

PRESS RELEASE

For Immediate release

June 23, 2016

Issued by the Law Offices of Cline and Casillas

Seattle Police Officer Files Legal Claim against City for Serious Head Injury Suffered during May Day Protests

Seattle Police Officer Kerry Zieger filed a claim today against the City over a head injury he suffered in this year's May Day protests. Zieger was assaulted by a May Day protestor who hit him on the head with a slab of concrete. Zieger claims the City bears legal responsibility because of the Police Department's failure to supply him with proper protective equipment and to issue a prompt dispersal order once violence erupted.

Zieger's claim was filed today with the City. According to Zieger's attorney, Erica Shelley Nelson, the claim notice filed is a step preceding the filing of a formal lawsuit. "State law requires that we file these notices with the City before we file a lawsuit in court," Shelley Nelson explained. She added: "We are also hopeful that when presented with this claim we will be able to start discussions with the City on resolving this matter."

Zieger's claim indicates that the City had been put on notice of the significant risk to its officers during the annual May Day protests and had not taken sufficient steps to protect the officers. This was not the first time the May Day protests have been marred by violence and arrests in the double digits. In 2013, there were 17 people arrested and several officers injured, in 2015, there were 16 people arrested, and 3 officers injured. In 2016, 9 people were arrested, and approximately 5 police officers were injured, including Zieger.

Zieger's claim explains that when the protests began to turn violent he and other officers were asked to intervene. Zieger requested protective head gear, but his request was refused because the City had run out of helmets. He was instructed to wear his bicycle helmet instead. "Clearly a bike helmet cannot be considered proper protection against rioters assaulting officers with concrete slabs," Shelley Nelson stated. "Kerry Zieger followed the orders to intervene without the right gear out of a sense of duty, but his serious head injury is the consequence of the City's failures to maintain proper equipment."

The day after the protests, Seattle Police Chief Kathleen O'Toole acknowledged in an email that there were not enough higher protection helmets for each officer who was assigned to patrol the protest. O'Toole also admitted that during the 2015 May Day protests, another Seattle officer's serious injury was prevented when he had been provided a higher protection helmet.

Zieger's claim also faults the Department for its tactical decisions during the riots. According to the claim, following the 2012 May Day protests, the Department retained an outside consultant, Michael Hillman to review the Department's May Day actions. Following Hillman's analysis and recommendations, the Department instituted a protocol providing that in future protests a prompt "dispersal order" should be issued on the first indication of crowd violence. According to Zieger's claim, since that time, Seattle officers have been trained to expect an immediate dispersal order under these circumstances. Zieger claims that order was not properly issued during the 2016 protests.

Attorney Shelley Nelson stated: "Kerry Zieger and other members of the SPD force understand that citizens have a right to validly express their free speech. But it's also clear that once that speech turns into violent action, they have to intervene to stop the violence. Relying on an outside consultant, the Department had determined how best to balance citizen's rights of free speech against the also important interests of public safety and officer safety. The City's error in not following those protocols this year directly led to Kerry's head injuries. Officer Zieger did his job. It was the City that failed to do its job."

Officer Zieger is seeking an unspecified amount of damages.

For further information contact:

Erica Shelley Nelson — 206.838.8770



City of Seattle CLAIM FOR DAMAGES

CITY USE ONLY	
CLAIM NUMBER	
DATE FILED	

Note:

Type or Print Legibly.

See instructions on back.

