



**COMMISSION  
AGENDA MEMORANDUM**

**Item No.** 3c

**BRIEFING ITEM**

**Date of Meeting** February 14, 2017

**DATE:** February 12, 2017

**TO:** Port Commission

**FROM:** David Soike, Interim CEO

**SUBJECT:** Presidential Executive Order imposing immigration bans and the resulting public protests that ensued at Seattle-Tacoma International Airport

**EXECUTIVE SUMMARY**

The January 27 Executive Order issued by President Trump, and its abrupt roll-out, affected travelers from several Mideast and African countries and resulted in disruption and uncertainty at Sea-Tac Airport and several other airports across the nation. The Port took actions to protect the rights of travelers and assist families caught up in the travel restrictions. The Commission issued a press statement stating that “as the government that operates this airport, this executive order runs counter to our values.” The full statement is below. This memorandum explains the situation and identifies various areas for review including concerns associated with large demonstrations in the terminal.

The travel ban led to protests at Sea-Tac that on January 28 grew to approximately 3,000 people, posing risks to passengers, aircrews and the protesters themselves. Although most protesters were peaceful and departed after police requests, a sizeable number of protesters remained through the night. Due to concerns for safety of passengers and employees, police utilized force to disperse remaining protesters. The Port is conducting a thorough review of actions to inform future training and policy development. Despite the difficulty in maintaining airport operations during large spontaneous protests, the Port respects the public’s right to assembly and free speech. Improvements can only occur if the Port takes a factual look at the situations that occurred and learns from them.

**COMMISSION STATEMENT ON JANUARY 28 REGARDING THE IMMIGRATION BAN**

Throughout events of January 28 and 29, the Port issued statements and updates via social media apprising the public of the situation unfolding at Sea-Tac.

The first press release, issued after the Saturday press conference, stated:

This airport is owned by the citizens of King County and our responsibility is to steward it for their wellbeing and long-term future. The Port of Seattle

Meeting Date: February 14, 2017

Commissioners, Tom Albro, Courtney Gregoire, Stephanie Bowman, Fred Felleman and John Creighton are here today to express our concerns over the immigration ban executive order that was issued late last night. As the government that operates this airport, this executive order runs counter to our values. America is great because we are a land of immigrants and that is what made us great to begin with.

As the operators of this airport, we are deeply concerned that the abrupt nature of the executive order did not allow adequate process for public agencies such as ourselves to provide service that travelers and families expect and deserve. We took it upon ourselves to request a full briefing from Customs and Border Protection to understand how they are addressing this situation. We respect these hard working federal employees who are under tremendous strain. However, when we felt that traveler needs were not fully met, the Port of Seattle stepped up. We started providing private waiting areas for families here at the airport and connecting families to lawyers who can help advocate for their rights and the rights of their loved ones.

We met with some individuals who are impacted by this executive order. One of the impacted families happens to live right here in this community, and happens to be employed by this airport. We will continue to stand with you.

### **TRAVELER AND COMMUNITY SERVICE**

The Port of Seattle Commission took immediate action to collaborate with other regional leaders. We invited local leaders to join a press conference at the airport on Saturday afternoon to highlight the challenging situation associated with the Executive Order. Participants included the Port of Seattle Commission, the Governor, the Lt. Governor, members of the Washington State Congressional Delegation, the King County Executive and the Mayor of Seattle. A state legislator was also in attendance. The impact of the executive order on our region was identified. Following the press conference, lawmakers were able to connect with federal agency representatives to express their concerns and request status updates. U.S. Senator Patty Murray arrived at the airport on Sunday to be briefed and lead media availability.

Early on Saturday morning, Port Commissioners and community advocates began assembling resources to assist affected travelers and their families. The Port coordinated with two local nonprofit organizations, the Northwest Immigrant Rights Project and the American Civil Liberties Union, as well as other governmental partners and social justice advocates to ensure that passengers and their families would have access to legal representation.

Commissioner Courtney Gregoire, working at the gate of a departing aircraft, facilitated crucial conversations between legal representatives, federal agencies and U.S. District Court Judge Thomas S. Zilly. This swiftly formed partnership ultimately secured the release of two passengers who would have been sent back to their destination.

Meeting Date: February 14, 2017

Airport staff provided space for legal representatives to work and set aside an airport conference room, with food and beverages, to provide comfort and privacy to additional waiting families.

The protest ended after 2 a.m. on Sunday morning. Later that morning the Department of Homeland Security notified the Port of Seattle that no individuals were being detained at Sea-Tac and that the remaining travelers were released to continue their travels in the United States.

