

May 14, 2024

Michele Howell  
FOIA Officer, University Public Affairs  
Virginia Commonwealth University  
Box 842041  
Richmond, VA 23284-2041  
[FOIAVCU@vcu.edu](mailto:FOIAVCU@vcu.edu)

**BY ELECTRONIC MAIL**

RE: FOIA Request, VCU's Response to Gaza-related Protests



P.O. Box 26464  
Richmond, VA 23261  
(804) 644-8022  
[acluva.org](http://acluva.org)

Dear FOIA Officer Howell:

The American Civil Liberties Union Foundation of Virginia (“ACLU of Virginia”), through the undersigned citizen of Virginia, makes this request for records regarding the recent protests (hereinafter referred to as “Gaza-related protests”) from Virginia Commonwealth University (“VCU”). This request is pursuant to the Virginia Freedom of Information Act (“VFOIA”), Va. Code Ann. § 2.2-3700, et seq.

Specifically, we request the following records from March 1, 2024 to the date this request is processed:

1. All communications between VCU administration (including but not limited to the Office of the President, Cabinet, and the Board of Visitors) and the Office of Governor Glenn Youngkin concerning the Gaza-related protests.
2. All communications between VCU administration (including but not limited to the Office of the President, Cabinet, and the Board of Visitors) and the Virginia Attorney General’s Office concerning the Gaza-related protests.
3. All communications between VCU administration (including but not limited to the Office of the President, Cabinet, and the Board of Visitors) and the Richmond Police Department concerning the Gaza-related protests.
4. All communications between VCU administration (including but not limited to the Office of the President, Cabinet, and the Board of Visitors) and the Virginia State Police concerning the Gaza-related protests.



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[acluva.org](http://acluva.org)

5. All communications between VCU administration (including but not limited to the Office of the President, Cabinet, and the Board of Visitors) and the VCU Police Department concerning the Gaza-related protests.
6. All communications between the VCU Police Department and the Richmond Police Department concerning the Gaza-related protests.
7. All communications between the VCU Police Department and the Virginia State Police concerning the Gaza-related protests.
8. All records (including directives, agreements, communications, memoranda, and notes) relating to VCU's "Reservation and Use of Space" policy, and any changes made to the policy or administrative directives issued pursuant to the policy in response to the Gaza-related protests.
9. All records (including directives, agreements, communications, memoranda, and notes) relating to any VCU policy that was enforced by police or university officials in response to the Gaza-related protests.
10. All records (including directives, agreements, contracts, communications, memoranda, and notes) relating to the proposal, approval, or authorization to deploy police (VCU Police, Richmond Police Department, and/or Virginia State Police) in response to the Gaza-related protests.
11. All records (including directives, agreements, contracts, communications, memoranda, and notes) relating to the proposal, approval, or authorization to permit the deployment of chemical irritants, such as tear gas or pepper spray, and/or the use of automatic or semi-automatic firearms in response to the Gaza-related protests.
12. All records (including communications, memoranda, and notes) memorializing the use of chemical irritants in response to the Gaza-related protests.
13. Records sufficient to identify the total amount of funds expended by VCU on the police response (VCU Police, Richmond Police Department, and/or Virginia State Police) to the Gaza-related protests.
14. All records (including directives, communications, memoranda, and notes) relating to disciplinary action proposed or taken against students involved in the Gaza-related protests. We do not seek personal identifying information, such as student names or social security numbers. We do expect, however, the release of all segregable portions of otherwise exempt materials, as required by Va. Code Ann. § 2.2-3700.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

Please exclude records consisting solely of news articles, press clippings, and other publicly available material, if the records include no accompanying discussion by government officials.



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If it is your position that any portion of the requested records is exempt from disclosure, please provide with reasonable particularity the volume and subject matter of the withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding. If some portions of the requested records are properly exempt from disclosure, please redact those portions and produce the remainder of the requested records.

Please provide the requested records or respond as required by state law (§ 2.2-3704B) within 5 days from your receipt of this letter. Our preferred form for public records is digital (.ppt, .docx, or .pdf files) sent as email attachments to [mgolski@acluva.org](mailto:mgolski@acluva.org). If records are only available in paper form or any other physical medium, please mail them to Attn: Molly Golski, ACLU of Virginia, P.O. Box 26464, Richmond, VA 23261 or advise of a manner in which I may retrieve them.

