevent anarchists from entering downtown early on September 1.
- The SPPD security plan's exclusion of Patrol Officers was another factor in allowing the anarchists to get downtown and cause violence. Because they were not integrated into the RNC security plan, the Patrol Officers who responded to the early calls regarding anarchist activity were untrained on how to involve others in their response to the anarchists. Patrol should have been a part of RNC planning, even if their primary duty during the RNC was to respond to normal calls for service.
- The RNC communication system used by law enforcement on September 1 was an additional factor that impeded the response by the SPPD to the initial attack by the anarchists. Many calls for help by Patrol Officers went unanswered because Patrol Officers did not know how and could not communicate with the MFF via the RNC communications channel, and the RNC dispatch officers had no direct link to the normal patrol dispatch radio channel. This, in turn, delayed the effective deployment of the MFF.
- The SPPD security plan's reliance on the MFF to respond if anarchists attacked was unsuccessful early on September 1 for a number of reasons. First, the MFF often did not know about anarchist activity because of the communication problems between the RNC dispatch and regular dispatch. Second, the MFF Officers were trained to stay together as a group. However, there were simply too many MFF Officers in too many separate mini-vans to get anywhere quickly. Third, because they traveled in unmarked mini-vans, the MFF Officers could not drive through the security zone and often deployed via circuitous routes. Consequently, they were not particularly mobile or agile, and typically arrived after violent activities had subsided.
- The number of law enforcement officers deployed during the RNC was adequate but, at least initially, was not mobile or nimble enough.
- The SPPD security plan should have included a greater emphasis on surgical or extraction arrests. The plan's reliance on crowd control rather than surgical arrests of anarchist leaders contributed to the escalating violence on September 1.

- The SPPD on occasion used pepper spray offensively, targeted at specific individuals. This use of pepper spray was inconsistent with the Use of Force Continuum. Police should have simply arrested those engaged in peaceful or violent unlawful behavior rather than use pepper spray offensively.
- The SPPD's decision to allow marches and a public viewing area so close to the convention venue, and to allow marches and speeches while the convention was in process, was commendable.
- The SPPD's decision to deploy the MFF along some sections of the permitted parade route on September 1 was justified in light of incidents from August 31 and in light of current intelligence. The decision, however, was contrary to what the SPPD had indicated it would do, and caught protesters by surprise.
- The SPPD's decision to deploy large numbers of MFF Officers in downtown Saint Paul during the late afternoon of September 1 was appropriate in light of anarchist conduct.
- The decision of the SPPD to increase the presence of the MFF on September 2 was justified in light of the events of September 1 and current intelligence and events.
- The decision of the SPPD to clear the public viewing area on September 2 was justified in light of current intelligence.
- The decisions of the SPPD to order the crowd in front of Mickey's Diner on September 2 to disperse were justified based on intelligence and the actions of the people present.
- The SPPD's plan to keep anarchists and others from descending on downtown during the evening of September 4 after the parade permit had expired was well thought out and justified based on crowd activity and intelligence.
- The SPPD was effective in preventing anarchists and others from obtaining access to the Xcel during the evening of September 4.
- The decision to herd anarchists, protesters, media and others on to the Marion Street Bridge did not fit the SPPD's plan to "wait out" the crowd or make arrests of wrongdoers only. The event on the Marion Street Bridge on the evening of September 4 had the feel and appearance of a mass arrest.
- In general, the conduct of law enforcement during the RNC was restrained and professional under the circumstances. There were, however, several specific incidents or situations of potential inappropriate conduct, including the improper uses of pepper spray and potential mass arrests, that warrant further review.

The Media and the Security Plan

- Police and members of the media may have had different expectations of how law enforcement would treat journalists who were covering events. Although the SPPD may have expected to conduct journalistic “business as usual,” neither they nor members of the media planned for nor fully appreciated the qualitative differences between coverage of local law enforcement activities and coverage of an NSSE.
- The SPPD’s decision not to draft a protocol for the arrest or detention of journalists led to the uneven treatment of journalists and the unnecessary arrest and detention of members of the media. While the Commission recognizes that the drafting of such a protocol is complicated and requires law enforcement to make difficult choices regarding who constitutes a journalist, SPPD should have had a protocol in place. As part of the protocol, the SPPD should have placed trained officers at the scene of large arrests to identify journalists and to assist them to locate and protect their equipment and maintain contact with their news organizations. This should not have been the responsibility of one Public Information Officer.
- Because the SPPD did not develop a protocol for the treatment of journalists during the RNC, many were detained or arrested while covering unlawful assemblies. Although it was reasonably foreseeable journalists might be swept-up during convention-related disturbances, city and SPPD officials did not have sufficient personnel present at the scene of arrests or at the jail to handle cases in which police took journalists into custody.
- As a result, the message of peaceful protesters was substantially drowned out by the extensive media coverage of anarchist violence and the attention paid to arrested journalists.

