




2014

Dusty Order: Law Enforcement and Participant Cooperation at Burning Man

Manuel A. Gomez

Florida International University College of Law, magomez@fiu.edu

Follow this and additional works at: https://ecollections.law.fiu.edu/faculty_books

 Part of the [Criminal Law Commons](#), [Criminal Procedure Commons](#), [First Amendment Commons](#), [Jurisdiction Commons](#), [Law and Philosophy Commons](#), [Law and Society Commons](#), [Law Enforcement and Corrections Commons](#), [Rule of Law Commons](#), [State and Local Government Law Commons](#), and the [Torts Commons](#)

Recommended Citation

Manuel A. Gomez, *Dusty Order : Law Enforcement and Participant Cooperation at Burning Man*, in *PLAYA DUST : COLLECTED STORIES FROM BURNING MAN* 206, 217 (Samantha Krukowski ed., 2014).

This Book is brought to you for free and open access by the Faculty Scholarship at eCollections @ FIU Law Library. It has been accepted for inclusion in Faculty Books by an authorized administrator of eCollections @ FIU Law Library. For more information, please contact lisdavis@fiu.edu.



PLAYA DUST

COLLECTED STORIES FROM BURNING MAN

EDITED BY
SAMANTHA KRUKOWSKI

black dog
publishing

- 4 ACKNOWLEDGEMENTS
8 INTRODUCTION
- 10 **BAKER BEACH 1989**
STEWART HARVEY
- 20 **IN THE BEGINNING**
JERRY JAMES
- 26 **BLACK ROCK DAWN**
STEWART HARVEY
- 46 **KEEPING IT STRANGE**
WILLIAM L. FOX
- 54 **BEDFELLOWS**
TONY PEREZ
- 64 **THE LAST COMPANY TOWN**
JESSICA BRUDER
- 66 **THE SECRET LANGUAGE OF
BURNING MAN**
ADRIAN ROBERTS
- 70 **EVERYONE GO PISS ON
THE GROUND STAKE—THE
STORY OF DR. MEGAVOLT AT
BURNING MAN**
DR. AUSTIN RICHARDS
- 82 **WITHIN YOU AND WITHOUT YOU**
BRYAN TEDRICK
- 90 **UNDER THE BIG TOP AT
AMERICAN STEEL STUDIOS:
AN INTERVIEW WITH
KAREN CUSOLITO**
SAMANTHA KRUKOWSKI
- 104 **A DAY IN THE LIFE
OF MAKING STUFF**
MICHAEL CHRISTIAN
- 112 **WHAT EXACTLY IS
A PEE FUNNEL?**
ZOE PLATEK
- 120 **ENGAGING THE ENCOURAGING
PRIESTESS OR SELF-MARRIAGE
BECOMES YOU IN THE DUST**
L. GABRIELLE PENABAZ
- 130 **THE GREAT CANADIAN
BEAVER EATING CONTEST:
AN ORAL HISTORY**
ANNA ROMANOVSKA
- 138 **KICKING UP DUST WITH
THE SPACE COWBOYS**
ANDREA LUNDQUIST
- 144 **BEGOGGLED IN THE THEATRE
OF AWE: ELECTRONIC
DANCE MUSIC CULTURE
AT BURNING MAN**
GRAHAM ST. JOHN
- 160 **FIRE**
RACHEL BOWDITCH
- 176 **TEMPLES ON FIRE: DESERT,
DUST AND DESTRUCTION**
SAM BERRIN SHONKOFF
- 186 **TORCHING IMPERMANENCE:
THE TEMPLE BURN**
TED EDWARDS
- 196 **THE BURNING MAN STUDIO**
SAMANTHA KRUKOWSKI
- 206 **DUSTY ORDER:
LAW ENFORCEMENT AND
PARTICIPANT COOPERATION
AT BURNING MAN**
MANUEL A. GÓMEZ
- 218 **FOOTPRINT**
DOUGLAS GILLIES
- 232 **OCCUPY BLACK ROCK!
THE METAPOLITICS OF
BURNING MAN**
MARK VAN PROYEN
- 244 **SLOW BURN**
BARBARA TRAUB
- 254 LIST OF CONTRIBUTORS
256 ABOUT THE EDITOR
256 COLOPHON

DUSTY ORDER: LAW ENFORCEMENT AND PARTICIPANT COOPERATION AT BURNING MAN.¹

MANUEL GÓMEZ

Media depictions of Burning Man focus on the picturesque and eccentric appearance of the weeklong affair. The event is sometimes misportrayed as a lawless environment where participants are encouraged to engage in rowdy behavior. Most carnivalesque events offer an escape from reality and are generally thought to enable unruly conduct. Despite stereotypes, Burning Man is a different beast. Not only is the crime rate in Black Rock City lower than any other city of comparable size, but Burners show a high level of cooperative and law abiding behavior that helps maintain the social order without depending on official means of external social control. Looking at the interplay between the Black Rock Rangers, law enforcement agencies and participants themselves helps clarify how this works.