Should transcription to a digital medium or any other activities required for retrieval and transmission of the requested records incur a cost more than \$100, please provide me with an estimate before processing this request per §2.2-2704F of the Code of Virginia. However, I would also like to request a waiver of all fees. I am a paralegal with the ACLU of Virginia, a non-profit civil rights organization, and I attest that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of government activities. This information is not being sought for commercial purposes.

In the estimate of costs, please separate any cost for accessing or searching for the records from the cost of duplication so I may decide whether to exercise my right to inspect the records during normal business hours before asking to have any records duplicated.

Thank you for your prompt attention to this matter. Should you have any questions, please do not hesitate to contact me at (804) 494-8149 or [mgolski@acluva.org](mailto:mgolski@acluva.org).

Sincerely,



Molly Golski  
Paralegal  
ACLU of Virginia



P.O. Box 26464  
Richmond, VA 23261  
(804) 644-8022  
[acluva.org](http://acluva.org)



**From:** [VCU FOIAVCU](#)  
**To:** [Molly Golski](#)  
**Subject:** Re: FOIA Request  
**Date:** Tuesday, May 21, 2024 1:42:03 PM  
**Attachments:** [2024.05.14 - FOIA to VCU.pdf](#)

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Good afternoon,

This office received your request for information, a copy of which is attached. However, due to the overall volume of requests and staff availability, VCU will require the additional seven work days allowed for response pursuant to Va. Code § 2.2-3704(B)(4) as it is not practically possible to provide the requested records or determine whether or not they are available within the five work day period. Thank you.

Best,

**Michele S. Howell**  
FOIA Officer  
Virginia Commonwealth University  
Enterprise Marketing and Communications  
912 W. Grace St./ P.O. Box 842041  
Richmond, VA 23284-2041  
804-827-3909 (Direct)  
804-828-1463 (Main)

On Tue, May 14, 2024 at 4:31 PM Molly Golski <[mgolski@acluva.org](mailto:mgolski@acluva.org)> wrote:

Good afternoon,

Please find attached a FOIA request to Virginia Commonwealth University. Thank you.

Best,

Molly

**Molly Golski** (she/her)

Paralegal

ACLU of Virginia

P.O Box 26464

Richmond, VA 23261

[mgolski@acluva.org](mailto:mgolski@acluva.org)

O: 804-494-8149

C: 804-774-6975

[www.acluva.org](http://www.acluva.org)

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.*

**From:** [VCU FOIAVCU](#)  
**To:** [Molly Golski](#)  
**Subject:** Re: FOIA Request  
**Date:** Friday, May 31, 2024 9:26:59 AM  
**Attachments:** [IMG\\_3868.PNG](#)  
[2024.05.14 - FOIA to VCU.pdf](#)  
[Reservation and Use of Space One Pager 4-30-2024 - Revised 2.18pm.pdf](#)  
[Reservation and Use of Space - Interim.pdf](#)  
[xxxxxxx Fogger UoF 2\\_Redacted.pdf](#)  
[xxxxxxx Fogger UoF\\_Redacted.pdf](#)  
[xxxxxxx OC UoF\\_Redacted.pdf](#)

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You don't often get email from foiavcu@vcu.edu. [Learn why this is important](#)

Good morning,

As you know, this office received your request for information, a copy of which is attached. As an initial matter, Va. Code § 2.2-3704 (B) requires that requests for information be reasonably specific. Virginia's Freedom of Information Advisory Council has opined that "reasonable specificity" means, using common definitions, "constituting or falling into a specific category" and "free from ambiguity." FOIA Council Opinion AO-01-00, September 29, 2000. The FOIA Advisory Council has also analyzed a request containing the phrase "relating to" concluding that phrase does not meet the standard of reasonable specificity "because it is vague and easily susceptible to interpretations." FOIA Council Opinion AO-03-08, March 19, 2008. With this in mind, the parts of requests #8-14 wherein you ask for "all records relating to" various topics are not reasonably specific as required by Va. Code § 2.2-3704(B) for VCU to search for and identify all responsive records. However, VCU has searched for email correspondence using key words identified in these requests, the initial results of which are provided below in blue along with the estimated cost to fulfill each item.

The total estimated total cost to fulfill your request is \$3,817. Whenever the estimated charge exceeds \$200, VCU requires prepayment of the full estimated cost before continuing to process your request. See Va. Code § 2.2-3704(H). If the actual cost proves to be less than the estimate, VCU will refund any overage. Conversely, if once VCU begins processing your request it appears the costs will exceed the prepaid estimate, VCU will contact you to determine how you wish to proceed.