CLAIMANT	NAME (FIRST - MIDDLE - LAST, OR BUSINESS NAME) Kerry Zieger	DATE OF BIRTH 02/22/1968	HOME PHONE (206) 838-8770
CURRENT HOME ADDRESS (NUMBER - STREET - CITY - STATE - ZIP) Cline & Casillas, 520 Pike Street, Suite 1125, Seattle, WA 98101			BUS. PHONE (206) 838-8770
HOME ADDRESS AT THE TIME THE CLAIM AROSE (NUMBER - STREET - CITY - STATE - ZIP) See above (Erica Shelley Nelson c/o Cline & Casillas)		CELL PHONE	E-MAIL ADDRESS erican@clinelawfirm.com
ACCIDENT/LOSS	DATE May 1, 2016, at 6:30 p.m.	DIAGRAM Use if this will help you locate or describe what happened	
LOCATION/SITE	BE VERY SPECIFIC: STREETS, ADDRESSES, etc. 200 Stewart Street, Seattle Washington.		
WHAT HAPPENED?	DESCRIBE IN YOUR OWN WORDS HOW THIS LOSS OCCURRED AND WHY YOU BELIEVE THE CITY IS RESPONSIBLE. (additional space on reverse side or attach additional pages and supportive documents as needed)		
See Attachment "A."			
NAMES, ADDRESSES, AND PHONE NUMBERS OF ALL PERSONS INVOLVED IN OR WITNESS TO THIS INCIDENT			CITY DEPT? Police
1) See Attachment "A." 2) _____ 3) _____			CITY EMPLOYEE Yes
Ph: _____ Ph: _____ Ph: _____			CITY VEHICLE NUMBER, LICENSE, etc.
WAS YOUR PROPERTY DAMAGED? (i.e. Home, Auto, Personal Property)			
<input type="checkbox"/> YES IF SO, THEN FULLY DESCRIBE - SUCH AS AGE, MAKE, MODEL, CONDITION, VALUE, OR EXTENT OF DAMAGE			
<input checked="" type="checkbox"/> NO (additional space on reverse side or attach additional pages and supportive documents as needed)			
WERE YOU INJURED? <input checked="" type="checkbox"/> YES IF YES, THEN COMPLETE THE FOLLOWING: <input type="checkbox"/> NO (additional space on reverse side or attach additional pages and supportive documents as needed)			
DESCRIBE YOUR INJURY (IDENTIFY YOUR DOCTOR(S)) See Attachment "A."			
WAGE LOSS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, THEN RATE OF PAY: _____			
KIND OF WORK <u>Law Enforcement</u>		EMPLOYER <u>Seattle Police Department</u>	
AMOUNT CLAIMED (if known) \$			
SIGNATURE OF CLAIMANT (AND TITLE, IF A BUSINESS)		I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct	
<div style="border: 1px solid black; padding: 5px;"> <p>This claim form must be signed by the Claimant, verifying the claim; or pursuant to a written power of attorney, by the attorney in fact for the claimant; or by an attorney admitted to practice in Washington State on the claimant's behalf; or by a court-approved guardian or guardian ad litem on behalf of the claimant.</p> </div>		EXECUTED this <u>23rd</u> day of <u>June</u> <u>2016</u> .	
		At <u>Seattle, King</u> County, Washington	

Attachment A

Attachment "A"

WHAT HAPPENED?

Summary

On May 1, 2016, Officer Kerry Zieger, a veteran police officer with the Seattle Police Department ("Department") suffered a head injury in the May Day protests as a result of the Department's failure to supply him with proper protective equipment and to issue a prompt dispersal order when violence erupted during this year's May Day protests. The Department owed a duty of care to Officer Zieger and violated the duty of care owed to him by failing to follow and enforce Department protocols, policies, and procedures with regard to Crowd Management and Control, and by failing to provide him with adequate protective equipment, including a new higher protection bicycle helmet, and less-lethal munitions. As a result of the Department's actions, Officer Zieger seeks damages for his physical and emotional injuries.

Description of the Incident

May 1 is the annual May Day march in downtown Seattle. While historically the purpose of May Day is to celebrate workers' rights around the world, often the May Day march in Seattle is marred by anti-capitalist protesters who vandalize the City and assault law enforcement officers and bystanders. For the last several years, the protesters have been destructive and violent. In 2012, there were eight people arrested and tens of thousands of dollars of property damage. Following a series of Department missteps during the 2012 May Day march, the Department commissioned Michael Hillman, a police expert in Special Operations, to review and identify deficiencies and provide recommendations to the Department for the purpose of improving crowd management and the Department's response to protesters. Despite these efforts, the arrest rates and officer injuries on May Day continued to climb. In 2013, there were seventeen people arrested, and several officers injured. In 2014, there were ten individuals arrested. The figures rose again in 2015, when there were sixteen people arrested and three officers injured during the protests. As these statistics glaringly show, the Department is well-aware of the fact that the May Day protests are dangerous and pose special and increased risks to officers. 2016 was no exception to past years. This year, protesters threw rocks, boulders, soup cans, and Molotov cocktails at police officers and bystanders. Police were forced to deploy pepper spray and flashbang devices in an attempt to control assaults and looting. At least nine individuals were arrested, and approximately five police officers, including Officer Zieger suffered injuries.