"Helping lost souls to find their way home": the Black Rock Rangers.²

While the name Black Rock Rangers (BRR) was inspired by image of independent actors like the Texas Rangers—not the baseball team but the law enforcement folks—their role is not only to support the police and other official agencies, but more broadly "to ensure the collective survival of the community."³ The BRR is comprised of communicators, lawyers, educators and people from all walks of life who lend their time and expertise to help "address situations within [the Burning Man] community that would otherwise require outside intervention."⁴ Rangers are participant volunteers, which heightens their legitimacy in the eyes of the Burning Man community. The Rangers were founded in 1992 when the event was little more than an anarchic campout in the middle of the vast Nevada desert. Their original purpose was to respond to the specific need of helping "locate lost participants and bring them safely back to the community encampment" (a search and rescue function).⁵ Over the years, the Rangers adapted to the rapidly evolving community and reinvented themselves as safety managers, communications conduits between the Burning Man Organization and the broader burner community, and most notably as intra-community mediators.

In order to help volunteers acquire conflict resolution skills and familiarity with the distinctive challenges of working at Black Rock City, the Rangers offer training opportunities in mediation techniques year-round, all over the US, to anyone interested in being involved. In addition, some Rangers are expected to undertake special training in radio communications and emergency procedures. Undergoing basic training is mandatory for all new Rangers (Alphas), and an annual refresher course is required for the veterans. Chief among the skills offered to new and veteran Rangers is a tailor-made conflict resolution procedure fittingly designated as FLAME (Find out, Listen, Analyze, Mediate, and Explain).⁶ Rangers use their orientation and training programs to instill among new volunteers a sense of community building.⁷ Veterans have also constructed a hierarchical chain of command within the group and a distinctive identity that includes a uniform mode of dress in khaki colored garb that sets them apart from other Burning Man officials.

For the duration of the event, Dirt Rangers rove the playa in pairs during six-hour shifts "walking and bicycling the streets, interacting with participants, and offering creative solutions to situations they encounter."⁸ The total number of Rangers varies between 400 and 500 every year, and many of them have several

years of experience volunteering at Burning Man. Aside from the Dirt Rangers (foot Rangers), daily operations involve a Shift Communications Team, an Officer of the Day, and a Ranger Operations Manager. Because Rangers are Burners they can more easily understand the social dynamics, identify the sources of tension and effectively prevent or diffuse conflicts before they escalate. They have the most direct contact with the rest of the community during the event so they are able to intervene in a vast number of situations. Black Rock Rangers do not keep statistics about how many cases they process, what outcomes, and which actors are involved—or if they do, this data is not shared with the public. The work of the Rangers in managing and diffusing conflict and helping maintain social balance is best illustrated by the following three types of situations drawn from my multiple observations of their work at the event between 2006 and 2012.

THE NOISY NEIGHBORS

Burning Man is not a quiet event and no one expects it to be. Moreover, the community views sound as a distinctive art form.⁹ Sound not only emanates from the myriad open-air nightclubs, dance floors and mutant vehicles that roam the playa day and night with oversized sound systems, disc jockeys or music performers onboard. There is also the general noise of a bustling and vibrant city of people talking, singing, yelling, blowing their bicycle horns, and playing instruments at all hours. Black Rock City truly never sleeps.

In order to help balance the desire of some community members to express themselves through loud sound vis-à-vis the interests of other Burners who would prefer less noise, the organizers have come up with a four-pronged policy: 1. Large-scale sound installations shall be placed in a specific area known as the Large-Scale Sound Zone along the ends of the city; 2. Everyone should abide by a maximum level of sound amplification; 3. Neighbors are encouraged to sort out their differences directly; and 4. Black Rock Rangers are expected to intervene in case of excessive sound complaints. Even though the policy calls for the Rangers to intervene only in extreme cases, it appears that—in practice—they are involved in many others. Though not the most common, complaints about loud sounds are a recurrent issue for the Rangers who were interviewed and whose work could be observed. One veteran Ranger mentioned that he handled at least one or two loud noise complaints every other day. Other Rangers reported a similar caseload and said that almost always they were able to help the parties reach an amicable solution without requiring outside intervention from law enforcement.

A typical sound-related situation would be a disagreement between two neighbors about the noise level coming from one of their sound systems. The involvement of the Rangers could be prompted by a complaint brought by one of the parties directly to the Rangers or the Rangers could become aware of the situation through another source and decide to intervene. The Rangers would first enter, in a relaxed manner, and try to build rapport with those involved. One Ranger might take the lead while the other surveys the area and remains on standby. Cordial conversations are encouraged and empathy is exhibited to help diffuse tension between the parties. In one case, the Rangers approached the purported wrongdoer and inquired about their sound system, how it worked, and what type of music was being played with a genuine sense of curiosity. "I also like techno music," one Ranger told a Burner accused by his neighbor of exceeding the decibel limit through his camp's sound system.

An engaging and friendly exchange between that Ranger and the alleged wrongdoer followed—they discussed leading artists, bands and performers of

techno music in the US and Europe. Their shared interest paved the way for the Ranger to persuade the Burner to consider lowering the volume of his sound system and also to work out a sound schedule with his neighbor. The other Ranger had gained the complainant's empathy by asking about an art installation being built in their camp. He carefully listened to the challenges that the complainant and his campmates had faced in bringing the materials to the desert, and the contrasting conditions from those back home where "everything seemed to work fine." After a few minutes, the complainant admitted to liking the neighbor's music but said it was too loud especially in the early hours when he and his campmates "were trying to fall asleep after a hard workday and a long night out." After some back and forth, both neighbors reached a solution, and offered the Rangers drinks to celebrate. The Rangers kindly declined. No written agreement was entered, but rather a handshake and a hug, or a "hug shake" as one of them said jokingly.

