



WKU

POLICE DEPARTMENT INCIDENT REPORT

WKU Police
1906 College Heights Blvd #11050
Bowling Green, Ky 42101-1050

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Incident Suspect Incident
Location Colonnades at the Fine Arts Center
Complainant John A. Sohl
Local Address 1229 Zoneton Rd.
City Shepherdsville **State** KY
Zip 40165 **Phone** 502-955-9707
Home Address Same As Above
City **State** **Zip**
Cell Phone **Phone**
Date Committed: 04/20/2012 **Day:** Friday **Time:** 0245
Date Reported: 04/20/2012 **Day:** Friday **Time:** 0245
Reported by Same As Above
Local Address
City **State**
Zip **Phone**

SR Number 12-04327

Person Arreste

Person Arreste

Person Arreste

Person Arreste

Arrested by

Date Arrested

Value Prop Damaged

Value Prop Stolen

Value Prop Recovered

Recovered by

Date Recovered

Officer Assigned Bennett

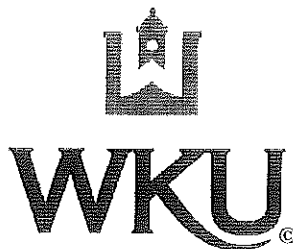
Reported to C.O. Haberlin

How Telephone

On Friday, 04/20/2012, at 0245 hours, Ofc. Scarborough, Ofc. Kitchens, Ofc. Wilson, and I responded to the Colonnades at the Fine Arts Center in reference to vandalism. Upon my arrival, I met with John Sohl (800575971), a member of Hilltoppers for Life, who stated they gained permission from the university to set up a demonstration in the Colonnades in reference to abortion. Sohl stated two subjects were putting condoms on each of the crosses that they made out of popsicle sticks to represent an abortion. Sohl stated this creates more of a problem for the organization to have to take each condom off of the crosses before taking down the demonstration. At this time three more members of the Hilltoppers for Life organization walked up behind Sohl to listen in on the conversation. Sohl continued to state he asked the subjects to stop, but was told they were working on an art project for class and would not stop until the project was complete. Sohl stated he advised the subjects if they did not stop he would call the police. Sohl was told they had permission from a professor to do the project. Sohl advised me he would not mind as much if it did not cause extra work for the organization and did not tarnish or damage what they had done. I advised Sohl I understood his complaint, but as long as they were not destroying any of his property, there was no police action that could be enforced on a criminal level. I continued to explain to Sohl they have the same constitutional rights to freedom of speech as he and his organization does. Sohl stated he understood, but could not understand how he had to go through the proper channels in order to obtain permission from the university to put up the demonstration, but the other subjects did not have to. I asked Sohl for his state ID, KY S03942854, Sohl turned around to one of the other male members and stated, "You need to video tape this conversation, why have you not been recording this? The male member held a cam corder up in began to video tape me taking Sohl's information. Sohl looked over my shoulder and noticed no officers were around the two subjects and asked, "Are you not going to make them stop?" I advised Sohl we could not make them stop unless they were physically damaging something. I told Sohl the other officers have been talking

Signed Adam Bennett 926 04/20/12
Investigating Officer Date

Signed James Scarborough 935 4/22/12
Commanding Officer Date



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with the subjects to get their side of the story and we would go from there.

Ofc. Scarborough, Ofc. Kitchens, and Ofc. Wilson made contact with the two subjects, later identified as Elaina Smith (800595796), and Joshua VanMarle (AZ B13245849). Smith stated she found out about the demonstration and met with her professor, Karen Arnold, about putting condoms on the crosses and was approved to do so. Smith stated she is against abortion just like the Hilltoppers for Life. Smith stated her intention was not to hinder the demonstration, but instead to educate students of preventative measures people can take to protect themselves from unwanted pregnancies so they don't have to choose between having an abortion or not. Smith stated after getting almost halfway done they decided they had enough to take a few pictures for the project and leave. VanMarle added to Smith stated they had planned on removing each condom after they were done so they could use them on different projects later.

I advised Sohl of the information that was relayed to me by the other officers. When I advised Sohl of their intentions to remove the condoms, Sohl replied, "Oh, well that changes everything. That will be fine." I also advised Sohl I would stand by with Smith and VanMarle to make sure they did not damage any crosses during the removal and to wait until they left. Sohl was satisfied with what was found out.

At 0315 hours, Officer Wilson and Officer Scarborough went in service to answer a call at Smith Stadium. Officer Kitchens also went in service to drop his ride along off at Headquarters.

I stood by with Smith and VanMarle while they took several photos of their project and watched as they removed the condoms. After they finished, they immediately left the area. I then walked the bleachers of the Colonnades to see if Smith and VanMarle had damaged any of the crosses. I did not observe any damage. Sohl had no further questions at that time.