### **PROTEST TIMELINE**

The abrupt implementation of the Presidential Executive Order affected international travelers who were already en route to multiple U.S. airports, including Sea-Tac. By Saturday afternoon, one foreign-born passenger had been returned to his point of departure in Europe and two other travelers remained in custody of U.S. Customs and Border Protection. The Executive Order sparked public concern and mobilized thousands of people in multiple cities who headed toward airports and public venues in order to exercise their rights to assembly and free speech. Sea-Tac was one of the airports where a large protest occurred.

The protest began within hours and escalated rapidly in the afternoon and evening of January 28. Airport staff could not manage the rapidly escalating numbers of protesters arriving at the airport and entering the terminal at numerous doors on multiple levels. Additional airport staff members were called in. Crowding in various areas of the airport terminal ensued. Airport emergency management protocols were initiated. Calls for additional police assistance from regional aid partners were sent out as the protest grew and turned from peaceful to disruptive. Many protesters called for “shutting down the airport,” presumably as a way to call attention to the Executive Order’s impact and to create pressure on Federal Customs and Border Protection (CBP) personnel to release any arriving travelers who would otherwise be turned away and returned on the next available outgoing aircraft. While the protests escalated, the CBP sought more detailed policy guidance from Washington, D.C., concerning the two travelers who were being held.

The Port of Seattle’s Commissioners undertook actions that were available to them. They helped mobilize federal, state, and local political leaders and helped provide access to legal representation and any applicable due process.

As the protest escalated around 5 p.m., airport disruptions began to cause safety concerns. Multiple agencies and airlines worked to ensure continued safe operation of the airport. Agencies included multiple police departments, CBP; TSA; various airlines; and airport fire, security, operations, 911, emergency communications, public affairs, commission staff, and other teams. Airport staff was able to maintain secure areas beyond checkpoints where passengers have been screened and aircraft movements occur. During the evening hours, an estimated 1,600 to 2,000 passengers were moving in and out of the airport.

Meeting Date: February 14, 2017

Hundreds of protesters, however, blocked public non-secure ticketing, bag claim, checkpoints, exit passageways for travelers, and employee office areas. Travelers were trapped at times and could not exit toward baggage claim. Travelers were unable to access airline ticketing counters, and had difficulty finding a checkpoint that was not blocked. Many travelers expressed concern to Port staff that they were being pushed, separated from each other, and delayed as a result of protest activities. An airline asked for support because their aircraft crews were not able to get through the protesters to reach their aircraft. Airline ticketing agents called for help. Reports of protesters putting on masks and disputes between protesters and frustrated travelers were received. At about 6:30 p.m., requests to regional police agencies went out.

At just after 6:30 p.m., airport staff requested that Sound Transit Link Light Rail staff route trains past the airport without stopping until additional police could arrive to manage the growing flows of protesters. That request was granted for a time, and later rescinded. Light Rail is believed to have bypassed the airport station for approximately 30 minutes.

At about 11 p.m., once adequate police personnel had arrived from multiple jurisdictions, Port police ordered teams of officers to begin dispersing protesters from areas around exits and checkpoints. Most protesters agreed to disperse. However, a number of demonstrators refused orders to disperse. Airport staff was concerned that the presence of several hundred protesters would seriously disrupt airport operations due to begin early Sunday morning. After ample verbal warnings were given, and the protestors had refused to comply with the lawful dispersal order, officers attempted to move the protestors and were met with physical resistance. At 11:37 p.m. officers used pepper spray to disperse protestors from the B-Concourse exit area.

Around 1:30 a.m. about 60 to 80 protestors gathered in the area near the Southwest Airlines ticket counter. Dispersal orders were given, and protesters were warned that failure to leave the area could result in exposure to chemical agents. At 1:51 a.m. pepper spray was used on protesters to clear the stairway and enable other protesters to disperse. Over the course of the evening, several protesters were arrested in order to clear access to exits, checkpoints, and ticketing areas. In total, 34 arrests were made: 33 for misdemeanor trespass, and 1 for misdemeanor assault. Pepper spray was used 4 times to unblock areas of the airport terminal, not necessarily on just those individuals arrested.

By approximately 2:30 a.m. all protesters had departed. Clean-up of the airport began to prepare for early morning peak volume traveler and airline operations to get underway. Minor damage to walls was repaired, various debris including pizza boxes, water bottles, signs, milk (a remedy to pepper spray) containers, etc. left by protesters were cleaned up.

This briefing memorandum will discuss various subjects in more detail, including the most important topic of lessons learned. Despite the difficulty in maintaining operations, the Port respects the public's right to assembly and free speech. Improvements can only occur if the Port takes a factual look at the situations that occurred and learns from them. This protest

Meeting Date: February 14, 2017

created a previously untested challenge where approximately 3,000 people quickly filled the terminal. While the protest situations that occurred may, or may not, have necessitated minimizing arriving trains, making arrests, and applying pepper spray, it is important to find ways to de-escalate situations and thereby limit arrests and pepper spray. The Port will follow through to do so.

