

OPERATIONAL PLAN

FOR OFF SITE COURT PROCEEDINGS

INVOLVING MEMBERS OF THE

“RAINBOW FAMILY GATHERING”

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OVERVIEW

From mid June through the first week of July, 2005 an event known as the "Rainbow Family Gathering" (see attachment E. U.S.F.S. briefing packet) will take place within a section of the Monongahela National Forest. The section of the forest where this event is being held is located within the Northern Judicial District of West Virginia, approximately 1 and ½ to 2 hours driving time from the United States Courthouse in Elkins, W.V.

To date, in excess of 150 misdemeanor, mandatory appearance, violation notices (tickets) have been issued by law enforcement officers of the U.S. Forest Service. The appearance date for these hearings has been set for June 28, 2005 with a follow on date of July 05, 2005. The hearings were to have taken place at the United States Courthouse in Elkins, W.V.

Information gathered from news reports, web sites and conversations with various individuals involved with the "Gathering" indicate that several participants and their supporters are displeased with the actions of the Forest Service in it's dealings with the group. As a result of these feelings of displeasure, some members and their supporters, who are active on various web sites, are calling for demonstrations to be held at the United States Courthouse in Elkins, W.V. on these dates.

After consultation between the United States District Court the United States Marshal Service the United States Attorneys Office the United States Forest Service the West Virginia State Police the Randolph County Prosecutor and the Elkins City Police Department, it has been determined that the hearings will be conducted at the United States Forest Service's Cranberry Glades Visitors Center.

The Cranberry Glades Visitors Center is located at the intersection of routes 150 and 55/39 in Pocahontas County, W.V. The building sits on a site approximately three acres in area, (see attachment A) the building encompasses an area of approximately 2,000 sq. ft.(see attachment B)

The Forest Service has arranged for the Visitors Center to be used as a temporary off site court facility.

The main reasons for moving the hearing site are.

1. The Visitors Center is within walking distance of the "Gathering" site. By conducting the hearings in close proximity to the "Gathering" site it will eliminate the inconvenience/hardship that would be imposed upon individuals if they were required to travel to Elkins.
2. The court facilities in Elkins are ill-equipped to handle a mass influx of defendants and the potential demonstrations in their support.
3. The impact on other tenet organizations located within the building housing the United States District Court in Elkins

4. The potential negative impact such a large group may have on the local community.

The United States Forest Service is maintaining a command post at the center and has approximately 30 law enforcement officers, five horses and two canines available. The Forest Service will maintain security outside of the building. Parking has been made available for Court and USMS personnel in the small parking lot on the north west side of the property.

Notices regarding the change of venue have been distributed and posted throughout the "Gathering" site by members of the Forest Service. A small number of individuals within the "Gathering" have indicated that it was their desire to have the hearings and demonstration in Elkins and that they may still travel to Elkins for that purpose. At least one web site is also still calling for demonstrations in Elkins.

The following is intended as an outline of procedures to be followed by USMS personnel at the Cranberry Glades Visitors Center and the United States Courthouse in Elkins during the hearing dates.

PROCEDURES FOR THE CRANBERRY VISITORS CENTER

The individuals that have been issued tickets will be staged in an area on the south side of the building and to the east of the main parking lot. Individuals wishing to demonstrate/protest will be provided an area on the north side of the property. (see attachment B)

Individuals who are scheduled for hearings will be called forward from the staging area in groups of between 15 and 20. These individuals will proceed to the main entrance where they will be screened by members of the USMS. After screening they will be directed to the temporary court room set up in the assembly hall. After the hearing is concluded they will exit through the door located on the south east side of the building. (see attachment B) Upon exiting the building they will be free to return to the "Gathering" or join whatever demonstration/protest may be taking place, unless otherwise ordered by the court. They will not be permitted to rejoin the group in the staging area.

The following posts will be manned by USMS personnel in the manner described. Post locations are reflected on attachment B.

Post A. Main entrance.

Manned by three DUSMs during the screening process.

The screening process will be conducted as follows. Two DUSMs, each utilizing a hand held metal detecting wand, will screen those entering the building. The third DUSM will observe this process and provide backup to the screening DUSMs. It should be noted that many of the people attending the "Gathering" have been observed to be carrying on their persons large fix blade hunting knives or large "BUCK" type folding knives. If an individual is found to be in possession of one of these type of knives, or any other object that could be used as a weapon, the individual will be issued a numbered tag. The object will have a "stickum" note, with a number corresponding to the tag, attached to it and placed into a box. The box will be maintained in the custody of the Marshals Service until the end of the hearing. At the end of the hearing the individual will be afforded the opportunity to retrieve his property. When the screening process is completed the three DUSMs will proceed to the assembly hall. One will position himself to assist the DUSM stationed at post B, one will position himself to assist the DUSM at post C, the DUSM from post A that reports to post C will have possession of all property temporarily removed from individuals attending the hearing. One DUSM will assume post D.

Post B. Entrance to assembly hall/courtroom.

Manned by one DUSM until screening is complete, two DUSMs after screening.

DUSMs will provide protection to personnel from the Office of the Clerk of the Court and maintain order in the courtroom.

Post C. Exit from the assembly hall/courtroom.

Manned by one DUSM until screening is complete, two DUSMs after screening.

DUSMs will provide protection to personnel from the United States Attorney's Office and

maintain order in the courtroom.

3.

Post D. In close proximity to the judge's bench.

Manned by one DUSM who will provide protection to the United States Magistrate Judge and maintain order in the courtroom.

Each DUSM assigned to the Cranberry Visitors center should bring with them the following equipment/items.

USMS issued sidearm with duty load.

One set of handcuffs and as many flex cuffs as can be obtained.

One handheld metal detecting wand.

Two canisters of OC spray.

10 to 20 pairs of latex gloves.

Hand sanitizing gel.

Sufficient food and water for one day.

The uniform of the day will consist of dockers, USMS polo type shirt and appropriate foot wear.

Duty hours will be from 0730 hours until 2030 hours.

PROCEDURES FOR UNITED STATES COURTHOUSE, ELKINS

The United States Courthouse in Elkins will be staffed by the District's Court Security Inspector and a full complement of Court Security Officers. If any individuals enter the courthouse for hearings pertaining to tickets issued by the Forest Service, their names are to be recorded and they are to be provided with written notice that the venue has been changed to the Cranberry Glades Visitors Center. (see attachment C.) They are to be informed that if they arrive at the visitors center before 1600 hours their case will be heard that day. They are to be informed that if they can not be at the visitors center by 1600 hours their hearing will be held on 07/05/2005, at the visitors center.

In the event that demonstrations/protests take place at the courthouse in Elkins, the Court Security Inspector will maintain contact with the West Virginia State Police the Randolph County Sheriffs Office and the Elkins City Police Department and take actions appropriate to the situation.

NOTICE

You are hereby informed that all matters concerning summonses issued by the United States Forest Service in relation to the "Rainbow Family Gathering" are to be heard at the Cranberry Glades Visitors Center on June 28, 2005 and July 5, 2005 from 9:00 a.m. until 5:00 p.m.

If you received this notice at the United States Courthouse in Elkins, you are advised that if you arrive at the Cranberry Glades Visitors Center by 4:00 p.m. any matters concerning your

summons will be addressed at that time.