



## Police Issue Apologies in Wake of Protest

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A dispute between the Flagstaff police and some students at Coconino High School who belong to an environmental advocacy group has led to a personal apology by a police official to students and parents for a perception of intimidation.

In the wake of the incident, the GITEM anti-gang task force has also abandoned its all-black SWAT-style uniforms for toned-down khakis and polo shirts. And, police officials have required officers to undergo training to understand that similar emotionally charged issues should bring an increased sensitivity to the table.

Regardless of the personal apology and the policy changes police have made, Youth of the Peaks still demands a public apology and the American Civil Liberties Union is accusing the police of undermining the students' constitutional free speech rights and launching its own investigation.

The incident at the school,

which happened Dec. 7, centered on the placing of fliers at the school regarding a film to be shown at the school called "The Snowbowl Effect," a film that is critical of plans to bring artificial snow to the San Francisco Peaks for the ski resort.

At the behest of a superior, an officer at the school for a scheduled meeting removed a sampling of the fliers, some of which contained a symbol for anarchy and masked people encouraging the donning of camouflage, and brought them to the attention of a school administrator.

In the wake of the officer's actions, two Youth of the Peaks members were questioned by school officials, the fliers were removed and the film was canceled.

The action caused a flurry of criticism from Flagstaff residents and beyond.

"In hindsight, we certainly wish this incident had not happened and that we had handled it much more

tactfully," said Deputy Chief Brent Cooper of the Flagstaff Police Department.

Direction for the future for officers is that while on school campus, if they see criminal activity, they are to take action. But if they see a possible administrative infraction, they are to take no action and notify the school's administration, Cooper said.

### MISSED COMMUNICATIONS

The incident at the high school was the culmination of events that began Dec. 6, when members of Youth of the Peaks held a candlelight vigil downtown, then protested in front of City Hall.

The Save the Peaks Coalition of environmentalists and activists started the younger branch, Youth of the Peaks. Activities include vigils, potlucks and training on how to speak to the media and make magazines, including recruitment posters. It has about 30 members and a Web site

linked to the Save the Peaks Coalition urging supporters to show the film "The Snowbowl Effect," petition Flagstaff City Council not to sell water to Snowbowl and contact newspapers and lawmakers.

Police Chief J.T. McCann said police attempted several times to make contact with the organizers of Youth of the Peaks in order to make introductions.

The police position is that GITEM officers, who were at the school for a regularly scheduled monthly meeting, attempted to find out more about Youth of the Peaks. Additionally, officers were going to attempt to talk with the group members about preserving the constitutional rights of the protesters and the general public during protests, McCann said.

Sgt. Shane McFarland, supervisor for the GITEM team, said that Youth of the Peaks is not considered a gang, is not being investigated for any criminal activity, and was not the focus of the GITEM visit Dec. 7.

But when the GITEM officer on campus saw the fliers for Youth of the Peaks, he decided to attempt to make contact with the group, which still had not made contact with police.

It was coincidental that the group members met some of the criteria,

outlined in state law, of gangs (see related story).

"We normally sit down and set the parameters," McCann said. For instance, protesters are not allowed to block public thoroughfares during a demonstration.

CHS sophomore Alberta Nells had tried to show "Snowbowl Effect" at the school. As well as posting fliers for the movie, she and other Youth of the Peaks members placed posters promoting the organization and other events it had planned around the school. She contends she had permission from an assistant principal to do so.

Chris Bavasi, FUSD board member, said, "My understanding is, originally, someone asked the administration if they could show the film and were given permission."

But then the administration learned that Youth of the Peaks was not an approved group to function officially on campus.

Approved groups must apply with the school at the beginning of an academic year, Bavasi said. The administration reviews the application and either gives approval or does not. Approved groups are allowed to use school facilities for functions.

Groups that aren't approved can still request permission to use

school facilities, but they must pay a fee, Bavasi said.

When the administration found out Youth of the Peaks was not an approved group, permission to show the film was rescinded, Bavasi said.

The pulling of the film had nothing to do with what Youth of the Peaks stood for.

"I think it was perhaps portrayed in a more sinister fashion than was intended," Bavasi said.

He added that it was his understanding the film could have taken place if the group had gone through proper channels.

But even if Youth of the Peaks were an approved group, Bavasi said it is his understanding that the administration would have viewed the film to look at the content. And if the film were viewed as "one-sided," the administration would have taken further action.

