

# Exhibit P

Whiteside, Eric

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From: Jonathan Waters <waters33@osu.edu>  
Sent: Friday, September 11, 2009 10:21 PM  
To: Whiteside, Eric  
Subject: Re: 9-8-09 Party in the Band Room - reference OSU Police report #09-4265

Captain Whiteside,

I thank you for your note. The part of the report that is most upsetting is the comment that was allegedly stated by Mr. [REDACTED] that this event was an unauthorized event and that Dr. Woods did not know about it. This is absolutely 180 degrees away from the truth. It was Dr. Woods and I who cleared this event with the stadium crew and it was Dr. Woods and I who appointed Mr. [REDACTED] to be present at the event. We had total knowledge about this event and gained permission to have it weeks ahead of time. I can speak with 100% certainty that Mr. [REDACTED] would have not made this comment. Mr. [REDACTED] does not have anything to lose with the band members...he works for the staff of the band. I think that it is quite possible that the officer misunderstood what Mr. [REDACTED] was saying and had the facts wrong. I really think that that part of the report needs to be amended.

Perhaps it would be beneficial if we spoke to the officer who filed the report. Please advise. The report has gotten out to many in the university community and the rumor is that our GTA had an unauthorized party with the band and served them alcohol in the stadium. That is now the public perception. This report has defamed the character of Mr. [REDACTED] AND the members of the OSU Marching Band. Unfortunately, this report has dragged Mr. [REDACTED] name and the name of the Band through the mud because of misinformation. I REALLY think that this needs to be addressed immediately. We can make ourselves available next week for a meeting.

I thank you again for your understanding.

-Jon

On Sep 11, 2009, at 11:41 AM, Whiteside, Eric wrote:

Mr. Waters,

I am happy to hear that you were already aware of the situation and conducting an internal review. We appreciate the timely and personal attention you gave the case during a busy week. It demonstrates your commitment to the values you outlined in your email.

If Mr. [REDACTED] was the individual that called 911, I certainly commend him for his actions. However, there appears to be some disagreement between him and the police officers at the scene to what was said and occurred. I will concede that mistakes happen and sometimes report narratives do not effectively communicate what actually stated. But our departmental policy requires officers to accurately report facts. Police reports are a matter of public record and our officers use them to testify in court cases under the penalty of perjury. A police officer who knowingly places false information in a criminal incident report would face severe disciplinary action by our agency.

It should also be noted that the OSU Police Officers who responded to the scene are independent observers with no personal stake in the incident. While I don't know how you conducted your investigation, it sounds like the people you interviewed had something to lose. As a law enforcement professional working in the criminal justice field, it is common for suspects to be dishonest during interviews. I can't speak for the rationale or

integrity of anyone you spoke with, but I would guess that they saw all of their hard work to get on the band in jeopardy. Or, they were concerned that they violated the trust placed in them.

I had an opportunity to review the letter that Doctor Woods sent to Andrea Goldblum. The 27-year veteran of the OSU Police Division is Lieutenant George Spence. I had an opportunity to speak with him this morning about the incident. As mentioned in the letter, he was actually at the scene and supports the observations and statements recorded by Officer Spears-McNall. I have no problem if you wish to speak with either individual about the incident. If they feel that something needs to be amended, I am sure they will take the appropriate steps. If there is still disagreement, I am confident that we can get the matter resolved through the student judicial process in a fair and impartial manner. I would also suggest that someone from the band contact us prior to the event next year to help minimize potential problems.

Feel free to contact me if you need anything else.

Captain Eric Whiteside  
The Ohio State University Police Division  
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From: Jonathan Waters (<mailto:waters.33@osu.edu>)  
Sent: Friday, September 11, 2009 12:14 AM  
To: Whiteside, Eric  
Subject: Re: 9-8-09 Party in the Band Room - reference OSU Police report #09-4265

Captain Whiteside,

Thank you so much for your email. We are dealing with this situation, however, I am concerned about many of the facts stated in the report below. Please be aware that this tradition dates back to at least 1960 and that it has nothing to do with alcohol, nor sneaking into the stadium. It is called "Midnight Ramp" and involves the band marching into the stadium and down the field at midnight. The entire event takes 15 minutes at most.

