



Western Washington University
CONSULTANT FINAL REPORT

**Report of the External Review of the Western Washington University's (WWU)
Response and Investigation of a Threat Made via Yik Yak to a WWU student, as
Documented in Western Washington University's Police Department Incident
Report on November 23, 2015.**

Prepared for: **Western Washington University**

Prepared by: **John N. Vinson, Ph.D., Chief of Police, University of Washington Police Department**



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Student Victim

ASB Student President

Student Witness

ASB Vice-President

This review was originally requested by the student leadership to evaluate the investigation of a threat made via Yik Yak to a WWU student. The purpose of this investigation was to:

1. Assess the current University Police Department (UPD) campus safety plan, individual safety plan and timeliness of the University's response. Make recommendations regarding police, or other means of protection, based on best practices in the event there are future incidents of this nature.
2. Make recommendations considering industry standards and best practices for guidelines and policy in responding to various kinds of threats.
3. Review the UPD investigation as well as their use of both local and national resources.
4. Review and make recommendations related to best practices for social media threats.
5. Review the approach to obtain information from Yik Yak and other forms of social media, in general, for harassment and threatening complaints and make recommendations for capturing information from these sources both from complainants and through companies.
6. Review and make recommendations on how to address the perception of safety, not only for those directly impacted, but for those who receive racist statements or who are struggling to feel safe in this environment.

DISCLAIMER

This report is based on information derived from incident reports provided by the Western Washington University Police Department, discussions with WWU Police Personnel and WWU Administration, as well as, a review of other information provided by Yik Yak for the purposes of investigating this specific case. The activities review and analysis parts of this report are for the internal use of the Western Washington Police Department. John N Vinson, Ph.D., will not be held liable for any inaccuracies, omissions, or views expressed, nor for any damages to any party arising from the direct or indirect use of this report.

Review Process:

A review meeting was convened on Thursday, December 24, 2015, prior to the issuance of this report. I received, without reservation, an assurance from Western Washington University (WWU) that I should conduct a thorough review and have access to all requested documents. I initially met with Richard Van Den Hul, Senior Vice-President for Business and Financial Affairs; Eileen Coughlin, Senior Vice-President and VP for Enrollment and Student Services; and, Darin Rasmussen, Chief of Police.

Additionally, I attempted to meet with the Associated Student Body President (ASB) and ASB Vice-President, exchanging multiple emails with them, offering various date/times to meet with them. Due to several delays in their responses and their schedules, they were unable to find a time to meet with me over a three-week period. A subsequent conversation was held between the ASB President, ASB Vice-President, and the Senior Vice-President and VP for Enrollment and Student Services, where they were advised they could submit written comments to me, but at the time this report was finalized, no comments had been received.

Among other things, I conducted a review of the following:

- A. Complete case report 15-0701, dated November 23, 2015
- B. Email from Sergeant David Garcia, dated November 23, 2015
- C. Follow-up report, dated November 24, 2015
- D. Follow-up report, dated November 27, 2015
- E. Follow-up report, dated November 28, 2015
- F. Screenshots of Yik Yak Postings
- G. Search Warrant 15W-0701 served on November 24, 2015
- H. Yik Yak Response to search warrant, dated November 30, 2015
- I. Aerial shot of coordinates provided by Yik Yak
- J. Information obtained regarding the student suspect
- K. Student suspect Probable Cause sheet, dated November 30, 2015

- L. WWU Property Report, dated November 30, 2015
- M. Whatcom County Harassment No-contact Order 15-1-01441-5 restraining Student Suspect from ASB President, dated December 1, 2015
- N. Screenshots from Yik Yak including one depicting a loaded handgun, sent by ASB Vice-President to WWU President Shepard the morning of November 24, 2015
- O. Miscellaneous social media screen shots from 4Chan
- P. Security Ops Plan, dated November 24, 2015
- Q. Off-Campus Security Detail Sign-up Sheet
- R. Draft Security Operations Plan After Action Report, dated December 22, 2015
- S. President Shepard's Letter to community, dated November 22, 2015
- T. Various other emails as provided by Senior Vice-President and VP for Enrollment and Student Services, Eileen Coughlin
- U. Formal Debrief Document provided by Western Washington University
- V. Threat Assessment Team Meeting Notes from November 24, 2015