The various cases I observed had different nuances. Some people were more challenging than others, especially those where the influence of drugs or alcohol were a factor. When more than two parties were involved, or a variety of issues overlapped, things got more complicated. The Rangers were, nonetheless, able to handle situations appropriately by engaging in active listening, building empathy and preserving their credibility in the eyes of the community. Sometimes, other campmates or neighbors became involved either voluntarily or upon the Rangers urging, and offered to facilitate communication as well, thus ensuring compliance beyond the Rangers' intervention. Rangers work in pairs, and this also aids ensuring their effectiveness. Pairs almost always include one veteran, so they bring familiarity with the community and its social dynamics. Because of their dual role as Burners and community mediators, people do not see Rangers as "the other," but rather as their own kin. As one Burning Man participant pointed out when I asked her views about Rangers in 2012:

Rangers are NOT cops, or at least I don't see them that way. I see a big difference between them. Rangers are OUR people, and cops are not; Rangers just have to wear funky uniforms so we know who they are. Think of your cousin doctor wearing scrubs at the hospital, he is still your cousin, isn't he?

Those uniforms—or "costumes" as Rangers sometimes call them—are perhaps the only symbol that visibly differentiates Rangers from the rest of the community. The uniform consists of a tan-colored shirt or jacket displaying the BRR's logo on the back, a lanyard with an identification card, a wide-brim hat, and a two-way radio. Rangers who are mentors wear leopard print items, and those who work as liaisons with law enforcement (LEAL) wear zebra stripes. Rangers' costumes are often adorned with pendants, buttons, necklaces and other trinkets, and their overall appearance resembles that of any other burner with dyed hair, tattoos or colorful nail polish.

In an effort to help Rangers appear approachable and trustworthy they are expressly discouraged from wearing clothing with war motifs, camouflage items, black or dark shirts, "or other items or clothing that would make participants think 'cop' or 'military' or 'security guard'."¹⁰ Moreover, they are also deterred from dressing or behaving "in a way that projects sexual power or other kind of power,"¹¹ or that "send[s] a message of hostility or aggression."¹²

"STOLEN" BICYCLES

Participant vehicular traffic is restricted only to pre-registered art cars (mutant vehicles) and vehicles for the disabled, so bicycles are the transportation of

choice at Burning Man. Although some people still prefer to walk around the city, the vast distances between camps and art installations scattered around the five square mile playa are more easily navigated with wheels. The Burning Man Organization has been increasingly encouraging the development of a bicycle culture in Black Rock City. Since at least 1997, groups of volunteers (such as the Bike Guild) organized bicycle repair points throughout the city.¹³ Some offered immediate repairs while others (the Bike Gods) simply lent tools to Burners and taught them how to maintain and repair their own bikes.¹⁴ A more recent initiative that started in 2006 is a community bicycle program called the "yellow bikes."¹⁵ Under this program, inspired by Amsterdam's white bicycle plan (*witte fietsenplan*),¹⁶ hundreds of free bicycles are made available throughout the city so people can use them then leave them for another person.

The inventory of yellow bikes (called "yellow" though they are really painted in a bright green color) is made up of hundreds of bicycles donated to the community. Members of the Black Label Bike Club of Reno have been involved in the management of this program since its inception, although more recently another team was created to help coordinate the yellow bikes, and the lost and stolen bicycles program. "Yellow bikes" is a supplementary program not intended to replace the thousands of personal bicycles brought to the playa—Burners are encouraged to bring their own. Those who fly in from far away places rent bicycles from a few dedicated outlets in Reno, or purchase new or used ones from private parties or large retailers such as Wal-Mart or Target. Burners who drive from nearby places usually haul their own bicycles from home and many have a dedicated "playa bike" especially decorated and retrofitted to withstand the harsh desert conditions and to express their unique artistic tastes.

Bicycle loss is a persistent problem at Burning Man. Since at least 2003, the organization has publicly and continuously acknowledged this issue in the annual AfterBurn reports.¹⁷ Figure 1 shows the bicycle loss statistics (bicycles reported lost/stolen versus bicycles left post-event) since 2006.

According to this data an annual average of 238.2 bicycles have been reported lost or stolen at the Burning Man event since 2006. The average number of bicycles found in the desert post-event is 990. This latter figure includes some bicycles that were reported lost or stolen—and later abandoned, but the precise overlap is unknown. Because bicycle theft is generally an underreported crime elsewhere, it is also likely to be underreported at Burning Man. Some abandoned and unclaimed bicycles have been donated to charitable organizations and underserved populations. However, abandoned bicycles still represent a big problem. Many bicycles found post-event have parts missing or are broken beyond repair; and those that are salvageable require time, money and labor. The Burning Man Organization is forced to arrange for the transportation, inventory, and storage of hundreds of bicycles every year and to set up a reunification program. As part of its leave-no-trace commitment, Burning Man staff members are constantly making efforts to remind participants to take their bicycles home and to help prevent bicycle theft and loss.

