

June 30, 2020

CONFIDENTIAL

By Hand Delivery

Dr. David Angel, President
Dr. David Fithian, President-Elect
Clark University
950 Main Street
Worcester, MA 01610

Dear Dr. Angel and Dr. Fithian:

Hours before dawn on June 2, 2020, President Angel received numerous complaints from members of the Clark community regarding the arrests of Clark students¹ who had been participating in or observing a protest that began on the evening of June 1 in response to the killing of George Floyd. This protest extended past midnight.

In the days immediately following those protests and arrests, you requested that we conduct an independent review of what had occurred. We have now done so, including by reviewing many videos, photographs, and other information and evidence and by conducting numerous interviews.

The following summarizes the details of the events of June 1 and 2 as we have been able to ascertain them.

On June 1, 2020, a protest and rally attended by several hundred people took place at Worcester City Hall, beginning at approximately 6 p.m. This was followed by a march from City Hall to the Worcester County Courthouse and back. This march ended shortly after the return to City Hall and by 8:20 p.m. all but 50-75 of the protesters had dispersed. This event was peaceful and engaged a large group from the community in what had become, and remains, a national movement of concern.

A similar protest and rally had been held in Boston on the prior day. That event had culminated in extensive vandalism and looting and damage to buildings and businesses in downtown Boston. On June 1, Worcester's Police Chief and City Manager received calls from the Massachusetts Secretary of Public Safety and his Deputy and from the Massachusetts Attorney General's Office indicating that they had received information that similar violence should be expected in Worcester. They urged Worcester officials to take preventative measures and offered their assistance. Accordingly, City officials coordinated with the State Police and

¹ Olivia Crum, Lyndsay deManbey, Sarah Drapeau, Max Marcotte and Jay Verchin. The phrase "Clark students" as used in this report refers only to Olivia Crum, Lyndsay deManbey, Sarah Drapeau and Jay Verchin, all of whom we interviewed. Our efforts to contact Max Marcotte were unfortunately unsuccessful.

National Guard to provide contingency assistance to the WPD. The WPD Tactical Unit was placed on alert and teams from the National Guard and the State Police trained in crowd and riot control were positioned at remote locations prior to the start of the protest rally. The City released these teams when the City Hall rally ended. The WPD Tactical Unit remained on alert at the WPD headquarters.

Shortly after 9 p.m. the remaining group of protestors left City Hall, moving along Franklin Street and Portland Street and then south on Main Street. Along the way, a window in the rear of City Hall and a storefront window on Mechanic Street were broken. The group was accompanied by WPD officers in cruisers, some of whom had responded to reports of property damage and others who were guiding the group as it moved along the street, redirecting vehicular traffic. The only police involved at this point were regularly uniformed WPD officers.

As the group moved along Main Street in the direction of Clark University and approached Hammond Street, the situation changed. Some of the group began engaging with the police officers, yelling at them and using profanities. Objects were thrown at police cruisers. At approximately 10 p.m. the crowd gathered in the vicinity of Hammond, May and Main Streets and a WPD cruiser parked on Hammond Street and occupied by a police officer was surrounded by a large group of the protestors. The WPD officer became concerned about his safety, called for assistance and escaped from the vehicle. In response, it was decided to activate the Tactical Unit.

This Unit consisted of 35 to 40 trained officers dressed in riot gear with helmets, face shields and body armor and equipped with less-than-lethal weapons. It arrived at approximately 10:15 p.m.

The Tactical Unit officers dispersed protestors from around the WPD cruiser and then from the Dunkin' Donuts parking lot on Main Street. The Unit was then positioned in ranks across Main Street facing south toward Clark near the intersection of Hammond and Main Street. The 50-75 protestors were assembled on and adjacent to Main Street, between the Tactical Unit and Claremont Street. One arrest was made, but not of a Clark student. Many from the crowd lay in the street, in protest, and were not disturbed. One member of the crowd insisted that the police kneel in memory of George Floyd, and several did so.

The Tactical Unit ordered the crowd to disperse and to go home. The majority of the crowd ignored these orders. Some began assailing the police with flares, fireworks, rocks, concrete, bottles, and other debris. One man was observed on a nearby rooftop holding in his hand a device that appeared to be a Molotov cocktail. When he was arrested, it was confirmed that this was indeed a Molotov cocktail and several more of them were discovered in his satchel. Some officers were struck and injured by material thrown and fired at them. One officer was burned by a flare shot directly into the line of police.