Investigative Timeline of the November 23, 2015 Incident

November 23, 2015

On November 23, 2015, an unknown person posted on Yik Yak, a social media smartphone application, what appeared to be negative comments pertaining to the WWU ASB President. The Associate Dean of Student Engagement was apprised of the posts and contacted the Chief of Police at UPD, advised him of the Yik Yak posts and sent him a copy of the posts. Based upon the initial information received by UPD, a UPD sergeant contacted Whatcom County a Deputy District Attorney regarding the comments and also filed a request with Yik Yak to preserve any postings recently made via their application.

The Chief of Police convened a threat assessment review meeting for approximately 5:00pm that evening. The following were in attendance:

1. President of University
2. Chief of Police
3. Dean of Students
4. Director of Counseling

5. Director of Student Health Center
6. Director of Communications
7. Member of the University Police Department

While this is not a formalized group, these are the members who are generally convened for any type of threat assessment review. The President of the University also attended this review, which was highly unusual. In general, other individuals who have knowledge or who may be a witness to the threats are invited to attend the meetings. In this particular situation, the ASB President, further described throughout this document as the student victim, was invited to the meeting. While it was also highly unusual for a student to attend, in this case the student victim was also the student body president and there was some role confusion. In addition, there was a desire to let her know these concerns were being taken seriously.

All of the known information regarding the posts was discussed and a verbal assessment was completed. It should be noted, in a follow-up interview with the Chief of Police, he advised during the threat assessment review meeting on November 23, 2015, the student victim expressed concern she did not feel safe and she wanted to receive the same level of protection the President of the University had received when he received threats a few years ago. The protection provided to the President of the University was at a University owned home off-campus and therefore was considered part of University property. In this particular case the student victim lived off-campus. The University Police however, did agree to provide increased patrols off-campus.

At the conclusion of the review, it was determined UPD would:

1. Start a formal criminal investigation;
2. Have the UPD patrol sergeant contact the Bellingham Police Department and apprise them of the situation;
3. Increase police patrols;
4. Provide the President of the University's direct cell phone number to the student victim; and,

5. Have the Chief of Police at UPD contact the Chief of Police at Bellingham Police Department, to personally apprise him of the situation.

At 6:30pm, the case was assigned to a UPD police officer for further investigation. The officer began a review of the case materials and printed all of the Yik Yak posts and comments provided via email by the Associate Dean of Student Engagement. The officer had also been informed that one of the Yik Yak comments had referenced "lynching" the student victim. During the officer's review of the provided posts, he noted many of the negative comments were directed toward the student victim's involvement in trying to change the WWU mascot. None of the reviewed posts however, included any type of "lynching" references or comments. There were other general negative comments, but they did not appear to be directed at any specific student.

A further review by the UPD officer determined one of the student victim's tweets on Twitter about the WWU mascot may have generated additional conversation on Yik Yak.

At approximately 7:30pm, the officer left a voice mail message for the student victim asking her to return his call to discuss the case. The officer was attempting to speak with her about the "lynching" comment that was made and ascertain her perception and feeling of safety.

At approximately 7:40pm, the officer left a voicemail message for a possible student witness.

At approximately 7:50pm, the officer had a follow-up phone conversation with the Associate Dean of Student Engagement. The officer confirmed the Associate Dean of Student Engagement was informed by another student of the "lynching" posting and other Yik Yak comments posted over the weekend. This student witness took screen shots of the Yik Yak posts and sent them to the Associate Dean of Student Engagement.