Burners are actively encouraged to personalize their bikes to make them easily recognizable in case they are lost, stolen or misplaced. They are also encouraged to lock their bicycles when not in use—there are many bike racks placed around the city. According to the annual AfterBurn reports, virtually all bicycles reported stolen were not locked. The Black Rock Rangers have been helpful in the efforts to prevent and deal with the loss of bicycles. Some Rangers routinely remind community members about the importance of locking their bicycles to designated racks, and also make sure that they do not "flypark," or lock their bikes to large art installations, sculptures or similar structures. "It is part of an educational outreach effort to help people acquire the habit of locking their

bikes to the racks," one Ranger said. He then added: "It is not only to prevent bike theft—which does occur here, believe it or not—but also the temptation that someone might feel to 'borrow' a bicycle for a few minutes just to get to another place and then leave it there."¹⁸

Rangers do not have enough volunteers to scout the playa for all bicycles that are reported lost or stolen. State law enforcement officers present at the event do not take action unless they witness a bike being stolen, which is unlikely given that most bicycle thefts are stealthy and it's difficult to tell if someone owns the bike they are taking. Even when law enforcement officers are able to detain a suspect, "if the owner cannot provide proof of ownership for the retrieved cycle, then the suspect may be released without charge and may be given the stolen bike on release."¹⁹ Nonetheless, Rangers are sometimes able to assist community members in the recovery of their bicycles, although as a rule they tend to refrain from engaging actively in such activities. Rangers have also been instrumental in keeping yellow bikes from being misappropriated, and according to official Burning Man reports, have frustrated thieves attempting to steal multiple bicycles.²⁰

I witnessed one instance of Ranger mediation when a Burner tried to reclaim her bicycle that was allegedly taken by another participant. The alleged victim sought intervention from Rangers after her friend saw someone riding her lost bicycle. The victim's friend managed to stop the rider who insisted that he thought that the bicycle belonged to one of his campmates and also said that he had borrowed it two days earlier. According to the alleged victim, she had lost her bicycle two or three days earlier. One of the Rangers present at the scene asked the rider where his friend was and the location of their camp. The rider provided a playa address but said that his campmate might be out. After a few minutes, he simply offered to give the bicycle to the alleged victim "in the spirit of Burning Man." The victim was satisfied with the proposed solution ("I got my bike back, after all," she said) offered a hug to the rider and profusely thanked the Rangers. One of the Rangers asked the rider whether he knew about the yellow bikes program—he nodded. After the rider left, the Ranger said:

He must have been just a joyrider; that is, people who 'borrow' bikes just to get to a place and then leave them there, which I suspect is what happens in most cases here in BRC. But this guy probably became attached to the bike. [...] That is clearly wrong and should not be encouraged, but we can always seize the opportunity to help educate people, so they become better citizens. [...] As for the woman, she is very lucky and I am glad that she got reunited with her ride. Most people would have to wait until next Monday to check the pile of derelict bikes left at Playa Info post-event. So this is a good day for her.

The Ranger's demeanor was always friendly and never accusatory. Even when the Ranger inquired about the campmate from whom the rider had supposedly borrowed the bike, the question was asked in a calmed and non-judgmental tone. This not only persuaded the rider to give up the bicycle, but also lessened the tension between the rider and the alleged victim who ended up grateful with no apparent grudge against the rider. In terms of the yellow bike recovery efforts, Rangers have helped locate and retrieve community bicycles that some Burners try to keep permanently. When roaming the playa, Rangers look for any suspicious behavior that would indicate intent to steal, or actual theft of, a yellow bike. Sometimes someone redecorates or personalizes a yellow bike, or keeps it parked in a secluded area to give the impression that the bicycle belongs to them. I experienced this myself in 2012 when a Ranger approached me and asked to check my bicycle, which coincidentally was bright green in color and so resembled the communal bikes.

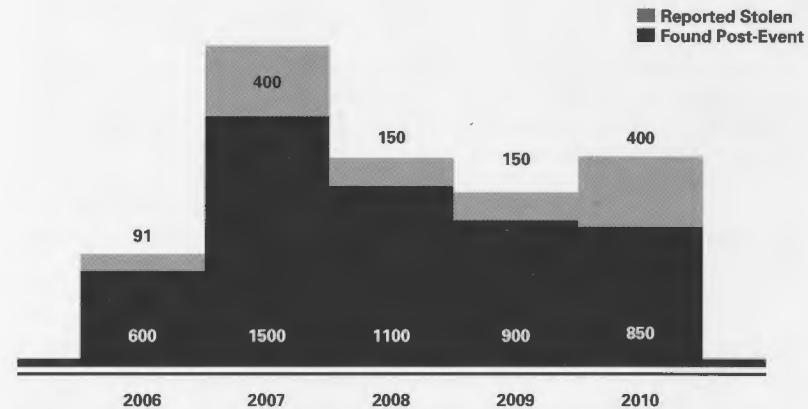


Figure 1: Bicycle loss at Burning Man (2006-2010), AfterBurn Report 2006-2010.

