

December 3, 2024

AZPOST

ATTN: Michele Blanco, Compliance Specialist

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RE: Citizen Complaint 2024-115
Citizen Complaint 2024-124

This letter responds to your May 3, 2024 letters regarding two complaints arising from interactions between Arizona State University (“ASU”) Police Department (“ASU PD”) officers and protestors who erected and refused to leave an unauthorized encampment on ASU’s Tempe campus on April 26-27, 2024 (“the April Encampment”).

Specifically, you have asked that we provide information about two complaints:

- **Citizen Complaint 2024-115**, which alleged misconduct by former ASU Police Chief Michael Thompson, specifically that he acted in a criminal manner by cutting a tent with a knife and knocking a cell phone out of the hand of a protestor.
- **Citizen Complaint 2024-124**, which raised concerns regarding the removal of female arrestees’ *hijabs* by officers as those arrestees were taken into custody and placed on a bus for transport to a Maricopa County Sheriff’s Office (“MCSO”) jail for booking.

We appreciate the opportunity to provide information relevant to these complaints, as ASU has conducted its own review of its handling the April Encampment to ensure that it is consistent with ASU’s own charter commitment to support a community made up of hundreds of thousands of students, alumni, faculty, staff, and visitors from every background and walk of life who hold a wide variety of beliefs and opinions.¹ ASU’s campuses frequently provide a forum in which individuals and groups gather peacefully to present, debate, and defend their viewpoints on a broad range of issues, and the need for law enforcement intervention is rare. Instead, law enforcement support is provided on an as-needed basis to the interdisciplinary team of university employees who facilitate safe participation in those activities while also maintaining the operation of the university’s campuses where thousands of individuals live, study, and work.

¹ ASU Charter, Mission, and Goals, available at <https://newamericanuniversity.asu.edu/about/asu-charter-mission-and-goals>; ASU Facts and Figures, available at <https://www.asu.edu/about/facts-and-figures>; see also ASU Council of Religious Advisors, <https://eoss.asu.edu/cora> (providing more information about faith-based organizations at and affiliated with ASU).

ASU's review indicated that university personnel, including ASU PD officers, responded appropriately to a group of mostly unaffiliated protestors whose goal was to violate university policies and be arrested for their cause. The arrests of those individuals who refused to disperse (after multiple warnings over several hours) were handled in a respectful and appropriate manner. ASU PD has also taken additional steps to prepare for similar events in the future, including distributing specific guidance for conducting searches of arrestees who observe the religious practice of wearing *hijabs*.

Citizen Complaint 2024-115

Given the allegations of criminal conduct against Michael Thompson, ASU referred the matter to the Scottsdale Police Department ("SPD") to investigate. ASU placed Thompson on administrative leave while the investigation was pending, and he subsequently retired from ASU while the investigation was pending. Upon completion of its investigation, SPD referred the matter to the Pinal County Attorney's Office ("PCAO") to determine whether charges would be brought against Thompson. PCAO declined to bring charges, stating that there was "no reasonable likelihood of conviction."

ASU's review likewise found no criminal conduct.

Thompson did knock a cell phone out of the hand of an encampment protestor. The protestor was approaching Thompson and that, as his hand got close to Thompson's body, Thompson pushed his hand away, causing the phone in it to fall to the ground. While it would have been preferable for Thompson to move away rather than making physical contact, there was no indication that the phone was damaged or that the protestor was injured, nor did Thompson take any further action toward the protestor, who picked up his phone and continued filming.

Thompson also used a knife to cut one tent. During the encampment, protestors erected tents on ASU property in violation of ASU policy. After protestors were asked and refused to remove the tents, Thompson used a small pocketknife to cut strings that were staked into the ground and dismantle the tents. One tent in particular felt heavy, and given reports of violence and dangerous items used in similar protests on campuses across the country, Thompson did not feel safe trying to find the zipper, so he cut the top of the tent to see what was inside.

ASU's review also found no indication that Thompson's actions were motivated by a discriminatory animus and/or the protestors' speech. There have been no allegations that Thompson made any discriminatory or anti-free-speech remarks. Additionally, during Thompson's time with the ASU Police Department, dozens of protests have taken place on ASU's campuses, including many centered around national origin and religion and the Israel-Hamas conflict in particular. Thompson has worked respectfully with the individuals involved, and he has met and communicated with various community leaders, including from the Muslim and Jewish communities.

What made this situation different was that the protestors intended to establish an encampment of indefinite duration that violated established university policy, as reflected by both their statements to university officials and the quantity and nature of supplies they brought with them, which included numerous tents and shade structures, water and food, amplification devices, medical supplies, and a toilet tent. The protest was also comprised of a large number of individuals, most of whom were not

part of the ASU community, in contrast to the ASU PD, which is relatively small in size. This combination raised significant concerns given the news of violence and vandalism, both by and against protestors, accompanying similar encampment protests that had been occurring on campuses across the country.

Complainant also expressed concerns about Thompson's appearance at the protest, specifically that he was wearing plain clothes. Thompson was wearing an ASU polo shirt because he had been attending an off-site leadership meeting when he received news that an encampment was taking place, and he immediately left the meeting to go to the site.

Based on this information and Thompson's retirement from ASU, ASU intends to take no further actions related to this matter.

Citizen Complaint 2024-124

ASU's review of the arrests indicated that the officers who removed female arrestees' *hijabs* were acting at the direction, and pursuant to the policies, of the Maricopa County Sheriff's Office ("MCSO"), that they treated the arrestees respectfully within the constraints created by the MCSO policies, and that they did not act with discriminatory intent.

Following repeated requests that encampment protestors remove the unauthorized encampment tents and equipment and leave ASU property and warnings that they would be arrested if they failed to do so, ASU PD arrested approximately 72 people for trespassing after they refused to leave. Arrests at campus protests are rare, and mass arrests of this kind unheard of, and ASU PD does not have a booking facility sufficient to hold this number of individuals.

MCSO, which contracts with ASU PD to provide jail services, assisted with the mass arrest by transporting arrestees to an MCSO processing facility. Prior to accepting the arrestees and pursuant to its policies, MCSO required ASU PD officers to remove all arrestees' personal property, including any headwear. ASU PD officers questioned MCSO's need to remove the women's *hijabs* but were informed by MCSO officers that it was required before they could be transferred. ASU PD officers acted respectfully towards the women while complying with MCSO's requirement and also took steps to address the women's religious observances as best they could in the circumstances. This included attempting to shield arrestees from view by removing the *hijab* inside the transport bus or while screened from view by other officers present as well as requesting assistance from female detention officers when available. Four of the five women were wearing garments with hoods and they were all permitted to use those hoods to re-cover their hair.

Subsequent to the events, ASU PD has also taken additional steps to provide guidance to its officers regarding the handling of religious garments or items in connection with frisks and searches. ASU has also made arrangements with MCSO to permit ASU PD to return *hijabs* and other headwear of religious significance to arrestees once they have been searched, so that they may wear their headwear while being transported to an MCSO jail.

I trust this information addresses the two complaints. I am available to meet with you to discuss further or to provide additional information as needed.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Thompson", followed by a long horizontal flourish line.

John Thompson
Chief of Police
Arizona State University