If you would like VCU to process your request consistent with the below estimates, please let us know, and an invoice will be provided with payment instructions. However, to reduce the cost, you may wish to narrow the scope of your request. Please also note that Va. Code § 2.2-3704(F) allows public bodies to charge requesters for the actual costs incurred in accessing, duplicating, supplying or searching for requested records, even when any responsive records are not released to you pursuant to an applicable exemption. For your awareness, we have listed potentially relevant exemptions after each item. If you choose to submit a narrowed request, VCU will be able to estimate the cost and provide you with a revised cost estimate to consider.

1. All communications between VCU administration (including, but not limited to the Office of the President, Cabinet and the Board of Visitors) and the Office of the Governor concerning the Gaza-related protests.

An initial search of email accounts for president Rao, any member of VCU's board of visitors, any cabinet member and any account designated as "staff" for emails with the email domain [@governor.virginia.gov](mailto:@governor.virginia.gov) from 3/1/24-5/21/24, containing key words "protest" or "Gaza," returned 78 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$140.00 (20 emails / hour at \$35 / hour). Potentially relevant exemptions include: Va. Code § 2.2-3705.7(2) working papers and correspondence of the president or office of the governor.

2. All communications between VCU administration (including, but not limited to the Office of the President, Cabinet and the Board of Visitors) and the Virginia Attorney General's Office concerning the Gaza-related protests.

An initial search of email accounts for any emails between president Rao, any member of VCU's board of visitors, any cabinet member and any account designated as "staff" for emails with the email domain [@oag.virginia.state.va.us](mailto:@oag.virginia.state.va.us) from 3/1/24-5/21/24, containing key words "protest" or "Gaza," returned 192 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$350 (20 emails / hour at \$35 / hour). We do not interpret this item of your request to include emails with the Office of University Counsel, many if not all of which would be withheld as attorney-client privileged communication or attorney work product. Potentially relevant exemptions include: Va. Code § 2.2-3705.1(2), Va. Code § 2.2-3705.1(3), and Va. Code § 2.2-3705.7(2).

3. All communications between VCU administration (including, but not limited to the Office of the President, Cabinet and the Board of Visitors) and the Richmond Police Department concerning the Gaza-related protests.

An initial search of email accounts for president Rao, any member of VCU's board of visitors, any cabinet member and any account designated as "staff" for emails with the email domain [@rva.gov](mailto:@rva.gov) from 3/1/24-5/21/24, containing key words "protest" or "Gaza," returned 311 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$560 (20 emails / hour at \$35 / hour). Because the Richmond Police Department uses the general email domain [@rva.gov](mailto:@rva.gov), some of the emails may not be responsive because they are not with the Richmond Police Department. Potentially relevant exemptions include: Va. Code § 2.2-3705.7(2) working papers and correspondence of the president; Va. Code § 2.2-3706.1(C) criminal investigative files of ongoing criminal investigation; and Va. Code § 2.2-3705.2(14) operational plans and personnel deployments.

4. All communications between VCU administration (including, but not limited to the Office of the President, Cabinet and the Board of Visitors) and the Virginia State Police concerning the Gaza-related protests.

An initial search of emails accounts for president Rao, any member of VCU's board of visitors, any cabinet member and any account designated as "staff" for emails with the email domain [@vsp.virginia.gov](mailto:@vsp.virginia.gov), from 3/1/24-5/21/24, containing key words "protest" or "Gaza," returned 470 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$821.00 (20 emails / hour at \$35 / hour). Potentially relevant exemptions include: Va. Code § 2.2-3705.7(2) working papers and correspondence of the president; Va. Code § 2.2-3706.1(C) criminal investigative files of ongoing criminal investigation; and Va. Code § 2.2-3705.2(14) operational plans and personnel deployments.

5. All communications between VCU administration (including, but not limited to the Office of the President, Cabinet and the Board of Visitors) and the VCU Police Department concerning the Gaza-related protests.

An initial search of emails accounts for president Rao, any member of VCU's board of visitors, any cabinet member and any account designated as "staff" for emails with VCU Chief of Police John Venuti from 3/1/24-5/21/24 containing key words "protest" or "Gaza," returned 533 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$945 (20 emails / hour at \$35 / hour). Potentially relevant exemptions include: Va. Code § 2.2-3705.7(2) working papers and correspondence of the president; Va. Code § 2.2-3706.1(C) criminal investigative files of ongoing criminal investigation; and Va. Code § 2.2-3705.2(14) operational plans and personnel deployments.