After the Ranger confirmed that mine was not a disguised yellow bike, he kindly explained that he had occasionally found redecorated community bikes that people thought they could keep and use exclusively. Some people, he said, thought that yellow bikes are mementos for them to take home. He said he often had to explain the purpose of the yellow bike program and the importance of keeping the bicycles flowing through the community. In most cases where a yellow bike was misappropriated, he said the rider would relinquish the bike and the Ranger would return it to a community rack. "It is all about encouraging people to live by the ten principles. Most people who do this sort of thing do not understand well the implications of their actions and the harm it does to the community. But when you remind them, they do."²¹ When I asked if there had been situations involving bicycles that warranted law enforcement intervention, the answer was in the negative, with the exception of one instance several years ago when the Rangers sought police help in order to thwart an attempt to steal several bicycles. The Rangers resolved most other cases without any outside intervention.

PUBLIC AND PRIVATE SPACES

In Black Rock City there are certain areas occupied by villages, theme camps and "official" departments, which appear to be off limits to the general population. Most campsites lack fences, divisions, or any other type of physical barriers. Numerous camps are set up in ways that invite people to walk in and stay, and to participate in any activities taking place there. True to the no-spectator principle that guides the event, many art installations are also participatory and almost all mutant vehicles that roam the playa allow people to hop on and off as they please. All of this blurs the line between public and private space at Burning Man. The highly inclusive nature of the event, however, does not mean that private property and privacy do not exist or are not respected at Burning Man. Participants arrive with personal possessions—whatever equipment, clothing, shelter, food and transportation they bring to support their efforts towards radical self-reliance. The clothes people wear, the shelter, tents or motor homes where they sleep, their food, are not considered communal. But because of the pervasive attitude of sharing that characterizes

Burning Man, there are situations that create a gray area regarding what is really private and what has been shared or gifted to the community.

Some of the most common problems are camp boundary disputes, the use of someone else's personal property without consent, and participants overstaying their visit at a camp. Conflicts of this kind are usually resolved internally, as most camps or villages have their own formal or informal system of private governance. There may be mediation or consensus building or even a unilateral adjudication. It is hard to know how many of these disputes there are or how many are successfully resolved before they require outside assistance, but most neighborly disputes do not require the intervention of the Rangers.

As Black Rock City has grown in size, the Burning Man Organization has adopted strategies to minimize boundary disputes. One has been to pre-arrange the placement of villages, theme camps, art installations and other structures, so the city's blueprint is in place before the event. By the time participants arrive the landscape has already been delineated with markers and survey flags by members of the Placement Team. A volunteer (placer) is assigned to help participants locate their pre-assigned spaces and sort out any issues that might arise. Any space allocation problems that occur among the first settlers tend to be minor, but as the masses begin to appear and more land is occupied disputes magnify. Boundary disputes not only occur as the city comes to life but also throughout the week. In order to maintain control and order, all villages and theme camps must have designated point persons and a group of core members who communicate with the Burning Man Organization and other villages and camps.

The Rangers intervene when squabbles among campmates or villagers get out of hand, or when "outsiders" become involved. Another layer of boundary disputes that also require the involvement of Rangers are the ones between occupants of smaller or unnamed camps, or among individual burners who pitch their tents in the walk-in camp area.

The role of the Rangers varies from mediation, community monitoring, or acting as a conduit between the Burning Man community and law enforcement officials. One dispute involved two neighboring camps whose members were arguing about whether an empty lot initially allocated to Camp A could be taken over by Camp B given that no one from Camp A was occupying the space. Because the lot looked empty, Camp B members decided to park a truck there and unload lumber and other construction materials for an art installation. Camp A complained to Camp B and stated that they had been given rights to use that lot, and that they were planning on using the land but hadn't figured out how. Camp A said that they would probably end up using the extra land to park their cars or to build an extra shelter or perhaps another place to hang out. Camp B refused to move their truck and materials, and the problems persisted for days with no solution in sight. A passing Ranger was called in by one of the parties to mediate. The Ranger engaged a conciliatory approach and was able to help the parties reach a mutually acceptable solution. Camp B would be able to continue using the empty lot to store their materials and as a workspace for their art installation for two more days. Camp A would, in turn, be allowed to park some of their cars and bikes on an unused corner of Camp B's lot. Camp B also let Camp A use their kitchen space and shaded structure to store their ice chests.

In some disputes, the Rangers act as a sounding board for a proposed solution to a boundary problem, private property abuse, or a situation involving the non-authorized use of equipment. In some cases, parties work out a solution but do not know how to implement it, and call the Rangers in to help them devise a workable plan. The Rangers sometimes act as a community watch by enforcing rules: participants cannot park their vehicles in the "streets" or other public areas, or drive through the city, or drive through private camps. And Rangers are always on the lookout for potentially hazardous structures.