Officer Zieger has worked in law enforcement for 26 years, and has spent the last 16 years at the Department. For a significant part of his career, Officer Zieger was assigned to work on bicycle patrol in the Seattle downtown core. Before starting his shift on May 1, Officer Zieger received an email from Sergeant Michael Renner in the East Precinct ordering him to work bike patrol for the May Day march. At that time, Officer Zieger was no longer working the bike patrol, but in light of the chaotic nature of the May Day march, an experienced bike officer was a valuable addition to the squad.

At about 10:00 a.m., on May 1, Officer Zieger participated in roll call with hundreds of other officers to review the May Day events, and discuss squad assignments. The real emphasis of roll call was on the 6:00 p.m. anti-capitalist march given its historically tense and violent nature. To prepare for the May Day events, Officer Zieger not only participated in an entire month of crowd control training, but he helped create the training and was the lead instructor. Based on his extensive involvement, he was intimately familiar with the protocols in place to manage this type of event. One aspect of his training included the timing and appropriateness of a dispersal order when a protest escalated to the point of violence or destruction. Officer Zieger understood based on lessons learned from past May Day protests, and the current protocol and training,¹ that as soon as the protesters began using violence against the officers, the protesters should be immediately dispersed by the Department with blast balls and pepper spray to prevent any further violence or destruction.

After roll call, Officer Zieger's squad rode up to East Precinct for staging. He then patrolled the downtown area for a few hours with his squad before returning to West Precinct to "suit up" in his protective gear and equipment to prepare for the anti-capitalist march. While typically standard-issue bicycle helmets are worn as protective gear for officers on bike patrol, a few years ago, the Department transitioned to new higher protection helmets. The new helmet is an essential part of the protection equipment necessary for patrolling protests or marches of this type because of the likelihood of violent altercations. When Officer Zieger asked the appropriate officer at East Precinct for a new helmet, he was told that the Department was "all out," so he would have to wear the old bicycle helmet.² Officer Zieger was also not issued blast balls to use as non-lethal options during the march, despite his multiple requests to his sergeant and lieutenant. After receiving some gear and equipment, Officer Zieger's commanding officer ordered his squad to Westlake Park.

As he and his squad were heading to Westlake Park, Officer Zieger heard radio traffic indicating that there was a group of anarchists dressed in all black wearing face masks. A helicopter monitoring the crowd from above described, over the police radio, the same protesters handing out very large rocks. After the helicopter reported the rocks being distributed, Assistant Chief Steve Wilske, the incident commander, directed the helicopter to leave the area. Officers then communicated over the radio that protesters were assaulting officers with batons, some of which had nails attached. Officer Zieger understood, based on his recent training and Department protocol, that once the protesters became violent, the Department would issue a dispersal order and shut down the march. Indeed, former Mayor Mike McGinn issued a proclamation indicating that certain items were banned from the May Day protests. Once those banned items were observed, an order of dispersal would be made by the Department. To his surprise, instead of issuing a dispersal order and shutting down the march as he was trained, Officer Zieger and his squad were instructed by the command staff to parallel the protesters down Fourth Avenue in Seattle. Officer Zieger overheard Assistant Chief Wilske over the radio repeatedly indicate that he would issue a dispersal order, but he did not issue the order.

¹ See Policy 14.090, "Crowd Management," of the Seattle Police Department Manual, attached hereto as Exhibit 1.

² Officer Zieger believes that two other officers in his squad were also issued the "old" helmet.