For approximately the next two hours, the Tactical Unit, supported by regularly uniformed WPD officers, continued its efforts to disperse the crowd, moving forward and back on Main Street, and giving direct orders to leave. They periodically deployed pepper spray cannisters and other non-lethal crowd-control devices such as stinger grenades² and sponge rounds.³ No "tear gas" was used. Although the crowd thinned over time, a number of protestors (more than 20 but less than 40) remained and continued to throw objects at the

² A stinger grenade is a rubber bodied device that delivers rubber pellets, light flashes and loud sounds.

³ A sponge round is a projectile with a foam tip used to deter non-compliant subjects.

police and to damage property along Main Street, including by breaking windows on store fronts and lighting at least one fire.

At approximately 10:30 p.m., the Clark University Police Department (CUPD)⁴ was called by the WPD to assist with controlling vehicular traffic. The Clark officers responded in two marked vehicles. Upon arriving, they observed what they described as a large crowd facing the Tactical Unit, which was positioned in a line across Main Street to the north of the protesters. They observed the protesters throwing rocks, bricks and bottles and shooting fireworks and shouting obscenities at the Tactical Unit. The protesters also began taunting, shouting obscenities and directing racial slurs at the Clark officers, who heard repeated orders by the Tactical Unit to disperse and to leave.

The Tactical Unit deployed pepper spray, stinger grenades and sponge rounds and the crowd began moving south on Main Street towards where CUPD cruisers were positioned. The combination of protesters and backed-up traffic blocked these cruisers from moving. A large group surrounded the cruisers and began throwing rocks and bottles at them, with the officers seated inside. Objects were thrown directly at the windshields, doors and windows of both cruisers. The side panels of one of the cruisers were repeatedly kicked and each of the cruisers was extensively damaged. Side, back and front windows were shattered, and the body of each vehicle was dented and scraped. The CUPD officers were eventually able to maneuver their vehicles around the blockade and to return to campus. Upon arriving at the campus, they began removing the broken glass and discovered that a bottle thrown at one of the cruisers was a Molotov cocktail which had not ignited.⁵

The CUPD Officers then repositioned their vehicles on the campus to prevent unauthorized persons from entering. They did not participate in removing protesters or in any arrests.

Shortly after 11 p.m., three of the Clark students who were arrested, Olivia Crum, Lyndsay deManbey, and Sarah Drapeau, left their apartment on Norwood Street to observe and record the situation. They walked north on Main Street to near the corner of Claremont Street and observed the Tactical Unit deploy the type of crowd-control devices already referenced. They also observed one or two individuals throwing rocks at the police. After returning to their apartment to charge their cell phones, at about 12:20 a.m. they walked on Norwood Street to Woodland Street and to the corner of Loudon and Main Streets, to observe what was happening.

Clark student Jay Verchin began, using a cell phone, to live-stream the protesters and the police on Main Street at approximately 11:50 p.m. Verchin observed the police attempting to disperse the crowd and arresting some protestors and saw one protestor throw a brick at a police van and another protestor ignite a flammable liquid.

Video recordings and other information reflect that at least two of the Clark students were or should have been aware of the seriousness of what was underway and the risk of arrest. Among other things, their recordings note “a white dude throwing bricks and pushing a dumpster down the street”, that protestors were using fireworks and smoke bombs, that police were “telling people to leave”, that the police were not

⁴ Officers Kalah LaPlante, Michael Sabatalo, Jr., Kendall Watson and Brandon Yap.

⁵ These officers had faced great risk of harm. They did so calmly and professionally and their restraint in not using force in this situation is commendable.

engaging with the crowd but were “like a line of black ants”, that there were instigators destroying property and throwing rocks, that store-front windows were being broken, that the situation was “all-out chaos”, that “a lot of people are going to need bail” and that people were “throwing s**t” at the police. One of them was messaging to others in the Clark community to “show up now” and that “this is really fun.”

The streamed claims by one of them that the CUPD were acting improperly, that the WPD were using mace, and that the crowd consisted of only a “handful of black and brown faces” were not true.