There are cases when the intervention of the Rangers is only the first (or second) step in a multi-layered dispute resolution. One such case involved an allegation of trespass against a guest who overstayed his visit to a camp. The individual in question had apparently arrived two days earlier with a group of people to attend a party there. The party lasted all night and several guests—including the alleged trespasser—fell asleep on couches and hammocks scattered around the camp. The next morning, all remaining visitors left except for one. At first, the camp's members were very hospitable. After several hours, when it became apparent that he wasn't going anywhere and his presence began to make people uncomfortable, they kindly asked him to leave. He refused. A heated argument ensued and then the Rangers were called in. The alleged trespasser became hostile to the Rangers, which prompted them to involve members of the LEAL team, which "are Ranger response and Ranger backup on playa in any situation that has Law Enforcement implications."²² At some point, law enforcement officers (LEO) arrived, presumably alerted by LEAL, and took over the situation. I last saw the alleged trespasser when LEO took him into custody, but I don't know what happened after that.

These types of cases can be successfully handled because of the successful coordination between the Black Rock Rangers, LEAL and LEO, and the collegial relationship developed among these different groups throughout the years. In order to ensure the synchronization of all activities, Rangers are part of the Playa Safety Council (PSC), which is in charge of the overall event security.²³ The PSC comprises volunteer representatives from the Rangers, the Emergency Services Department (ESD), the Department of Mutant Vehicles (DMV), Gate, Perimeter and Exodus (PG&E), and Airport Operations. During the event, PSC members meet daily to maintain the implementation of a comprehensive event-security strategy that ranges from perimeter security and ticket integrity to emergency medical services, child safety policies, vehicle safety, and a contingency plan.²⁴ The scope of activities and obligations of each entity are generally outlined in the event's Operating Plan (OP). The Burning Man Organization submits the OP annually to the Bureau of Land Management (BLM) as it is one of the required documents to obtain the Special Recreation Permit needed to use the public land where Burning Man is held.

BIG BROTHER IS (ALWAYS) WATCHING YOU: OFFICIAL LAW ENFORCEMENT AT BURNING MAN.²⁵

The fact that Burning Man takes place on public land justifies the involvement and physical presence of several federal and state agencies. These are: The Federal Bureau of Land Management (BLM); the Federal Aviation Administration (FAA); the Federal Communication Commission (FCC); Nevada Department of Transportation (NDOT); Nevada Highway Patrol (NHP); Nevada State Health Department (NSHD); Pershing County Sheriff's Office (PCSO); Washoe County Sheriff's Office (WCSO); and the Pyramid Lake Paiute Tribe (PLPT). Although all of these agencies play a role at the event, only the BLM, PCSO and NSHD deploy personnel at the playa during the week of the event, and at least the former two are referred to as LEO (Law Enforcement Officers). The other agencies including the Nevada Highway Patrol, the Pyramid Lake Paiute Tribal Police, and the Washoe County Sheriff's Office, are responsible for enforcing state, tribal, and county (mainly traffic) laws in the surrounding areas before, during and after the event.

In general, the relationship between law enforcement agencies and the Burning Man Organization appears to be cordial and productive. On more than

one occasion, the organization has praised the role of the BLM and other law enforcement agencies in helping to facilitate the event. Likewise, law enforcement agency representatives have been positive about the Burning Man Organization. Nonetheless, there are disagreements and sour points on both sides. Perhaps the most salient one is the ongoing dispute between Burning Man and Pershing County over the fees collected by the county to offset costs incurred by municipal authorities in connection with the event. The dispute began in 2004 when Pershing County's tried to apply a local Festival Ordinance to Black Rock City, LLC. The LLC argued the ordinance should not apply because it was preempted by federal law and because doing so would mean that the County was in violation of a longstanding agreement between BRC and the County.

In 2005, the Burning Man Organization and Pershing County officials reached an agreement to establish a compensation scheme, but in 2012 there was an impasse and Black Rock City, LLC brought a federal lawsuit against the members of Pershing County's Board of Commissioners.²⁶ The complaint sought to enjoin the co-defendants from collecting any fees established by State or County festival laws and ordinances, in addition "from those specifically set forth in the BLM (federal) permit."²⁷ Although this litigation has caused tension between the Burning Man Organization and Pershing County officials, the organization has continued to make important efforts to preserve their positive relationship with the Sheriff's Office, and has urged the community to do the same.²⁸ In the fall of 2013 the parties reached a new Settlement Agreement.²⁹ A federal judge, however, denied the parties' request to approve the agreement, in January of 2014.³⁰ Black Rock City, LLC filed an appeal against the judge's order, which is still pending as of the time of publication.³¹

Community members do feel concern about the presence and conduct of law enforcement officers at Burning Man. Several individual attorneys³² and citizen advocacy groups such as Lawyers for Burners (LFB),³³ and the American Civil Liberties Union (ACLU) have become advisors at the event and offer legal information and advice about issues that might potentially affect participants. In the last few years the ACLU has held "office hours" at the event. ACLU representatives have also led an outreach effort through the distribution of pocket-sized cards ("know your rights cards") that contain basic information about how to speak to law enforcement, and clarifying when police officers have a legal basis to stop and search citizens.

The ACLU also collects data about encounters between Burners and law enforcement officials at the event, but does not share it with the public. A similar data collection effort is led by the Burning Man Organization, which encourages participants to share their experience about incidents involving law enforcement officials during the event.