Signed

Adam Bennett ⁹²⁶

Investigating Officer

04/22/12

Date



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---Following Completed by Officer Kitchens---

At 0247 hours, Officer Bennett and I arrived on scene. Officer Bennett had already begun to talk to Elaina Smith (800595796) and her fiancé, Joshua VanMarle. Smith stated her and VanMarle were putting condoms on the Hilltoppers for Life display at the Colonnades as her way of expressing how she feels about abortion. Smith advised she put a sign up next to the Hilltoppers for Life sign stating what her position was and why. Smith also stated she is against abortion and the condom is one form of a contraceptive, which would prevent abortion. Smith stated she was doing this as an art assignment and her professor is Karen Arnold. Smith stated she brought the idea to her professor and her professor thought it would be a good idea. I advised Smith we could not tell her to stop placing the condoms on the crosses since she was not destroying or damaging any of the Hilltoppers for Life property. However, Smith and Vanmarle both stopped placing the condoms on the crosses when they started talking with Officers. I advised Smith and Vanmarle the only violation of the law would be Criminal Littering, if they were to leave the condoms on the crosses after they were finished. Smith stated she was just going to take pictures for her art project and remove the condoms. After Smith's and Vanmarle's information came back through dispatch, I went back in service at 0315 hours. Officer Bennett stood by to make sure everything was peaceful and to make sure Smith and Vanmarle removed the condoms like they stated they would.

Signed

Adam Bennett 926

Investigating Officer

04/22/12

Date



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---Following Completed by Officer Daniel Wilson---

On April 20, 2012 at 0245, I responded to a possible vandalism in progress at the Colonnades. Upon arrival, Officers Kitchens, Scarborough, and Bennett had already made contact with the individuals on the scene. Upon initial arrival, Officer Kitchens, and Officer Scarborough were interviewing Elaina Smith and Joshua Vanmarle. Smith and Vanmarle were draping condoms on crosses that had been made out of popsicle sticks and placed on the bleachers by students from Hilltoppers for Life. Smith and Vanmarle advised they were placing the condoms on the crosses for a project in Smith's art class. Smith advised she was given permission by her professor, Karen Arnold. Smith advised she was not opposed to what the Hilltoppers for Christ had done, she was placing the condoms on the crosses to make a statement that abortions could be prevented by using protection when engaging in sexual activities. Smith advised she was not trying to cause any problems or start an argument, and she was not pro-abortion herself. Smith also advised she had placed note on the white board at the bottom of the bleachers explaining the reason for the condoms on the crosses. Smith then advised she had no intentions of leaving the condoms on the crosses and was going to remove them after she took a picture of the scene. Smith never actually placed condoms on all of the crosses.

I made my way over to Officer Bennett where he was interviewing one of the students from Hilltoppers for Life, John Sohl. Officer Bennett explained to Sohl there was nothing criminal that could be done about the incident due to the fact no criminal damage had been done to the crosses. Officer Bennett also advised Sohl that Smith and Vanmarle had a constitutional right to free speech as well, and that we were not entitled to violate their rights either. Sohl was very understanding and cooperative with Officer Bennett. Sohl advised that he understood completely the situation with Smith and Vanmarle invoking their freedom of speech as well, and that he just didn't want anything damaged. Officer Bennett advised Sohl again that there was nothing criminal that could be done. At that time I went back into service, at 0315 hours, to answer a call at Smith Stadium. Officer Bennett remained on scene until all parties involved left. Officer Bennett later advised Smith had removed the condoms from the crosses just as she said she would.

Signed

Daniel Bennett 926

Investigating Officer

04/22/12

Date



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---Following Completed by Officer Sam Scarborough---

On Friday, 4/20/2012, at 0245 hours, WKU Police Headquarters received a call from John Sohl (800575971) concerning subjects placing condoms on the crosses setup in the Colonnades by the Fine Arts Center. Officer Bennett, Officer Kitchens, Officer Wilson, and I responded to the area.

Officer Bennett, Officer Kitchens and I arrived on scene at 0247 hours.

Upon my arrival, Officer Bennett made contact with the complainant at the top of the Colonnades near Hilltop Drive. Officer Kitchens and I made contact with two individuals that were putting condoms on the crosses. Upon contact with the two subjects, I noticed they had two large ziploc type bags full of unwrapped and unrolled condoms. Upon talking with Officer Kitchens, the two subjects stopped actively placing condoms on the crosses. The two subjects were identified as Elaina Smith (800595796) and Joshua VanMarle, Elaina's fiance. While Officer Kitchens was gathering the Smith and VanMarle's information, I noticed that someone was videotaping Officer Bennett. Sohl has two to three other subjects with him. One of the subjects was holding a video camera and appeared to be recording Officer Bennett as he talked with Sohl.