At approximately 7:55pm, the student witness returned the call and spoke with the officer. The student witness reported she was reading the Yik Yak thread on November 23, 2015 from

approximately 12:00am to 1:00am. While reviewing the thread, she saw a comment to someone else's posts stating "let's lynch her." The student witness believed the comment was in reference to "lynching" the student victim, and attempted to get a screenshot. The student witness stated the comment disappeared fairly quickly and she could not remember the name of the main thread.

At approximately 10:30pm, the student victim, and other friends, arrived at the WWU Police Department to speak with the officer regarding the posts. During the conversation, the student victim and her other friends expressed they felt "very scared" because of the hateful and threatening posts. The student victim, crying intermittently, indicated she was "petrified" to leave the police department and felt fear for her safety. The students were provided several tips to enhance their safety, along with information that the Bellingham Police Department and UPD would conduct extra patrol of their off-campus residence.

The concerned students inquired if classes would be canceled the following day and whether or not a Western Alert would be sent out (Western Alert is WWU's emergency notification system). The officer indicated he would check with UPD's Chief of Police regarding the canceling of classes and the issuance of a Western Alert. The students again expressed they should be given the same protection provided to the President of the University last year. The student victim was told the UPD sergeant would be her contact person for the next couple of days since the investigating officer was going off on pass days. The student victim wanted to provide a written statement, but requested to do it the following day. Before the students departed, they were told to contact UPD if they felt threatened, and were provided Title IX resource cards.

November 24, 2015

At approximately 2:15am, the student victim contacted the President of the University via telephone and reported there were additional posts on Yik Yak, which included a screen shot posting of a picture of a gun. The student victim expressed she was even more concerned

about her safety. The President of the University advised he shared their concern, which led him to convene the threat assessment review team.

At approximately 2:30am, the UPD Chief of Police received a phone call from the Vice-President for Business and Financial Affairs advising him the President of the University was requesting another threat assessment review meeting as soon as possible and to meet on campus. Prior to heading to campus, the Chief of Police called the police department to determine if there was any new information and was advised there had been no new information received. At approximately 3:30am, a second threat assessment review meeting was convened and in attendance were the following:

1. Chief of Police
2. Assistant Chief of Police
3. Vice-President for Business and Financial Affairs
4. Vice-President for University Relations and Community Development
5. Senior Vice-President and VP for Enrollment and Student Services (via phone)
6. President of the University
7. UPD Police Officer
8. Bellingham Police Department Representative

The two main questions to be answered by the group were the following:

- a. Is there a threat to the campus community?
- b. Is there a threat to the student victim and student witness?

A thorough review of the facts known to date was conducted. It appeared the gun picture posted on Yik Yak was not connected to the “lynching” comment nor did it appear to be directed at the student victim. The review also reiterated the fact there was an alleged crime that must be investigated, but there was no evidence to suggest the threat posed any type of physical and/or imminent threat to the students and/or university community. This conversation included a discussion on safety planning options for students who felt threatened.

One of the options discussed was to provide 24 hour security coverage to the student victim and witness outside their off-campus residence or move them to a hotel.

At approximately 4:25am, the President of the University decided to suspend classes for the safety of students of color and to allow time for campus-wide healing. At approximately 6:10am, the message was disseminated via Western Alert to the university community.

Shortly after the meeting, the UPD Chief of Police resumed oversight of the investigation. The Chief of Police ensured UPD would continue their investigation of Malicious Harassment to determine if there were any racially motivated threats made against the student victim. The Chief of Police assigned a corporal at UPD to conduct the follow-up investigation and had two detectives from the Bellingham Police Department assist with the investigation.

The UPD corporal wrote up a search warrant, had it approved by a Judge at the Superior Court, and served it on Yik Yak via email as instructed on the Yik Yak website. Yik Yak confirmed receipt of the warrant. UPD was contacted by Barbara Izzo, from Yik Yak, via telephone, who advised she located the statement "lynch her," as well as, a statement regarding "protesting by hanging nooses in the trees."

The Chief of UPD indicated the University left messages for the student victim and student witness, asking them to provide victim/witness statements to the police department.