In a video recording, Verchin acknowledged concern about being arrested and hid to avoid being seen by police. On the same video, Drapeau commented that police were “telling people to go home.”

Shortly after 12:00 a.m., the WPD officers apparently decided to arrest those protestors who would not disperse. The Tactical Unit moved further south on Main Street towards another group of WPD officers positioned in the area of Hancock Street, with the objective of apprehending the protestors who had refused to disperse in the face of repeated commands. This resulted in the arrest of the Clark students and several others.

At approximately 12:00 a.m., Verchin moved away from the apartment building and the bushes behind which Verchin had been hiding and walked south on Main Street toward the rear of a group of police officers who were making arrests and then attempted to evade police by hiding behind a tree on Hancock Street. In doing so, Verchin surprised a WPD officer and ran when seen by him. Verchin was then taken to the ground and handcuffed. Verchin allegedly incurred scrapes and bruises as a result of the arrest.

At the time, Drapeau was with deManbey and Crum near the corner of Louden and Main Streets. When Drapeau saw Verchin being arrested, she began yelling and ran across Main Street towards the officers who were arresting Verchin. The officers ordered Drapeau to stop and to lay down in the street. She complied and was handcuffed and arrested.

Drapeau claims that an officer had his knee on her back while she was on the ground and was being handcuffed. She claims that she repeatedly told the officer who secured her that she had “lung issues” and that the knee on her back was painful. The officer reportedly said “ok” but did not move. However, another officer told her that she could lay on her side, which she did.

Drapeau claims that arresting officers made unprofessional comments during her arrest, including by calling her “a fat bitch”, saying “welcome to the real world” and responding to her request to loosen her tight handcuffs by saying that she “should have thought of that before getting arrested.”

deManbey and Crum were on the sidewalk at the corner of Louden and Main Streets observing Drapeau being arrested on the opposite side of Main Street when they were commanded to get on the ground. Crum claims that deManbey was on the ground when she saw officers punching him on his back. She can be heard saying this on a recording made at the time. She also claims that a WPD officer broke the screen on her cell phone by repeatedly stepping on it. A video recording from that phone confirms that he did so.

deManbey states that several police officers yelled at him to take his hands out of his pockets while he was lying face down on the sidewalk, with his hands behind his back, and that multiple officers struck him several times on the back and kicked his legs while he was being arrested. He claims that he did not resist arrest and

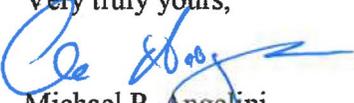
did not attempt to put his hands in his pockets during the arrest and that in fact he was wearing sweatpants that did not have rear pockets. He suffered an abrasion on his left cheek and bruising on his body as a result of the arrest. The abrasion was noticeable when we met with him on June 17, 2020 and is also apparent from photographs taken when he was released from jail on the morning of June 2.

Based on contemporaneous recordings, their injuries, the consistency of their testimony and on our interviews, the claims of the Clark students regarding their arrests are credible.

The chaotic nature of the events and the many different points of view regarding them make it difficult to determine exactly what happened in every circumstance. As is self-evident, the lens through which one observes events affects the perception of those events. That said, in specific instances, the evidence which we have reviewed indicates misstatements and exaggerations in some of what we have been told and some of what is in police reports. Based on our investigation, we have concluded the following:

1. Beginning at about 9:30 p.m. on June 1, a number of people who had earlier attended a peaceful protest began engaging in violent behavior that endangered public safety, including the safety of police officers, neighbors and bystanders. By shortly after 10 p.m. this situation had worsened to the point that the WPD Tactical Unit became involved.
2. One could question whether it was appropriate to involve a force of the size and nature of the Tactical Unit, but given the events in Boston on the prior evening, the unpredictability of what would occur, the developing hostility and the lateness of the hour, that decision was reasonably made and was consistent with law-enforcement protocols.
3. None of the four Clark students whom we interviewed acted violently or destructively. While two of them clearly were aware of the orders to disperse, the other two may not have been and apparently did nothing else to warrant their arrests.
4. Arrests are not polite events, but they should involve only those actions which are required to accomplish them. Even in the situation described in this report, that standard applies. Actions taken during the arrests of the Clark students did not meet that standard.

Very truly yours,


Michael P. Angelini


Brian J. Mullin