LFB, on the other hand, is a "grassroots project formed to help Burning Man participants with Bureau of Land Management (BLM) citations they received during the event."³⁴ LFB is staffed by volunteer lawyers who take cases directly, or who connect community members and counsel willing to assist Burners who are challenging arrests or citations issued at the event. According to their annual reports, LFB lawyers have assumed the defense in most of these cases. The majority of them involve drug offenses allegedly committed by participants and unlawful searches, seizures and other abuses supposedly committed by BLM and Pershing County Sheriff officers. The overall perception of LFB among Burners tends to be very positive. The group has been credited for repeated court victories, and for negotiating a tentative fine and plea schedule for drug-related offenses with the US attorney's office, back in 2010. Qualifying defendants are offered the opportunity to plead guilty to a non-drug related offense, such as "littering," and ordered to simply pay a fine.

Number of participants	25659	28979	30586	35664	35567	38989	47097
Number of BLM citations	100	135	177	218	218	155	331
Number of arrests	5	0	10	1	6	1	1
Number of participants	49599	51454	53963	53963	56149	38989	47097
Number of BLM citations	129	287	293	42	230	155	331
Number of arrests	6	9	8	3	22	1	1

Figure 2: BLM citations and arrests made at Burning Man between 2001 and 2014

The use and possession of drugs and drug paraphernalia is one of the most polemic issues involving law enforcement at Burning Man. The Burning Man Organization has repeatedly stated that it "does not promote or condone the use of illegal drugs,"³⁵ and also has an explicit controlled substance and alcohol abuse policy,³⁶ which warns participants that "the use and possession of illegal drugs at (or near) Burning Man are violations of Federal, State and County law."³⁷ The Burning Man Survival Guide, given to all participants every year, has a thorough description of this policy as well as an explanation of the possible legal and health consequences.³⁸ The guide includes a set of recommendations about how to interact with law enforcement officials. Nonetheless, the media sometimes tries to depict Burning Man as a drug-fueled desert party, and law enforcement agencies devote a significant amount of time prosecuting drug crimes—more than that spent on all other offenses. Undercover officers have been deployed—they are sometimes in costume³⁹—and the use of drug sniffing dogs, and night vision goggles to detect drug trafficking and consumption, have become routine in recent years.⁴⁰ LFB has reported the use of sting operations against alleged drug traffickers and the severe and sometimes abusive treatment of suspects by BLM officers. Only a few arrests involving Burning Man participants have reached the local news,⁴¹ while most are buried in police files and court dockets. One reason for the scant media coverage of Burning Man-related offenses might be that there are very few of them. As Figure 2 shows, the average number of arrests made at Burning Man since 2001 is six, and the average number of citations is about 175. With the exception of 2012 when a record number of 22 arrests were made, arrest statistics have barely reached ten cases per year.⁴²

The total number of arrests (72) made at Burning Man during the last twelve years has been significantly lower than the arrests made in one year at other comparable large-scale events such as the Coachella Valley Music and Arts Festival (235 arrests in 2012), and the Stagecoach Country Music Festival (174 arrests in 2012). Burning Man also requires much less local police presence than any of these other events. In 2011, for example, the Pershing County Sheriff's Office only deployed 22 deputy sheriffs at the event. In the Sheriff's opinion "there were sufficient personnel most of the time to handle the incidents as they occurred."⁴³ BLM, however, provides many more officers, which has been a point of contention between BLM and BRC during some years of negotiations.

In stark contrast with the portrayal of Burning Man as an anarchic and chaotic gathering, the existing data demonstrates that Burning Man is a remarkably low-crime event as the Burning Man community is quite well behaved. Although the presence of law enforcement officials certainly contributes to the low crime statistics, volunteer groups such as the Black Rock Rangers play a key role in further galvanizing cooperative and norm-abiding behavior. But Rangers are no more

than slightly trained event participants. The social equilibrium attained at Burning Man does not exist only because of the presence of a handful of law enforcement officials or the few hundred Rangers deployed at the event; most importantly it exists because of the collective consciousness and communal efforts of those who attend Burning Man.