Based upon confirmation of the lynching comments from Yik Yak, the UPD now needed to wait for additional suspect information from Yik Yak. Additionally, the UPD completed a draft comprehensive security operations plan that provided 24 hour security coverage for the student victim and student witness in the event the University decided to implement the plan.

November 25, 2015

The investigation continued and a voicemail is left for Yik Yak Legal Counsel requesting the process be expedited in the interest of public safety.

November 27, 2015

The UPD corporal contacted colleagues at Missouri State University soliciting advice on how to expedite information from Yik Yak.

Also on this date, the President of the University sent out a message to the university community detailing his reasons for canceling classes on Tuesday, November 24, 2015. The President of University was very specific in his communications regarding the nature of the Yik Yak posts and stated there was an investigation underway.

Additionally, at approximately 8:00pm, on this same date, another WWU student sent an email to the President of the University admitting to being the person who made some of the Yik Yak posts. UPD was notified of the email.

November 29, 2015

The WWU student who admitted to posting some of the Yik Yak posts voluntarily arrived at UPD and met with the original investigating officer and the Assistant Chief of Police. The student was informed he was not being arrested and he was free to leave at any time. The student was read his Miranda Rights and agreed to speak with investigators. The student stated he did not know the student victim other than reading from YIK Yak that she was the ASB President. The student's original posts about "Monks" were not about the student victim or anyone in particular, but in response to the post about "hanging nooses from trees." Based upon the interview, the investigators felt this student was not the responsible party for the threats toward the student victim. The student went on to say he did not want anyone to feel threatened and wanted to make things "right." The student did not know the identity of anyone on the Yik Yak thread he posted on. When asked by the investigators if he left any voicemail messages or sent any letters, the student indicated he did not make any threatening

voicemail messages, did not mail any white supremacist letter to WWU faculty on November 25, 2015, and has never been associated with white supremacy groups. The student completed a voluntary written statement.

The Senior Vice-President and VP for Enrollment and Student Services initiated, via e-mail, communication with the student victim and her student support group and offered to meet with them. The student victim expressed her concerns again for her safety and requested, among other things, 24 hour dedicated security at her off-campus residence and her office at the University. The student victim also expressed her mistrust of the UPD. The student victim was advised by the Senior Vice-President and VP for Enrollment and Student Services that the 24 hour security would begin on the evening of this date. A subsequent conversation with the student victim revealed her mistrust for UPD was because of her interaction with the UPD officer on the evening of November 23, 2015 while she was at the police department. The student victim felt the officer did not appropriately respond to her concerns.

November 30, 2015

At approximately 10:45am, UPD received additional information from Yik Yak regarding their search warrant that was submitted on November 24, 2015. The information received was as follows:

- 1) Information on the comment made on November 23, 2015 stating "Let's lynch her."
- 2) Location, global positioning, cell phone number, and type of cell phone used to make the post.

Based upon the information received from Yik Yak, UPD was able to identify a WWU male student as the suspect in this investigation.

At approximately 1:50pm, a UPD officer made contact with the student suspect who voluntarily agreed to be escorted to UPD.

At approximately 2:20pm, two UPD investigators read the student suspect his Miranda Rights. The student suspect agreed to speak with them. During the conversation, the student suspect indicated he recently deleted Yik Yak from his phone because he was banned after a comment he made last week. The student suspect also stated after posting his comment about “Let’s lynch her,” he thought about it and subsequently deleted it. The student suspect stated he made the comment to “turn the premise of her alleged comment back on her.” The student suspect also stated he understood how the student victim would feel threatened, but further advised he did not intend to threaten her nor lynch anyone. The student suspect also stated he did not leave any threatening voicemails nor email anything to faculty/staff.

Based upon the student suspect’s statement, it was determined that probable cause existed for the crime of Malicious Harassment. The student suspect was taken into custody, evidence collected, and he was transported to Whatcom County Jail.