6. All communications between the VCU Police Department and the Richmond Police Department concerning the Gaza-related protests.

An initial search of email accounts for currently active employees of VCU's Police Department for emails with the email domain [@rva.gov](mailto:@rva.gov), from 3/1/24-5/21/24, containing key words "protest" or "Gaza," returned 281 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$491.75 (20 emails / hour at \$35 / hour). Because the Richmond Police Department uses the general email domain [@rva.gov](mailto:@rva.gov), some of the emails may not be responsive because they are not with the Richmond Police Department. Potentially relevant exemptions include: Va. Code § 2.2-3706.1(C) criminal investigative files of ongoing criminal investigation; and Va. Code § 2.2-3705.2(14) operational plans and personnel deployments.

7. All communications between the VCU Police Department and the Virginia State Police concerning the Gaza-related protests.

An initial search of emails accounts for currently active employees of VCU's Police Department for emails with the email domain [@vsp.virginia.gov](mailto:@vsp.virginia.gov), from 3/1/24-5/21/24, containing key words "protest" or "Gaza," returned 389 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an

applicable exemption is \$680.75 (20 emails / hour at \$35 / hour). Potentially relevant exemptions include: Va. Code § 2.2-3706.1(C) criminal investigative files of ongoing criminal investigation; and Va. Code § 2.2-3705.2(14) operational plans and personnel deployments.

8. All records (including directives, agreements, communications, memoranda, and notes) relating to VCU's Reservation and Use of Space policy, and any changes made to the policy or administrative directives issued pursuant to the policy in response to the Gaza-related protest.

VCU interprets this request to be for VCU's Reservation and Use of Space policy, the administrative directive dated 4/30/2024 and communications about changes to either document.

The Reservation and Use of Space policy currently in effect and dated 5/29/2018 is in the VCU Policy Library at <https://vcu.public.doctract.com/>. Attached are archived copies of the original policy dated 12/11/2017, and the administrative directive dated 4/30/24. The administrative directive was rescinded as of May 28, 2024, as notes on the VCU Ram Voice web page (<http://dos.vcu.edu/resources/ram-voice/>).

As for communications concerning changes to the policy and the administrative directive, an initial search for any emails to or from Gabe Willis, Associate Vice President for Student Affairs, the VCU administrator managing revisions to the policy, from 3/1/24 - 5/21/24, containing key words "reservation" and "use of space" returned 240 emails. An additional search for emails containing the keyword phrase "administrative directive" returned 5 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$420 (20 emails / hour at \$35 / hour).

9. All records (including directives, agreements, communications, memoranda, and notes) relating to any VCU policy that was enforced by police or university officials in response to the Gaza-related protest.

VCU interprets this request to be for copies of VCU policies enforced by VCU Police or VCU administration in the area of the Cabell Library Lawn on April 29. Following is a list of those policies and links to them.

Reservation and Use of Space Policy: <https://vcu.public.doctract.com/>

Space Reservation and Usage: Guidelines and Procedures  
<https://docs.google.com/document/d/1qtBhZ1A037-XUkDx714TYyw3dOiJ3dLlkqPUlpD5b1U/edit>

Student Code of Conduct

<https://conduct.students.vcu.edu/student-code-of-conduct/>

10. All records (including directives, agreements, communications, memoranda, and notes) relating to the proposal, approval, or authorization to deploy police (VCU Police, Richmond Police Department, and/or Virginia State Police) in response to the Gaza-related protest.

An initial search for any emails to or from VCU's Chief of Police, John Venuti, from 3/1/24 - 5/21/24, containing key words ("proposal", "approval", "authorization" or "deploy") and "protest," returned 51 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$89 (20 emails / hour at \$35 / hour). Potentially relevant exemptions include: Va. Code § 2.2-3705.2(14) operational plans and personnel deployments.

11. All records (including directives, agreements, communications, memoranda, and notes) relating to the proposal, approval, or authorization to permit the deployment of chemical irritants, such as tear gas or pepper spray, and/or the use of automatic or semi-automatic firearms in response to the Gaza-related protests.