Most concerning is the fact that [REDACTED] story was so drastically distorted in the report. Mr. [REDACTED] is the Graduate Assistant Director for the OSU Marching and Athletic Bands. He was appointed by Jon Woods and myself to oversee the event in the stadium on Monday night. Whenever we have band students in the stadium (regardless of the time) we appoint band staff to be present for purposes of liability. This event had also been cleared with all of the stadium officials and proper permissions were granted to continue this tradition. [REDACTED] was given the key to unlock the ramp gate to allow the band onto the field. To quote from the report...

The officer most definitely misunderstood or misinterpreted the information that Mr. [REDACTED] gave to him. It is most definitely NOT the tradition to "sneak" into the stadium. Mr. [REDACTED] has a key, as he is on the staff, and he had the ramp gate key. [REDACTED] was the appointed staff member to accompany the band in the stadium and the midnight ramp tradition. He was there for liability purposes and THANK GOD he was. In fact, [REDACTED] presence was EXACTLY WHY he was appointed by Jon Woods and I to attend...for liability. It is false to say that Mr. [REDACTED] admitted this was an "unauthorized event and that Jon Woods was unaware of it." Let me make this point as clear as possible...Jon Woods and I were both aware of it, as we appointed [REDACTED] to oversee it. This event has been accompanied by staff for decades and I have attended the event at least 4 times in the

last 10 years. Furthermore, I will attest to the fact that there was no alcohol served or consumed in Ohio Stadium or in the Steinbrenner Band Center. Mr. [REDACTED] also confirms this fact. In our investigation, we deduced from many interviews with students that no alcohol was brought to Ohio Stadium. Unfortunately, Mr. [REDACTED] came to the stadium under the influence of alcohol. At this point, I can only surmise that Mr. [REDACTED] was the only student who needed medical assistance because of alcohol. I don't believe that any other students were arrested for underage consumption, and at this point I can't determine which students, if any, came to the stadium having had alcohol.

If it is true that Mr. [REDACTED] was disrespectful to an OSU Police Officer, I will certainly deal with him like we dealt with the student who came to Ohio Stadium in an intoxicated state. I can assure you that no band student will be permitted to show disrespect to law enforcement.

I am not sure how the officer involved in issuing the report so dramatically turned the details of the event into falsehoods. I would like to speak to the officer if you think that would be appropriate. Please know that we have disciplined the student who was intoxicated and taken to the hospital. It is the opinion of our staff, and most vociferously, it is my opinion that Mr. [REDACTED] acted with integrity, caring and intelligent speed in calling 911 when he saw the student in distress. He should be commended for his efforts and for his quick response. We could be dealing with a FAR WORSE situation if [REDACTED] had not been so thoughtful in his response.

Please know that we are trying to protect the integrity of the OSUMB. The false nature of the information in this report tarnishes that integrity. Is there anything that you can do to correct the facts about the band in the report? And equally important, is there anything that can be done to correct the misinformation alleged about our staff member [REDACTED]?

Thank you again for your help in this matter and for your concern for The Ohio State University Marching Band. Please let me know how I can help with this incident.

-Jon Waters  
Assistant Director, OSUMB

On Sep 9, 2009, at 2:17 PM, Whiteside, Eric wrote:

Mr. Waters,

I think we may have already met, but my name is Captain Eric Whiteside of the Ohio State University Police Division. I oversee the patrol operations and came across an arrest report from 9-8-09 that you may found interesting. I here is a synopsis of the incident.

Here is another report supplemental report narrative that was written by another officer

While only [REDACTED] is facing criminal charges, we are sending all three individual through the student judicial process. Being a former night watch officer, I am somewhat familiar with some of the "traditions" of the band, but I was not aware of any event that involved the use of alcohol. It appears that this event violated university policy regarding alcohol and resulted in a student going to the hospital for a possible case of alcohol poisoning.

Please let me know if you have any additional questions.

Captain Eric Whileside  
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