

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE MIDEAST AWARENESS
CAMPAIGN, a Washington non-profit
corporation,

Plaintiff,

vs.

KING COUNTY, a municipal corporation,

Defendant.

No. 2:11-cv-00094-RAJ

DECLARATION OF CAPTAIN LISA
MULLIGAN IN SUPPORT OF KING
COUNTY'S BRIEF IN OPPOSITION
TO SEATTLE MIDEAST
AWARENESS CAMPAIGN'S
MOTION FOR PRELIMINARY
INJUNCTION

Noted for February 11, 2011

I, Lisa Mulligan, declare that:

1. I am competent to testify and base this declaration on personal knowledge.
2. I am a 25 year veteran of the King County Sherriff's Office (KCSO) and am currently one of two Captains assigned to the King County Metro Transit Police (MTP) and report to Major Dave Jutilla. During the week of December 20-25, 2010, I was acting-Major of the MTP, in Major Jutilla's absence.

DECLARATION OF LISA MULLIGAN IN SUPPORT OF
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MIDEAST AWARENESS CAMPAIGN'S MOTION FOR
PRELIMINARY INJUNCTION - 1 (11-00094 RAJ)

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1 3. King County Metro Transit ("Metro") contracts for transit focused law
2 enforcement services from the KCSO for the MTP to provide enhanced transit policing and mass
3 transit security for the intermodal Metro Transit System. The enhanced service provided by the
4 MTP is above and beyond the base level of local law enforcement services that are provided by
5 municipalities and in unincorporated King County. All local police jurisdictions have the
6 responsibility to provide policing services for their communities, which includes the mass transit
7 system that is provided throughout King County.

8 4. The MTP consists of 68 commissioned full time equivalents ("FTEs"). 38 FTEs
9 are assigned to patrol; 12 assigned to Bicycles; 11 assigned to Detectives; 4 assigned to Joint
10 Transit Anti-Terrorism Team ("JTAT"); and 3 assigned to MTP Command.

11 5. MTP patrol officers respond to dispatched calls for service, and proactively patrol
12 problem bus routes and bus-related areas. Bicycle Enforcement and Emphasis Squad (BEEs)
13 respond to dispatched calls for service and proactively patrol transit routes on bicycles. They are
14 high visibility units that routinely patrol the Central Business District in Seattle. JTAT deputies
15 conduct high visibility surge operations in and around transit facilities with the purpose of
16 reducing or addressing crime and other issues related to terrorism and threats of terrorism and
17 also respond to basic calls for service. Detectives conduct follow-up investigations, proactively
18 ride the bus system in plain clothes to address crime and fear of crime issues and conduct
19 focused emphasis-related work.

20 6. Metro guides the MTP's use of resources and staffing priorities. Standard daily
21 resource allocation requires that two deputies are always assigned to the Central Business
22 District (CBD) of Seattle and two deputies are always assigned to area of the Downtown Seattle
23 Transit Tunnel (DSTT aka "the Bus Tunnel"). These four deputies can come from any

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1 combination of units – most often bikes and patrol. Additional daily staffing resources are
2 assigned to other areas of the system that require frequent emphasis. Shift supervisors direct the
3 daily work. Emphasis patrols, combining all units are conducted throughout the transit system
4 and are frequently staffed with a percentage of overtime.

5 7. The MTP staffing schedule was developed to allow us to staff at a higher volume
6 during times that historically have higher calls for service and higher bus ridership. In the
7 alternative, it allows for lower staffing during times that historically have lower dispatched calls
8 for service and bus ridership.

9 8. The MTP also works closely with the Metro Facility Security Coordinator who
10 manages the Securitas Security Contract which provides security guards to the Bus Tunnel as
11 well as the Rapid Ride Fare Enforcement Officer program (currently a pilot project).

12 9. Prior to the controversy arising surrounding the Seattle Mideast Awareness
13 Campaign advertisement about alleged "ISRAELI WAR CRIMES" ("SeaMAC Ad"), in addition
14 to standard patrol duties, the following missions were scheduled for the week of December 20,
15 2011 and the following week.

16 10. Route 358 Emphasis: as the result of a high profile assault and robbery involving
17 a group of female, juvenile suspects and a pregnant victim, MTP was engaged in a month-long
18 emphasis assignment on the Route 358 which runs from Seattle to the Aurora Village on Aurora
19 Ave North. This emphasis involved members of patrol, BEEs and plain clothes detectives. The
20 emphasis was staffed with some on-duty resources but mostly by deputies on overtime because
21 we didn't have enough on-duty resources to sustain the assignment. This emphasis and related
22 overtime was approved by Kevin Desmond, Metro's General Manager. During the week of
23 December 20, 2010 the 358 Emphasis had been in place for two weeks.