An initial search of emails accounts for currently active employees of VCU's Police Department for emails from 3/1/24-5/21/24, containing the following key words: ("chemical irritant", "pepper spray", "firearms", or "OC spray") and ("protest" and "Gaza"), returned 50 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$87.50 (20 emails / hour at \$35 / hour). Potentially relevant exemptions include: Va. Code § 2.2-3706.1(C) criminal investigative files of ongoing criminal investigation; and Va. Code § 2.2-3705.2(14) operational plans and personnel deployments.

12. All records (including directives, agreements, communications, memoranda, and notes) memorializing the use of chemical irritants in response to the Gaza-related protests.

The email search for item #11 above will include communications responsive to this item, if any. Additionally, VCU Police Department has three use of force reports memorializing the use of OC spray or foggers in the area of the Cabell Library Lawn on April 29 and one text from Richmond Police Department to Chief Venuti that are responsive to this request, copies attached.

13. Records sufficient to identify the total amount of funds expended by VCU on the police response (VCU Police, Richmond Police Department, and/or Virginia State Police) to the Gaza-related protests.

The requested records do not exist. By way of additional explanation, VCU does not pay the Richmond Police Department or the Virginia State Police for assistance.

14. All records (including directives, agreements, communications, memoranda, and

notes) relating to disciplinary action proposed or taken against students involved in the Gaza-related protests. We do not seek personal identifying information, such as student names or social security numbers. We do expect, however, the release of all segregable portions of otherwise exempt materials as required by Va. Code Ann. 2.2-3700.

An initial search for any emails to or from the VCU administrators most likely to be communicating about disciplinary action proposed or taken against students (Karen Belanger, Director, Student Conduct and Academic Integrity and Gabe Willis, Associate Vice President for Student Affairs), from 3/1/24 - 5/21/24 containing key words ("discipline" or "conduct") and "protest," returned 101 emails. The estimated cost to review these emails for potential production, redaction or withholding pursuant to an applicable exemption is \$177 (20 emails / hour at \$35 / hour). Potentially relevant exemptions include: Va. Code § 2.2-3705.4(A)(1) scholastic records.

Best,

**Michele S. Howell**

FOIA Officer

Virginia Commonwealth University

Enterprise Marketing and Communications

912 W. Grace St./ P.O. Box 842041

Richmond, VA 23284-2041

804-827-3909 (Direct)

804-828-1463 (Main)

On Tue, May 21, 2024 at 1:40 PM VCU FOIAVCU <[foiavcu@vcu.edu](mailto:foiavcu@vcu.edu)> wrote:

Good afternoon,

This office received your request for information, a copy of which is attached. However, due to the overall volume of requests and staff availability, VCU will require the additional seven work days allowed for response pursuant to Va. Code § 2.2-3704(B)(4) as it is not practically possible to provide the requested records or determine whether or not they are available within the five work day period.

Thank you.

Best,

**Michele S. Howell**

FOIA Officer

Virginia Commonwealth University

Enterprise Marketing and Communications

912 W. Grace St./ P.O. Box 842041

Richmond, VA 23284-2041

804-827-3909 (Direct)

804-828-1463 (Main)

On Tue, May 14, 2024 at 4:31 PM Molly Golski <[mgolski@acluva.org](mailto:mgolski@acluva.org)> wrote:



Good afternoon,

Please find attached a FOIA request to Virginia Commonwealth University. Thank you.

Best,

Molly

**Molly Golski** (she/her)

Paralegal

ACLU of Virginia

P.O Box 26464

Richmond, VA 23261

[mgolski@acluva.org](mailto:mgolski@acluva.org)

O: 804-494-8149

C: 804-774-6975

[www.acluva.org](http://www.acluva.org)

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.*

12:06



Sid >

iMessage

Tue, May 7 at 12:28 PM

Yes we had  
four fogger de-  
ployments.

Thx

Delivered



iMessage





## Reservation and Use of Space - Interim

**Policy Type:** Administrative

**Responsible Office:** Division of Student Affairs, Office of the Provost

**Initial Policy Approved:** 12/11/2017

**Current Revision Approved:** 12/11/2017

### Policy Statement and Purpose

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Virginia Commonwealth University recognizes that the free expression of ideas and open inquiry are essential in fulfilling its academic mission by embracing rigorous open discourse, argumentation, speaking, listening, learning and the exploration of ideas. The university is committed to creating an environment which fosters the exercise of protected speech on university property while maintaining an atmosphere free of disruption to the mission of the university. As such, the university has established requirements for use of its property to pursue its academic mission, provide a safe environment, and preserve the functional and aesthetic integrity of the campus. Expressive activity under this policy is not speech made by, on behalf of, or endorsed by VCU.