NOTES

1. This chapter is based on a previous article titled "Order in the Desert: Law Abiding Behavior at Burning Man," 2013 J. Disp. Resol. 349 (2013).
2. "Over time, the camp became a city and a community became many communities. The role of the Rangers has changed and grown at the same time, but the original purpose still holds true; Helping lost souls to find their way home." (<http://www.rangers.org/rangers.v5/Origins.html>)
3. http://www.burningman.com/on_the_playa/infrastructure/brc_rangers.html
4. http://www.burningman.com/on_the_playa/infrastructure/brc_rangers.html
5. <http://www.rangers.org/rangers.v5/Origins.html>
6. "Black Rock City Rangers Manual," 2012, p. 9
7. Chen, Katherine, "Laboring for the Man: Augmenting Authority in a Voluntary Association," *Rethinking Power in Organizations, Institutions, and Markets (Research in the Sociology of Organizations, Volume 34)*, David Courpasson, Damon Golsorkhi, Jeffrey J. Sallaz, eds., Emerald Group Publishing Limited, p. 145.
8. *Rethinking Power in Organizations, Institutions, and Markets*, p. 17.
9. http://www.burningman.com/themecamps/resource_guide.html#sound
10. http://www.burningman.com/themecamps/resource_guide.html#sound
11. http://www.burningman.com/themecamps/resource_guide.html#sound
12. http://www.burningman.com/themecamps/resource_guide.html#sound
13. See "AfterBurn Report," 2006, available at: <http://afterburn.burningman.com/06/community/bikes.html> (hereinafter, "AfterBurn Report" 2006).
14. "AfterBurn Report," 2004, available at <http://afterburn.burningman.com/04/community/bikes.html>
15. "AfterBurn Report," 2006.
16. PROVO, "White Bicycle Plan Manifesto," <http://www.gramschap.nl/provo/chrono/prpk5.jpg>
17. "AfterBurn Report," 2003–2011, available at <http://afterburn.burningman.com/>
18. Interview with Ranger #10 at Black Rock City, 26 August 2008. (On file with author).
19. Johnson, Shane D. et al., Community Oriented Policing Services, U.S. Department of Justice, "Problem Oriented Guiders for Police, Problem-Specific Guide Series No. 52—Bicycle Theft," June 2008, p. 5, available at: <http://www.cops.usdoj.gov/Publications/e060810143.pdf> (hereafter Johnson, Bicycle Theft Report).
20. "AfterBurn Report," 2004, <http://afterburn.burningman.com/04/community/bikes.html>
21. Interview #20 with Ranger at Black Rock City, 28 August 2012.
22. "Black Rock City Rangers Manual," p. 31.
23. Bureau of Land Management, Environmental Assessment DOI-BLM-NV-W030-2012-0007-EA, Burning Man 2012–2016 Special Recreation Permit NVW03500-12-01, pp. 12, 9, available at: http://www.blm.gov/nv/st/en/fo/wfo/blm_information/nepa0/recreation/burning_man.print.html
24. See for example, "Burning Man 2011 Operating Plan," p. 50, available at: http://www.blm.gov/nv/st/en/fo/wfo/blm_information/nepa0/recreation/burning_man.html
25. Orwell, George, 1984, New York: Plume, 1983.
26. Black Rock City v. Pershing County Board of Commissioners, et al. The U.S. District Court for the District of Nevada, Complaint filed on 16 August 2012. For more information about this litigation, visit: <http://brcvpc.com/>
27. Complaint, p. 29.
28. <http://blog.burningman.com/2012/08/news/taking-the-high-road-with-pershing-county/>
29. <http://blog.burningman.com/2013/11/news/burning-man-settles-lawsuit-with-pershing-county-nev/>
30. Black Rock City LLC v. Pershing County Board of Commissioners, et. al., No. 3:12-cv-00435-RJ-VPC (U.S.D.Nev. 6 January 2014), p. 29.
31. Notice of Appeal, p.2, Black Rock City LLC v. Pershing County Board of Commissioners, et. al., No. 3:12-cv-00435-RJ-VPC (U.S.D.Nev. 4 February 2014)
32. <http://www.nvcounsel.com/lawyers-for-burners>
33. <http://lawyersforburners.com>. This group was established in 2007 by Palo Alto lawyer David Levin (aka Burning Man Barrister) "to aid festival revelers in their brushes with the law." (http://www.abajournal.com/news/article/burning_man_barrister_offers_free_legal_advice_to_festival_revelers/)
34. <http://www.lawyersforburners.com/>
35. Black Rock City, LLC, "Burning Man Survival Guide," 2012.
36. Black Rock City, LLC, "Controlled Substance and Alcohol Use Policy, 2012," available at: http://www.burningman.com/media/doc/pdf/blm_stipulations/2012_drugalcoholpolicy.pdf
37. Black Rock City, LLC, "Controlled Substance and Alcohol Use Policy, 2012."
38. "Burning Man Survival Guide," available at: http://www.burningman.com/preparation/event_survival/#.UUfJ1vF3-E
39. <http://www.lawyersforburners.com/2008>
40. Doherty, Brian, *This Is Burning Man: The Rise of a New American Underground*, Dallas, Texas: BenBella Books, 2004.
41. The most recent example was the arrest of Robert Louis Ruenzel II and Lindsey Ann Neverinsky, a couple charged for the possession of narcotics while on their way to Burning Man. Although their case was widely covered by the local media for a while, they ended up pleading guilty to a misdemeanor charge of simple possession of a controlled substance, and were also barred from returning to the festival. See KYVU.COM, "Strange court case for Burning Man drug suspects," Monday 3 September 2012. Another newsworthy arrest, this time for arson, took place in 2007 when participant Paul David Addis was taken into police custody for setting ablaze the effigy of "the Man" five days before the scheduled burn. Addis was later charged and convicted of felony charges of arson and destruction of property and served two years in a Nevada prison. See, <http://www.sfgate.com/news/article/Burning-Man-is-burned-too-soon-arson-arrest-2524487.php>
42. Complaint, p. 34, Black Rock City, LLC v. Pershing County Board of Commissioners, et al., No. 3:12-cv-00435-RJ-VPC (U.S.D.Nev. Aug. 16, 2012).
43. Complaint, p. 35, Black Rock City, LLC v. Pershing County Board of Commissioners, et al., No. 3:12-cv-00435-RJ-VPC (U.S.D.Nev. Aug. 16, 2012).