"If they thought it was not a balanced piece, they would offer an option to an opposing side for an opportunity to be heard," Bavasi said.

David Roth, principal of Coconino High School, said that he explained the school's position the last time he was interviewed and declined to comment further. He said he did not question the students but

objected to one-sided posters or propaganda.

As to whether Youth of the Peaks had permission to post the fliers promoting the film, and the fliers promoting the organization, Bavasi said he did not know.

But police officials said after the incident that the fliers were ordered removed from school property.

## RIGHTS VIOLATIONS ALLEGED

"As far as we can tell right now they violated four constitutional freedoms," ACLU of Arizona interim director Dawn Wyland said. "It seems like an encroachment of protected speech issues and protected civil liberties."

During their visit, GITEM members saw the posters, took several down, and showed them to the school administration.

As political speech, the posters should receive the highest protection under the First Amendment, Wyland said, but the ACLU will also take the police's apology into account, she said.

National leaders of the Sierra Club and ACLU have been involved in the matter.

McCann said that when two female members of Youth of the Peaks, one of whom was Nells, walked by the officers, holding some of the

posters, the officers asked to speak with them in an attempt to learn more about the group.

"The officers had no intent to suppress free speech," McCann said.

The young women said they felt intimidated by the process. They were taken to the administrative offices and questioned, with men wearing black tactical suits in the room.

Their intent was not to intimidate, McCann said. But he acknowledged the officers' size and dress could have created the perception of intimidation.

McCann said, "We do feel this is an unfortunate miscommunication and will work to not have that happen again."

Cooper said he personally met with the parents of the teens and apologized for the perception of intimidation.

Nells and fellow group member Dan Rosen, 20, said anything less than a public apology from Flagstaff police would not be enough.

"We asked for a public apology, but they're not going to give us that. They apologized to us," Nells said, though she and several families received apologies privately.

McCann said, "I'll accept responsibility for failure to

foresee this and failing to appropriately sensitize and train the officers."

Cooper said the administration held a supervisor's meeting and critiqued the incident. The purpose was to make supervisors aware of the emotional nature of the issue and to keep that in mind.

Even though the officers' intent was harmless, their actions were perceived much differently by the students who were questioned.

## MORE MEETINGS ENCOURAGED

Additionally, police officials issued a training bulletin on what the police role is during protests and demonstrations. The normal process includes a meeting with the leadership of a group interested in protesting or demonstrating to identify ground rules up front, Cooper said.

In this case, police had attempted to contact the leadership of Youth of the Peaks prior to their Dec. 6 vigil and protest in front of City Hall. That leadership, which now says there is no one leader of the group, did not give police any information about what they were planning and did not reply to requests for a meeting.

Cooper said that, technically, protesters or organizers of large gatherings are required to get permits from

the city before doing so. Cooper added that police do not enforce this requirement.

"We've always viewed it as a First Amendment issue," Cooper said. "So we don't insist they get a permit."

The successful standard, in the past, has been for police to sit down with event organizers to discuss what will be taking place and what needs to be done to ensure that nobody's constitutional rights are violated, Cooper said.

In an effort to eliminate even the perception of intimidation, the GITEM officers were ordered to change their uniforms, McCann said. Before, the GITEM officers wore an all-black tactical suit, much like a SWAT uniform. That has been changed, and GITEM officers now wear khaki pants and a black or white Polo shirt.

Nells and Rosen said they'd oppose snowmaking at Snowbowl through nonviolent means, speech and prayer, but wouldn't explain how they'd "stop" it.

Rosen and Nells said they didn't know who made the posters.

Rosen said he couldn't speak for Youth of the Peaks on whether nonviolent means would involve direct action to attempt to block snowmaking at Snowbowl if snowmaking is ultimately

approved through the legal system.

District Judge Paul Rosenblatt has yet to issue a ruling on the lawsuit over the Forest Service's approval of snowmaking at Snowbowl.

Police had contacted Rosen in an attempt to set up a meeting before the latest protests, Rosen said, but he had yet to call them back.

McCann said that he met with Rosen and a Save the Peaks representative, Kelvin Long, recently to discuss what happened at the school that day. It is anticipated that both parties will release a joint statement about the incident.

No formal complaints have been filed with the police department, McCann said, but several residents have contacted him directly to voice their concerns.