This policy applies to activity conducted on university property, which is any property owned, leased, or controlled by VCU. The restrictions are also designed to comply with the Code of Virginia sections 23.1-900.1 and 23.1-401 and are narrowly tailored to serve the university’s interest in maintaining the safe and effective educational and administrative operations of the university without regard to the viewpoint of any speech or expression. In accordance with VCU’s Space Use Regulation, 8 VAC 90-70-10 *et seq.*, entry upon and use of university property must be in accord with VCU policy. Any person<sup>1</sup> who violates these restrictions may be excluded from university property, subject to criminal penalties for trespass, or subject to university action under applicable policy, such as the Student Code of Conduct or employee conduct policies.

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<sup>1</sup> For the purpose of this policy, the term “person” may include a group or organization based on the context.

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## Who Should Know This Policy

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All university personnel, students, and other parties seeking to use university property are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## Definitions

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### Solicitation

Selling or promoting products, goods or services; using staff and faculty listings for the purpose of selling/promoting goods and/or services; seeking contributions or pledges, including distributing printed materials; and conducting membership drives.

### University Property

Buildings, grounds, and land owned or controlled by VCU. This includes property leased, rented, or otherwise contractually reserved for VCU operations, either permanently or on a temporary basis.

## Contacts

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The Office of the Vice Provost for Student Affairs officially interprets this policy.

The Office of the Assistant Vice President for Safety and Risk Management is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures.

Please direct policy questions to the Office of the Vice Provost for Student Affairs.

## Policy Specifics and Procedures

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### I. Instructions for General Use of University Property

University property, including outdoor areas, is designated primarily for use by students, faculty, and staff to advance the educational mission of the university. Any such member of the university community may generally use campus space consistent with university policy.<sup>2</sup>

The university may require any person to pay applicable rental or usage fees and comply with appropriate contractual obligations. In addition to complying with the restrictions set forth in this policy, persons desiring to use certain university spaces must comply with requirements established by the university office responsible for the specific space. Such requirements, including restrictions for reservation, scheduling, insurance, and use of such space, must be consistent with this policy and other reasonable time, place and manner restrictions and not based on the content or viewpoint of the expressive activity or the persons involved. If any such restriction conflicts with this policy, this policy governs.<sup>3</sup>

#### A. General Prohibitions:

The university prohibits any person from interfering with university and authorized functions, activities, and events and from participating in unlawful conduct on university property. As such, no person may do any of the following on university property:

1. Obstruct or impede vehicular, bicycle, pedestrian, or other traffic;
2. Obstruct any entrance or exit to any building, assembly space, driveway, parking lot, vehicular path, stairway or walkway or impede entry to or exit from any such area;
3. Disrupt, disturb, or interfere with educational or administrative activities, events, or operations inside or outside any building;
4. Enter into any building or facility or occupy any university property without appropriate authorization;
5. Violate any applicable federal, state, or local law, rule, or ordinance;
6. Fail to comply with any reasonable instruction by university police or any university official acting in the performance of their duty;
7. Cause any threat to the health or safety of any passerby or member of the university community;
8. Obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker or the observation of speech by any person intending to see or hear a speaker;
9. Damage university property, including structures, grass, shrubs, trees, or other landscaping;
10. Mark university property, including any vertical or horizontal surface, other than in accordance with university requirements;

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<sup>2</sup> Members of the public, who are not affiliated with the university, may use university property for assembly or organized expressive activity only if sponsored by a member of the university community with authority under an applicable university reservation policy or with a reservation obtained through the process set forth in section II(B)(2) of this policy.

<sup>3</sup> For example, any conflicting requirements in the university's Rules and Procedures, which applies solely to faculty discipline, are superseded by the requirements of this policy.

11. Use amplified sound, including bullhorns, except as approved in advance under applicable policy and within sound limits that will not disrupt university operations; or
12. Organize or lead any event implicating one or more of the risk factors set forth [either below or at the relevant link] without prior review and written authorization by the Assistant Vice President for Safety and Risk Management or designee.