Consequently, even though protesters were clearly escalating their behavior, he and his squad were forced to continue patrolling, and head south on Second Avenue. As Officer Zieger continued south, he noticed that protesters were blocking another squad of officers who were also assigned to bike patrol. It was an incredibly tense and stressful situation because there were over 50 protesters and only 9 officers. The officers were clearly outnumbered and the protesters knew it. At that point, Officer Zieger further observed that two officers on the other squad were surrounded by protesters on all sides and were in need of assistance. Officer Zieger and his squad acted quickly and immediately set up a bicycle fence to protect the officers from the protesters. The protesters escalated the situation rapidly and began throwing various dangerous objects at the officers, including flares, rocks, cans of soup, and huge chunks of concrete. Officer Zieger used his pepper spray to try and protect himself and his fellow officers. He also made several attempts to communicate the dangerous and precarious position that he and his fellow officers were in over the police radio.

As Officer Zieger was attempting to protect himself, a protester launched a large chunk of concrete and it forcefully struck him on his forehead. His head jerked backward, and he felt stunned and disoriented. Blood immediately began gushing out of his head and down the side of his eyes and face. Officer Kendall Holt, who was also an Emergency Medical Technician, escorted Officer Zieger to a van where he was taken by ambulance and transported to Harborview Medical Center.

In this situation, if a dispersal order had been issued by the Department earlier, then the protesters would have been ordered to disperse, been notified that their failure to disperse would result in their arrest, and, if they refused to leave, the officers could take escalated police action, including the use of chemical agents or other less-lethal methods to disperse the protesters. Instead, the order was not made in a timely manner, and the protesters were able to use violence against Officer Zieger and other officers. As a result of the Department's inactions (and the lack of sufficient protective equipment), Officer Zieger suffered a serious forehead injury, requiring him to take over a month off of work, and resulting in residual symptoms, including forehead numbness, head pain, throbbing, and headaches.

On May, 2, in a follow-up email concerning the lack of adequate protective equipment during the May Day march, Seattle Police Chief Kathleen O'Toole acknowledged that there were not enough of the new higher protection helmets and indicated that an expedited delivery of 30 helmets had been ordered.³ Chief O'Toole also noted that a serious injury was prevented at May Day 2015 because of the new helmet.

NAMES, ADDRESSES, AND PHONE NUMBERS OF ALL PERSONS INVOLVED IN OR WITNESS TO THE INCIDENT:

1. Assistant Chief Steve Wilske, Telephone No.: 206-684-5547
2. Lieutenant Mark Garth Green, Telephone No.: 206-684-5500
3. Sergeant Michael Renner, Telephone No.: 206-684-4300
4. Sergeant James Dymant, Telephone No.: 206-684-8917

³ The May 2, 2016 email from Chief O'Toole is attached hereto, as [Exhibit 2](#).

5. Officer Kendall Holt, 206-733-9800

The individuals identified above were the key individuals, but there were certainly other persons who were involved in or witnessed the May Day events, and Officer Zieger's injuries, including other officers, command staff, protesters, bystanders, and individuals from various media outlets.

WERE YOU INJURED?

Officer Zieger suffered a head injury when he was struck by concrete, and was unable to work for six weeks following his injury.⁴ He suffered severe head pain, particularly on the left and back side of his head. He also experienced head pain with any pressure, and numbness across his entire face. Prior to his head injury, he was headache free. Only after he was struck in the head by a large piece of concrete, did he begin suffering severe headaches. The headaches, head pain, and numbness have continued to persist at present. There is also a significant likelihood that he will have permanent facial scarring as a result of the severity of his head wound. In addition to his physical injuries and symptoms, Officer Zieger has also endured pain and suffering, and emotional distress as a result of the City's negligent actions.

⁴ Photographs of Officer Zieger's head injury are attached hereto, as Exhibit 3.

Exhibit 1

Seattle Police Department Manual

Kathleen O'Toole, Chief of Police

14.090 - CROWD MANAGEMENT

Effective Date: 09/01/2015

14.090 – POL

This policy pertains to the Department's practices of crowd management.