December 2-9, 2015

During this time period, the Whatcom County Prosecutors reviewed the entire case packet. UPD was advised the student victim would need to provide her statement before the Whatcom County prosecutors would consider filing formal charges.

During this same period of time the student victim and her advocate in the community requested the University retain a consultant to review her concerns over safety. Originally, the student victim and her advocates offered to identify a consultant but were unable to do so. John Vinson was identified as the consultant and the student victim and her advocates were advised of the selection and kept informed and invited to participate in the review.

Findings:

I find the UPD investigatory process to be comprehensive, complete, and in compliance with law enforcement best practices with regard to investigating these types of complaints.

Furthermore, I believe the University acted appropriately based upon all of the information that was available:

1. When the original complaint was filed on November 23, 2015, UPD took the possible physical threats seriously and expedited meeting with all parties before the end of the day.
2. The President of the University immediately returned to campus and attended the threat assessment review meeting to evaluate the entire situation. In my opinion, while unusual, this demonstrated outstanding leadership during a time of crisis on campus, especially when all of the facts surrounding the investigation were unknown, or unable to be released to the public due to it being a possible active criminal investigation.
3. Within 24 hours, UPD sought external assistance from the local prosecutor's office, and Bellingham Police Department to assist with monitoring the social media outlets, and drafting the search warrant for Yik Yak. Furthermore, based upon limited information, UPD coordinated with Bellingham PD to increase security patrols around the student victim's off-campus residence.
4. Though there was not enough information at the time to suggest these physical threats created an immediate and ongoing threat to the University community, there were several conversations amongst WWU senior leadership regarding fear within the students of color community. After several conversations late into the evening and early morning between members of the threat assessment team, including the President of the University and the student victim, the President of the University decided to cancel class on Tuesday, November 24, 2015. While the intended message communicated to the University community was an attempt to validate and respond to the fears of students of color, the vagueness of the perceived threats raised more questions. Please note, the Clery Act provides instruction for institutions of higher

education on when to issue both timely warnings and emergency notifications. In this situation, it appears that after a thorough review, the situation did not rise to the level where a Western Alert or subsequent timely warning was required related to the specific threats that had been received.

5. On November 24, 2015, after obtaining a search warrant, UPD submitted it to Yik Yak, per the required protocol. When UPD did not receive a response in what they felt was a timely manner, they sought advice from another out of state university police department to determine if there was a faster way to obtain the information. According to the Yik Yak guidelines for law enforcement, published on January 20, 2016, it appears UPD followed best practice during this investigation.
6. UPD attempted to communicate with the student victim to obtain additional information to no avail. In addition, other members of the senior leadership at the University attempted to communicate with the student victim with no timely response.
7. In response to confusion expressed regarding the canceling of classes on November 27, 2015, the President of the University sent out another University wide communication providing a more complete explanation on why he canceled class, and provided information about the steps the University had taken to date.
8. On November 29, 2015, UPD started 24 hour security coverage at both the student victim's off-campus residence and on-campus office. While this was a bit unusual based upon the facts known at the time, UPD leadership and the senior leadership at the University felt it was important and should be commended for these efforts. It was clear WWU wanted to be responsive to the perceived fears of their student body president/student victim, and the ripple effect these offensive comments caused throughout the University community. This type of security planning is manpower intensive and required the Chief of Police at UPD to seek additional assistance from

other local law enforcement agencies. The Chief of Police at UPD is to be commended for having previously developed partnerships with the other law enforcement administrators, which allowed this security plan to be implemented without any major problems. This security plan was developed and implemented according to best practices. In fact, these types of security plans have in the past, been reserved for executives when there are credible threats. The UPD and the University should be commended for allocating the necessary resources until the perceived threat in the situation had been addressed.

9. On November 30, 2015 at approximately 10:45am, UPD obtained an email from Yik Yak which provided necessary information to identify a suspect. The suspect, a WWU student, was identified, located, read his Miranda Rights, interviewed, and taken into custody without incident.
10. Three top level administrators returned from vacation early and continued to be actively engaged in the University's response over the Thanksgiving weekend.