### **MUTUAL AID SUPPORT**

At about 6:30 p.m., as a result of the rapidly growing crowds and some protester announcements calling for a shutdown of the airport, the Port requested mutual aid from police departments throughout King County, as per an existing agreement among agencies. Officers arrived over the next several hours. Responding agencies and the approximate number of officers involved in the response included:

- Valley Civil Disturbance Unit (VCDU) consisting of officers from Tukwila PD, Renton PD, Federal Way PD, Kent PD, and Auburn PD (35)
- Valley SWAT Unit consisting of officers from the same departments (23)
- King County Sheriff's Office and King County Metro (12)
- Bellevue Police Department (8)
- Normandy Park Police Department (3)
- Washington State Patrol (12)
- Seattle Police Department (25)

The Port had over 35 of its own personnel on scene including Interim Chief Covey, four of our five commanders, six sergeants, three detectives, and over 20 officers. Over half of these people were called in while others worked beyond their normal shift. More than 150 officers were involved, many of them on duty for 12 hours without breaks.

### **REQUEST TO SOUND TRANSIT TO BYPASS THE AIRPORT**

By 6 p.m. travelers were having trouble making their way to reach their bags in the terminal's baggage claim area. Reports of congestion blocking travelers from ticketing areas were received. Gina Marie Lindsay Arrivals Hall was rapidly filling with protesters. Large groups of protesters continued toward the airport from each arriving train. The limited airport staff on shift was not capable of handling the growing crowds, and mutual aid support had not arrived. Neither security of the airport, nor safety for travelers could be assured. Therefore calls were placed to Sound Transit to request bypass of the airport station. Sound Transit complied and then soon thereafter rescinded their agreement. The trains bypassed the Airport stop for approximately 30 minutes.

### **SUCSESSES**

- The secure side of the airport was not breached – that could have necessitated all the concourses to be emptied into the terminal where there was not room due to the protesters. All aircraft would have been delayed.

Meeting Date: February 14, 2017

- Good communications between the CBP and Port staff generally allowed each traveler access to legal representation and due process. It also enabled Port staff to be aware of progress in CBP's steps in processing travelers arriving from countries included in the presidential ban.
- No major injuries to protesters, police, or travelers were reported despite arrests and tense situations between travelers and protesters.
- The business continuity of the airport was maintained. Aircraft departures were not delayed; however, it should be noted that travelers were delayed.
  - Some exiting travelers could not get out to their baggage and loved ones for approximately 90 minutes.
  - Outbound travelers reported fear, separation from family, etc.
- The safety of police officers was maintained and the mutual aid support of multiple agencies should be lauded – while outnumbered for many hours and taking the visible brunt of frustration and verbal assaults from protesters, police worked many hours without breaks in a very tense situation. Their restraint was evident before warnings to certain protesters to disperse and go home, or be subject to arrest.
- The Port utilized social media, particularly Twitter, to provide a constant flow of real-time information to travelers, the public and news organizations throughout Saturday evening and into Sunday.

**MAJOR AREAS FOR LESSONS LEARNED ANALYSIS TO OCCUR TO ENSURE IMPROVEMENT**

- Review of Emergency Procedure Protocols: This size of a protest of this proportion had not been earlier identified or practiced in any way. Emergency protocols need to be evaluated to determine the extent they should be adjusted for this situation, and whether all available and applicable protocols were followed.
- Use of Pepper Spray: Application of pepper spray causes strong discomfort. Whether there were other ways to de-escalate the situation will be considered. Discussions will occur with the Seattle Police Department leaders who have been trained in de-escalation. Review of photos and video from various sources (Port, TSA, news, social media, etc.) will be examined for learning purposes.
- Techniques in Performing Arrests: Arrests can cause injury. Making arrests as properly trained and in mutual aid situations to avoid injury will be examined. Decision making protocols will be reviewed. Whether there were other ways to de-escalate the situation will be considered. And review of photos and video from various sources (Port, TSA, news, social media, etc.) will be examined for learning purposes.

Meeting Date: February 14, 2017

- Securing operational areas: Protesters prevented access for airline employees and crews to perform their jobs. Physical means will be examined to limit access to these operational access ways normally reserved for airlines, concessionaires, and airport staff.
- Occupancy levels: Protesters exceeded fire code standards for maximum occupancy in many areas of the terminal building. Over-occupancy conditions create unsafe conditions for the public and limit ability of Fire Department Emergency Medical Technicians to reach injured people. Determination of how to address large-scale protests at the airport and designation of appropriate areas that can safely accept crowds without disrupting operations will be examined and discussed with the Commission.