1. The Department Uses the Incident Command System (ICS) for Crowd Management

An Incident Commander will oversee the Department's response to public assemblies before, during and after the event.

- The Incident Commander may delegate authority and assignments.

2. The Incident Commander Will be a Sergeant or Above

- **Exception:** An officer can serve as Incident Commander until a sergeant can respond.
- A lieutenant will assume command when there are two sergeants and/or two squads involved in the event.
- A captain will assume command when there are two lieutenants involved in the event.
- For more information, see Manual Section 1.020 – Chain of Command.

3. The Incident Commander Will Obtain as Much Intelligence About the Event as Feasible

4. The Incident Commander May Consider Utilizing Specialty Units, Based on Operational Needs

See 14.090–TSK–1 Responsibilities of the Incident Commander.

5. The Incident Commander Will Determine Minimum Staffing for Crowd Management Events

- The Incident Commander will base staffing levels on the projected number of event participants and any pre-event intelligence indicating potential violence.
- The Incident Commander will develop contingency plans regarding staffing and tactics.

6. The Incident Commander Will Deliver Event Briefings Using a Standardized Format (SPD ICS Briefing Format)

7. The Incident Commander Will Communicate Each Unit's Mission to That Unit's Supervisor or Commander

The involved unit's supervisor or commander will develop the specific methods or tactics that will be used to accomplish the mission. See 14.090–TSK–2 Responsibilities of the Supervisor.

- The unit supervisor or commander will submit all unit plans to the Incident Commander, who will approve or modify the plans to accomplish the overall mission, with any modifications communicated back to the unit supervisor or commander.

8. The Incident Commander Retains Ultimate Responsibility for the Decisions of Subordinates

In order to fulfill this obligation, the Incident Commander will be available for on-scene consultation.

9. Crowd Dispersal

a. Upon Determining That the Crowd Presents an Imminent Risk to Public Safety or That Large-Scale Property Destruction Appears Likely, the Incident Commander May Order That the Crowd Be Dispersed

The Incident Commander or designee will first issue the order to disperse, if feasible.

See 14.090-TSK-3 Issuing the Order to Disperse.

b. Officers Shall Not Use Chemical Agents or Less-Lethal Munitions to Overcome Passive Resistance by Nonviolent and/or Peaceful Protestors, Absent Exigent Circumstances

c. Upon the Order of the Incident Commander, SWAT Will Deploy Chemical Agents and/or Less-Lethal Munitions to Disperse a Crowd

The Incident Commander shall have the authority to direct the use of chemical agents and less-lethal devices to disperse the crowd.

- A lieutenant may authorize the use of chemical agents/less-lethal munitions to disperse a crowd if an immediate life safety emergency exists that requires this action be taken and there is insufficient time to obtain incident command approval.

- An immediate life safety emergency is an unplanned, dynamic situation where immediate police action is necessary to protect the officers' and/or the public's safety.

d. A CART-Trained Supervisor shall Oversee Chemical Agents and/or Less-Lethal Munitions when SWAT is not Assigned to the Event

Personnel trained to deploy patrol CART munitions are authorized to carry these agents or devices unless otherwise directed by the Incident Commander. The Incident Commander shall have the authority to direct the use of chemical agents and less-lethal devices to disperse the crowd.

- Each precinct will maintain a supply of chemical agents and less-lethal devices to address an unplanned crowd management event where there is insufficient time to deploy SWAT

e. The Incident Commander Will Deploy Department Personnel to Accomplish Specific Tactical Objectives

Objectives may include:

- Containment - to confine a crowd

- Complete containment of a crowd without a dispersal route will only be done as a prelude to a mass arrest situation

- Isolation – to prevent the growth of the crowd and to deny access to those who are not involved, for their own safety

- Prevention of escalation – to defuse the situation through warnings and verbal persuasion

- Dispersal – to disperse the crowd in a predetermined direction and take enforcement action against violators

f. Officers and Incident Commanders Must Document Uses of Force

- Officers shall individually justify and document all reportable uses of force consistent with Manual Section 8.400 - Use-of-Force Reporting and Investigation.
- The Incident Commander authorizing the use of chemical agents and/or less-lethal weapons must justify that decision in a Use of Force Report, with a copy submitted to the relevant Bureau Commander in addition to the normal routing.