PART III. The RNC Commission's Recommendations For Cities the Size of Saint Paul Planning on Hosting an NSSE

Setting and Communicating a Vision

- Develop a realistic vision for the convention in light of past experience.
- When communicating your vision, make certain that the message is balanced: tell the community about both the goal of a peaceful event and the potential for anarchist violence and a substantial police presence.
- Show the community pictures of anarchists engaged in unlawful conduct and MFF in riot gear to prepare the community for what they may see.
- Show the community pictures of a security fence and explain to residents and the business community that law enforcement will not know exactly where the fence will be until shortly before the event.
- Prepare residents for the presence of helicopters during the convention.
- Include Dialogue Officers in discussions with local protest groups.
- Explain to the community that the city is preparing to host the convention in a manner consistent with local values and customs, but that people from other parts of the country may come to inflict violence. These people do not share and do not respect the local community's values and traditions and will not be deterred by them.
- Communicate the vision clearly to all participating agencies, including those from outside of the state.

Planning and Coordination

- The Commission agrees with public suggestions that all officers should wear visible personal and departmental identification even if they are wearing tactical gear.
- The Commission found that access to photographs and video was extremely helpful in its review. Therefore, the Commission agrees with public suggestions that official videos and photographs be made available to the public as soon as possible, subject to the limitations of data privacy and pending litigation.
- The Commission agrees with community suggestions that the budget for the RNC be made available to the public subject to data privacy restrictions.

- The Commission agrees with community suggestions that this Report and its Exhibits be made available to the public. The Commission has worked with the City of Saint Paul to make this Report and its Exhibits readily available to the public.
- Law enforcement and city officials should employ a dedicated administrative or project management team, including a fiscal agent, for planning purposes. This team will assist city officials and law enforcement officers in coordinating the many communication, coordination and administrative tasks associated with hosting a political convention.
- City officials should engage outside lawyers to augment the city attorney's staff for negotiating joint powers agreements, drafting a media protocol and other convention-related tasks.
- Law enforcement should use the NIMS model for overall project management in conjunction with the Secret Service's model.
- Seek early federal funding and describe for Congress the unique needs of a small city hosting such an event and the need for early funding to assist in the early negotiation of joint powers agreements.
- Obtain early written commitments from other agencies to send officers.
- Negotiate joint powers agreements early.
- Either involve Patrol Officers in the work of the MFF or develop "scouts" to serve as current intelligence source for the MFF. Scouts should have direct access to those monitoring video and watching unlawful activities develop. Patrol Officers should be trained to provide "scout" information at least initially to MFF.
- Prepare to adjust the security plan for last minute changes such as the location of the security fence.
- Provide all MFF units with adequate arrest teams.
- Security plan should include strategy, training and consideration of surgical arrests.
- All officers should be trained to stop anarchist groups when they first begin to descend on the venue. Anarchists should not be permitted to enter the downtown area, bridges or areas close to the venue off of a permitted parade route.
- In developing a staffing plan, do not focus on the development and publication of a specific number of officers. Focus on intelligence and experience driven numbers.

- Develop and finalize a staffing plan as soon as possible so that officers from other jurisdictions know where they will be deployed and what will be expected of them.
- Extend “table top” style training (“what if” training) to the leadership of officers on the ground (such as MFF commanders) to develop the skills and experience to react quickly and properly to the threat before them.
- Remove “weapons of convenience” such as newspaper boxes, garbage cans, signs and benches from an extended area around the venue.
- Local host agencies must anticipate that the United States Secret Service will, shortly before the NSSE, seek the deployment at the venue of more trained local officers.
- SWAT and Patrol Officers should receive training in their role in support of convention-related officers.
- MFF units must be small and nimble.
- Place at least one officer from the local agency in charge in each MFF unit.
- Law enforcement should develop a communication system that integrates all officers, including those deployed to non-convention duties.
- Make greater use of Bike Officers and provide adequate relief forces given the physical demands of bike duty.
- Provide Bike Officers with logistical support such as additional tactical weapons, water, food and spare parts.
- Plan for officer fatigue in anticipation of several long days in a row.
- Develop an agreed upon training protocol early; conduct numerous joint training involving as many participating law enforcement agencies as possible.
- Develop a clear understanding of who is in charge among the participating agencies and a clear division of responsibilities.
- Because of the number of local law enforcement agencies involved, recognize that many agencies will staff their own command centers. Minimize the number of command centers to the lowest possible number.
- Focus on logistics early to plan for pre-event acquisitions and for mid-event supply system.