Lessons Learned:

As in any situation, there are always challenges that arise despite the best planning and protocol. This section will highlight some of the lessons learned that were revealed as part of the University's formal after action debrief (see appendix A for the full debrief) as well as this consultant's recommendations:

1. There were some minor delays created as a result of all of the Vice-Presidents being off-site at an event. In addition it was Thanksgiving week and many of the key decision makers were out of the office. This being the case, there was an absence of senior leadership on campus, which potentially delayed the University's response.

Recommendation: Develop a protocol and train additional senior leadership on their role in the absence of the Vice-Presidents.

2. While unusual, the President of the University attended two threat assessment review meetings. The University also involved the student victim directly in the threat assessment review. While this is not the norm, the University was attempting to demonstrate additional care as the student was not only the victim, but also the Associated Student Body President. The student victim also asked to bring other students to the threat assessment review meeting. Both of these factors created confusion regarding the purpose of the meeting.

Recommendation: Develop formal policy/procedures that guide the Threat Assessment Team. These policies and procedures should dictate the purpose of the team, who comprises the team and how and why the team is convened.

Recommendation: The University should offer other avenues outside of the Threat Assessment Team where students can express concerns. Provide information on the additional resources available for all victims from the Counseling Center or through city services when appropriate.

3. The University was unable to make contact with the student victim via phone or email, which was somewhat unusual during this type of police investigation. This lack of communication created minor challenges during the police investigation, particularly when the police were unable to obtain a written statement from the student victim. It was unclear how to reach the victim in the absence of her response.

Recommendation: Ensure there is an agreed upon communication mechanism between the victims and the University. This can be further accomplished by having a victim advocate available to serve as a liaison between the victim and the University.

4. The Threat Assessment Team became the emergency response team. I believe this blurred the roles. It is important to be able to distinguish between the two teams, and ensure everyone involved understands his/her respective roles. Furthermore, there were no official notes taken during the first threat assessment review meeting, and the notes taken during the second threat assessment review meeting were not readily available. One of the biggest challenges was obtaining accurate documentation of what was completed outside of the official police investigation. While the police report captured most of the pertinent information, other information was obtained by additional follow-up interviews, and review of other notes and emails. There was no one central file of all of the communication regarding this situation.

Recommendation: Review protocol for both the Threat Assessment Team and Emergency Response Team and train all members of their respective roles, to include ensuring that notes are taken during all of the meetings. While some of the notes may be confidential, the goal would be to ensure the appropriate documentation occurs including action items, outcomes of the meetings and relevant information updated in the police investigation report. The University may also want to consider creating or purchasing an electronic system that allows for centralization of all threat assessment cases and meeting notes.

5. The student victim and other students felt UPD was not responsive to their needs when they went to the police department. It was also noted that the student victim was extremely concerned about her safety and based upon the police report, appeared distraught. It is not documented anywhere what additional resources were provided to the student victim besides the Title IX resource cards.

Recommendation: The University may wish to hire a full-time victim advocate that can serve as a resource for the victims at the University, and allow the University to have a victim-centered approach for all victims. Furthermore, the victim advocate will be able

to assist victims with navigating the criminal justice system and understand what might be confusing language and protocols.

Recommendation: Ensure all UPD police officers receive trauma informed investigation training. While this training focuses mostly on sexual assault victims, there are many suggestions during this training that will assist the officers when interacting with all types of victims. This training reinforces the victim-centered approach and may be extremely helpful for the UPD police officers when interacting with victims of crimes.

Recommendation: Create a campus security advisory committee with membership that is comprised of a cross section of the University community, to include faculty, staff, students, and external community members. This committee can serve as an advisory committee to UPD and university leadership regarding public safety issues, but also focus on improving relationships between the police department and student population. This advisory group can also assist in educating the University on the role of UPD and how they evaluate the various safety concerns.