10. Officers May Make Individual Decisions to Deploy OC**a. Officers Shall Deploy OC for Specific Objectives Consistent With Manual Section 8.200 - Using Force.**

The authorized use of OC in crowd management situations involving violent activity shall have as a primary objective at least one of the following:

- Defend oneself
- Defend someone else
- Prevent significant destruction of property

b. OC Will be Directed at the Specific Suspect(s) who are Posing a Threat

Officers deploying OC will attempt to limit collateral exposure to non-involved parties.

- If there is probable cause to arrest for a crime, it is a priority for officers to arrest individuals against whom OC has been deployed.

c. Officers Will Provide Aid to Subjects Exposed to Chemical Agents and/or OC, if Feasible

Officers will request medical response or assistance for subjects exposed to chemical spray and/or OC when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc) that may be aggravated by chemical spray and/or OC.

d. Officers Must Document Uses of Force

Officers shall individually justify and document all reportable uses of force consistent with Manual Section 8.400 - Use-of-Force Reporting and Investigation.

11. Following the Event, Sergeants and Incident Commanders Will Conduct a Day-of-Event Debrief

- Sergeants will conduct a debriefing of their assigned officers and document any observations or suggestions on an *Event Debrief Form* (form 23.5).
- Sergeants and the Incident Command staff will then have a separate debrief to discuss the following subjects:
 - Event staffing
 - Deployment
 - Areas of success
 - Areas for improvement
 - Command issues

- Communication issues
- Logistical issues

12. The Incident Commander Will Complete an After Action Report

- The Incident Commander (or designee) will complete an After Action Report that will be routed to the Patrol Operations Bureau Commander via the precinct-of-occurrence chain of command. All completed Event Debrief Forms will be attached to the After Action Report.
- Once reviewed by the Patrol Operations Bureau Commander, the After Action Report and Event Debrief Forms will be loaded into the S:drive Crowd Management folder by Patrol Operations Bureau staff.

14.090–TSK–1 Responsibilities of the Incident Commander

During the course of managing a crowd, the Incident Commander:

1. If feasible, **contacts** the event organizer to discuss the Department response
2. **Develops** contingency plan regarding staffing and tactics
 - SPD task force callout criteria
 - Mutual aid callout criteria
3. **Considers** utilizing specialty units
 - Bicycle units for marches or mobile protests
 - Officers on foot for static events, or to function as arrest teams or bicycle unit support for marches or mobile protests
 - Mounted patrol for static events, marches or mobile protests
 - Video Unit for events where intelligence indicates that civil disobedience or crowd violence will occur (Recordings must be in compliance with SMC 14.12 – Collection of Information for Law Enforcement Purposes.)
 - Special Weapons and Tactics (SWAT) officers to use less-lethal launchers, munitions and chemical agents that are approved for use solely by the SWAT team
 - Patrol CART officers when there is insufficient time to deploy SWAT
 - Prisoner processing for events where intelligence indicates civil disobedience or crowd violence will occur
 - Intelligence Unit resources when there is a need for ongoing intelligence gathering and dissemination during the event
 - SPOC for planning and logistical support
4. **Communicates** each unit's mission to the relevant supervisor or commander
 - a. **Approves** unit plans
5. **Briefs** officers and supervisors using the SPD ICS briefing format
6. **Remains** available for on-scene consultation
7. **Debriefs** supervisors and commanders following the event

a. **Collects** Event Debrief Forms from the supervisors

8. **Completes** an After Action Report

a. Per Manual Section 14.010 – After Action Reports, **writes** a memo containing the following:

- Situation
- Mission objective
- Deployment information
- Chronological summary of the incident
- Enforcement actions
- Logistics
- Communications
- Critique

b. **Routes** the After Action Report and Event Debrief Forms to the Patrol Operations Bureau Commander