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1 11. Rapid Ride Fare Enforcement Support: MTP patrol support Securitas Fare
 2 Enforcement Officers who are assigned to the Rapid Ride route which runs on Pacific Highway
 3 South between Federal Way Transit Center and the Tukwila International Blvd. Station. This is
 4 a Monday-Friday responsibility requiring 2-4 on-duty patrol deputies.

5 12. Winter Holiday DSTT Mission: Starting December 23 and ending January 2, this
 6 operation was developed to increase police visibility in and around the Bus Tunnel during the
 7 holidays. The mission was developed, led and largely staffed by MTP JTAT but also included
 8 MTP patrol and uniformed members of the Federal Transportation Safety Administration
 9 (TSA). This mission was staffed with on-duty and overtime resources and was grant funded. It
 10 required a total of 98 hours of overtime.

11 13. As a result of the public controversy surrounding SeaMAC Ad and the threats of
 12 civil disobedience, including threats of vandalism and blocking buses, Metro General Manager
 13 Kevin Desmond directed me to develop an MTP Operational Response Plan in the event that the
 14 SeaMAC Ad was displayed on Metro buses starting on December 27, 2010.

15 14. The Bus Ads Operational Response Plan developed by MTP Command and
 16 approved by Kevin Desmond included: protection of the 12 involved buses by six mobile
 17 Deputies, during the designated peak hours (4 -5 hours in the morning; 4-5 hours in the evening)
 18 for the selected routes to follow, escort and respond to calls for assistance. Metro determined
 19 that the 12 buses displaying the SeaMAC Ad would be based out of Ryerson Base which is
 20 located between Royal Brougham and Holgate Avenues on the SODO Bus Way (Ryerson is also
 21 often referred to as the E-3).

22 15. The MTP also planned increased random patrols of all bases 24/7 by MTP patrol
 23 to prevent potential acts of vandalism directed at Metro property as a result of the SeaMAC Ad.

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1 and coordinated the deployment of a Securitas Guard at the Ryerson Base. Guidance was also
2 given to Metro about where to park the SeaMAC Ad buses at the base in order to reduce their
3 visibility.

4 16. MTP also planned to issue written guidelines for Metro Employees to follow in
5 the event that they perceived a threat (email, voice, in-person) and guidelines for dealing with
6 planned and spontaneous demonstrations as a result of the SeaMAC Ad. Cameras were to be
7 deployed on all of the buses carrying the ad..

8 17. We were able to leverage an already increased law enforcement presence in the
9 Bus Tunnel because the Winter Holiday DSTT Surge was already underway, in cooperation
10 with the federal TSA.

11 18. The 12 buses that would be used to support the bus ads would be stationed out of
12 Ryerson Base. Ryerson Base is located between Royal Brougham, and Holgate Streets on the
13 North and South and between 4th and 6th Avenues on the east and west. 4th and 6th Avenues are
14 divided by the transit way which is called SODO Bus Way or the E-3. The bus way is lined on
15 the east by the Sound Transit LINK Light Rail tracks. The E-3 and the LINK tracks lead into the
16 south end of the Bus Tunnel. The main entrance to Ryerson Base is accessed off of the E-3. In
17 the event of a large demonstration at or around the Ryerson Base entrance, bus and LINK traffic
18 could be stopped or hampered. The E-3 is therefore a potential choke-point for demonstrators to
19 disrupt the transit system. Demonstration management considerations would have been required
20 as a critical part of the final Bus Ads Operational Response Plan.

21 19. Execution of the Bus Ads Operational Response Plan would have required
22 stoppage of the route 358 emphasis patrols and stoppage of the Stoppage of the MTP Patrol
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1 support of Rapid Ride Fare Enforcement Officers because of a necessary re-deployment of
2 resources.

3 20. The Bus Ads Operational Response Plan was ultimately not implemented because
4 King County decided not to run the SeaMAC Ad. Further work on the details of the plan was
5 under way when this decision was made. I estimate that I personally devoted 55 hours to
6 working on the Bus Ads Operational Response Plan and an MTP Sergeant spent 27 hours
7 working on the plan.

8 I hereby declare under penalty of perjury of the laws of the United States and the State of
9 Washington that, to the best of my knowledge, the foregoing is true and correct.

10 SIGNED and DATED at Seattle, WA this 3 day of February, 2011.

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13 LISA MULLIGAN
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