Officer Wilson arrived on scene at 0250 hours.

After gathering Smith and VanMarle's information, Officer Kitchens spoke with her further concerning the incident. Smith advised Officer Kitchens and myself that she was placing the condoms on the crosses for an art assignment. She stated that she ran the idea to place the condoms on the crosses by her professor, Karen Arnold. Smith stated her professor that it was a good idea. Smith stated that she was not opposing the Hilltoppers for Life message because she was not in favor of abortion. She stated that the condoms were a form of contraceptive and would prevent abortions. I asked her what her plans for the condoms were and she stated she posted a note on the Hilltoppers for Life white board at the Colonnades explaining what she was doing and why. Smith stated once she finished placing all the condoms on the crosses, she was going to take some pictures of the condoms on the crosses and then remove the condoms because she might use them for another project. Smith and VanMarle had only placed condoms on about one third to a half of the crosses in the Colonnades. I asked Smith if she was going to place condoms on all the crosses and she stated yes. I then made the

Signed

Adam Bennett 926

Investigating Officer

04/22/12

Date



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statement to Smith that if you tried to take a picture of all of the crosses in the Colonnades, that you would not be able to tell if anything was draped on the crosses. Smith stopped for a moment and said I think your right. Officer Kitchens then explained to Smith that we could not make her stop placing condoms on the crosses because she was not doing anything criminal. At this point, I left Officer Kitchens to meet with Officer Bennett to see was Sohl had stated.

Officer Bennett stated to me that he explained to Sohl we could not make the subjects stop because they were not doing anything criminal. Officer Bennett stated Sohl was more concerned at the fact they were going to have to spend more time cleaning up the display because of the condoms. Officer Bennett advised me that Sohl and his group were planning to remove the display in about three to four hours anyway. I advised Officer Bennett that Smith intended to take a few pictures and then remove all the condoms. I then returned to Officer Kitchens.

Officer Bennett came to me shortly after I returned to Officer Kitchens. Officer Bennett advised me he told Sohl that Smith intended to clean up all the condoms after taking some pictures. Officer Bennett advised me Sohl stated, "Oh, well that changes everything. That will be fine."

At 0315 hours, Officer Wilson and I went back into service in order to answer a call at Smith Stadium. Officer Kitchens also went back in service in order to drop his ride along back off at Headquarters.

Officer Bennett remained on scene to make sure no other issues arose. Officer Bennett advised me that once Officer Wilson, Kitchens and I left Smith retrieved her camera and took several pictures. He stated Smith put her camera away and began to remove the condoms from the crosses. Officer Bennet also advised me that at one point Smith and one of the other subjects with Sohl exchanged email addresses so Smith could send the pictures that she took to them and that she wanted a copy of the video they were shooting for her assignment. Officer Bennett advised me that once Smith and VanMarle had finished removing all the condoms, they left the area. Officer Bennett advised me that he then walked the bleachers in order to see if any of the crosses had been damaged. Officer Bennett advised me he did not find any damaged crosses.

Signed

Adam Bennett 926

Investigating Officer

01/22/12

Date



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Smith, Elaina Christina
800595796
KY/OL - S1157012
131 Ridgewood Drive
Bowling Green, KY42101
(270)932-1666

VanMarle, Joshua
Non-Student
AZ/OL - B13245849
131 Ridgewood Drive
Bowling Green, KY 42101
(270)932-1666

Sohl, John A.
800575971
KY/OL - S03942854
1229 Zoneton Road
Shepherdsville, KY 40165
(502)955-9707

Signed

Adam Bennett 926

Investigating Officer

04/22/12

Date

Colonnades Friday morning April 20, 2012

2.45 a.m. call for service received. John A. Sohl complained two subjects putting condoms on crosses that Hilltoppers for Christ installed on the bench seats at the Colonnades.

2.45 a.m. officers Wilson, Bennett and Kitchens dispatched

2.47 a.m. Officers Bennett and Kitchens arrives

2.50 a.m. Officer Wilson arrives

3.15 a.m. call completed Officer's Wilson and Scarborough leave to respond to a call at Smith Stadium. Officer Kitchens leaves to drop off his ride along at Headquarters.

3.52 a.m. call completed Officer Bennett leaves.

No police action, Field Interview Cards completed. Condoms were removed.

videos - <http://radio.foxnews.com/toddstarnes/top-stories/campus-police-allow-students-to-desecrate-crosses.html>

<http://www.lifenews.com/2012/04/20/police-refuse-to-stop-vandals-desecrating-pro-life-cross-display/>