14.090–TSK–2 Responsibilities of the Supervisor

During the course of managing a crowd, the supervisor:

1. **Develops** methods or tactics that will be used to accomplish the mission

a. **Submits** plans to the Incident Commander

2. **Debriefs** assigned officers

3. **Documents** observations and suggestions on an *Event Debrief Form* (form 23.5)

a. Submits Event Debrief Forms to Incident Commander

4. Attends separate debrief with Incident Commander

14.090–TSK–3 Issuing the Order to Disperse

Upon determining that the crowd presents an imminent risk to public safety or that large-scale property destruction appears likely, the Incident Commander, as feasible:

1. **Considers** placing officers at the rear of the crowd to verify that the order to disperse will be heard by all

2. **Issues** the following order:

“I am (rank and name) of the Seattle Police Department. I am now issuing a public safety order to disperse and I command all those assembled at (specific location) to immediately disperse, which means leave this area. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of chemical agents or less-lethal munitions, which may inflict significant pain or result in serious injury. If you remain in the area just described, regardless of your purpose, you will be in violation of city and state law. The following routes of dispersal are available: (routes). You have (reasonable amount of time) minutes to disperse.”

3. **Allows** a reasonable amount of time for the crowd to disperse
4. **Repeats** the order to disperse, if feasible
5. **Continually** assesses the balance of dispersal time and the goal of retaining control of the situation

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Exhibit 2



chickennfries1 . <kzlawdog@gmail.com>

Fw: Helmets

1 message

Zieger, Kerry <Kerry.Zieger@seattle.gov>
To: "kzlawdog@gmail.com" <kzlawdog@gmail.com>

Tue, May 10, 2016 at 6:38 AM

From: OToole, Kathleen
Sent: Monday, May 2, 2016 5:11:35 PM
To: Zieger, Kerry
Subject: Fwd: Helmets

Hi Kerry,

Please see below. I wish I'd known this earlier. The helmets are a small investment to better protect our people. I expedited the original purchase last year when the request came through and was so thankful when hearing a serious injury at May Day 2015 was prevented as a result. In any case, thank you for letting me know. Although too late to prevent your own injury, we hope to get expedited delivery of an additional 30 helmets this week.

Next time I meet you and your wife, I hope it's under much happier circumstances.

Sincerely,

Kathy O'Toole

Sent from my iPhone

Begin forwarded message:

From: "Fowler, Chris J" <Chris.Fowler@seattle.gov>
Date: May 2, 2016 at 4:00:42 PM PDT
To: "Best, Carmen" <Carmen.Best@seattle.gov>
Cc: "Dyment, JamesK" <JamesK.Dyment@seattle.gov>, "Baird, Mark R" <Mark.Baird@seattle.gov>, "Wilske, Steve" <Steve.Wilske@seattle.gov>, "OToole, Kathleen" <Kathleen.OToole@seattle.gov>, "Maxey, Brian" <Brian.Maxey@seattle.gov>
Subject: Re: Helmets

I told Jim to place the order. Thank you Chief.

CPT Chris Fowler
Seattle Police Department

On May 2, 2016, at 3:21 PM, Best, Carmen <Carmen.Best@seattle.gov> wrote:

Captain Fowler and Sergeant Dyment,

Okay to order 30 bike helmets. Please handle and advise

Carmen,

Deputy Chief Carmen Best

Seattle Police Department

Desk: (206) 684-5459

Cell: (206) 255-8889

carmen.best@seattle.gov

www.seattle.gov/police

Visit us at: SPD Blotter <[image001.jpg](#)> | Twitter <[image002.png](#)> | Facebook <[image003.jpg](#)> | Nextdoor <[image004.jpg](#)>

From: Fowler, Chris J
Sent: Sunday, May 01, 2016 11:24 PM
To: Wilske, Steve
Cc: Best, Carmen
Subject: Helmets

In talking with Dymont, the officer that got hit in the face did not have one of our newer higher protection bike helmets.

We would need about 30 more helmets to equip everybody and there is a possibility they could be ordered and shipped to us by Saturday.

FYI

Chris

Exhibit 3