Intelligence and Threat Assessment

- Assume that a substantial number of anarchists will attend, and that they will be violent, organized and tenacious. The anarchists do not care about your local customs or practices. They engage in the same violent tactics regardless of the city hosting the event.
- Plan for anarchists to attack early and from many directions at once.
- Ban backpacks and large bags from marches.
- Intelligence should be the driving force behind law enforcement planning.
- Anticipate that the anarchists will use sophisticated communication systems and devices.
- Prepare officers and the media for the likelihood that anarchists will throw bottles, urine and feces.
- Intelligence should be handled on a multi-agency basis, with state officials coordinating with federal law enforcement with the goal of developing information on which action can be taken.
- Coordinate early with prosecutors on search warrants, arrest warrants and other action to be taken using intelligence.
- One local agency in charge must take control of security outside the venue.
- Establish early contacts between law enforcement and the protest community to encourage dialogue and trust wherever possible. Incorporate Dialogue Officers into the security plan and use them as greeters or community service officers at locations where disturbances arise.
- Law enforcement officer assignments should be as early as possible.
- “You can’t get too much done too early.”

Media

- Meet with representatives of the local media, including non-traditional media, well in advance of the convention and develop a working relationship on issues that may affect journalists covering unlawful conduct.
- Solicit from the media ideas for a draft protocol defining “who is a journalist” and addressing the detention and arrest of journalists during the convention.

- Local government officials should form a working group with media representatives to develop a media protocol and to ensure that the protocol is communicated widely among journalists.
- Develop a system that permits journalists to obtain law enforcement-recognized credentials prior to the convention in case they are detained or arrested.
- Law enforcement should recognize and incorporate into the protocol the fact that journalists may need to cover unlawful assemblies within the assemblies themselves without engaging in unlawful conduct.
- Use the services of community service officers working in conjunction with the Public Information Officer at the scene of disturbances to help journalists who are detained or arrested communicate with their offices and obtain the return of their equipment. Such officers should have the authority to release journalists who were covering the disturbance and not taking part in it. Deference should be given to journalists wearing credentials pursuant to law enforcement's credentialing process developed pursuant to the media protocol.
- Journalists who are not committing violent or illegal acts should either be removed from unlawful assemblies or permitted to leave as early as possible.

Appendix A. List of Interviews and Forums

City of Saint Paul Officials

Chris Coleman, Mayor of Saint Paul
Erin Dady, Saint Paul Director of Marketing
John Choi, Saint Paul City Attorney
John Kelly, Assistant Saint Paul City Attorney

Saint Paul Police Department

Saint Paul Police Chief John Harrington
Assistant Chief Matt Bostrom
Assistant Chief Tom Smith
Senior Commander Joe Neuberger
Commander Dave Korus
Commander Todd Axtell
Members of the Saint Paul Police Mobile Field Force (6)
Members of the Saint Paul Police Patrol Division (7)
Members of the Saint Paul Police Bike Patrol (4)
Saint Paul Police Dialogue Officers and Community Relations (3)
Saint Paul Police Public Information Officer Tom Walsh
Saint Paul Police Training Coordinator Steve Fraser
Saint Paul Police RNC Training Unit Supervisor John Linsson

Public Forums

September 24, 2008, City Council Open Forum (over 25 individual speakers)
October 31, 2008 Forum with Saint Paul Business Community (12 speakers)
November 6, 2008 Public Forum (31 attendees)
November 19, 2008 Media Forum (7 attendees)

Ramsey County Sheriff's Office

Ramsey County Sheriff Bob Fletcher
Ramsey County Sheriff's Inspector Jeff Ramacher

Hennepin County Sheriff's Office

Hennepin County Sheriff Rich Stanek
Hennepin County Sheriff Principal Deputy Mike Carlson

Minneapolis Police Department

Minneapolis Deputy Police Chief Rob Allen
Minneapolis Deputy Police Chief Scott Gerlicher

Coleen Rowley

Chuck Samuelson, ACLU

Mike Zipko, Goff & Howard

Bill Tilton and George Dunn, Attorneys for the Reporters Committee for Freedom of the Press

Minnesota Department of Public Safety

Commissioner Michael Campion
Assistant Commissioner Tim Les lie

Other Law Enforcement Officials

Commander Dave Olmstead, Bloomington Police Department
Brigadier General Joe Kelly, Minnesota National Guard
John Kirkwood, Special Agent in Charge, United States Secret Service
Tim Gossfeld, Assistant Special Agent in Charge, Federal Bureau of Investigation
Kyle Loven, Chief Legal Counsel, Federal Bureau of Investigation