## **B. Unprotected Expression:**

VCU prohibits expression that is not protected by law. The U.S. Constitution, its First Amendment, and the Code of Virginia do not protect certain expression, such as that expression described by the following legal terms: defamation, incitement to unlawful conduct, imminent threats of actual violence or harm, obscenity, fighting words,<sup>4</sup> copyright or trademark violation, criminal or civil harassment, sexual harassment, trespass, and false advertising. Determining whether VCU can regulate any specific expression based on one of these categories requires careful analysis of applicable legal precedent as interpreted by relevant Virginia and federal courts.

## **II. Instructions for Specific Uses of University Property**

### **A. Non-University Commercial Use:**

Because university property is for the educational and administrative functions of the university, any commercial use of university space other than by the university must be authorized in writing by the vice president with oversight of the unit managing the space or an authorized designee. Commercial door-to-door activities and commercial solicitations are prohibited.

The university does not permit the solicitation, distribution or selling of products or services of any kind at any time on university property by university employees other than as a required job function, which includes selling or promoting products, goods or services; using staff and faculty listings for the purpose of selling/promoting goods and/or services; seeking contributions or pledges, including distributing printed materials; and conducting membership drives.

### **B. Events:**

All event organizers must comply with this policy regardless of any expressive purpose of the event and whether the event is planned in advance. Advance notice and written authorization are required only for Major Events and Event Reservations, as described below. However, organizers of all events are encouraged to provide advance notice to VCU Police prior to commencement of an event or activity to promote the safety and security of all persons on campus. University officials will coordinate with the primary organizer or responsible person regarding appropriate logistical issues related to safety, time, and location.

To be useful, advance notification must include the day, time, estimated size of group and items associated with the event, and the location where the event is expected to begin and be carried out as well as the full

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<sup>4</sup> Based on the U.S. Supreme Court's decisions in *Cohen v. California* (1971) and *Chaplinsky v. New Hampshire* (1942), "fighting words" describes direct personal insults which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

name and detailed contact information for the primary organizer and/or person responsible for the activity. University officials will consider factors such as the anticipated size, required accommodations, traffic, noise, time, relationship to nearby areas and activities, security needs, and other relevant facts and circumstances to determine to what extent (a) a suitable location exists and (b) special precautions or arrangements are necessary.

1. *Events Requiring Authorization (Major Events):*

All major events require advance notice and permission from the university because they may disrupt university functions or activities, destroy property, or present insurmountable or unreasonable logistical or security challenges. A major event is an event, other than an academic course, program, or curriculum approved by the Provost or designee, which involves any one of the following risk factors:

- a. Expected attendance over 150 persons;<sup>5</sup>
- b. Setting with safety concerns (including time and location) based on assessment from the VCU Police;
- c. The event is a dance or concert, regardless of how many attendees;
- d. Presence of any object or substance requiring review by the Office of Environmental Health and Safety, including any animal, open flame, firework, pyrotechnic, or other flammable or hazardous item;
- e. Installation of any structure, such as a tent, scaffold, bounce house, or carnival-style ride;
- f. Alcohol served; or
- g. Outdoor amplified sound.

Procedures for providing advance notice and seeking appropriate authorization set forth by the Assistant Vice President for Safety and Risk Management are available in the Guidelines for Event Safety for Non-Instructional Use of Space.

2. *Event Reservations by members of the university community:*

Certain areas of campus may be reserved. Persons who desire to reserve campus facilities for any reason, including to conduct expressive activities, must submit their requests to the appropriate administrator with sufficient notice to allow for logistical support and to otherwise comply with the applicable facility requirements. Information regarding reservations is available at the following link: <http://scheduling.vcu.edu/services/>.

3. *Certain limited reservations available to members of the public:*

To facilitate the engagement of the university community in the marketplace of ideas, the university designates certain outdoor areas for use such as expressive activity by any person, including members of the general public who are not associated with the university, by reservation up to five days in advance of a planned event. Reservations will be granted on a space-available basis and denied only if sufficient space

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<sup>5</sup> University public assembly spaces designed for a seated occupancy load of greater than 150 people would require one other item to be considered a major event. Due to the nature of their design and purpose, venues such as the Singleton Center, Grace Street Theater, and Depot are considered in this category.



is not available. This open reservation process applies only to an event that does not qualify as a major event, which requires authorization as described above. To prioritize access to members of the university community, however, university departments, registered student organizations, students, and staff may be able to reserve these areas under other applicable procedures prior to the five-day open reservation period described above.

In addition to the open reservation process above, a member of the university community may host or sponsor an event in cooperation with members of the public as invited guests. The sponsor or host may reserve university space for such sponsored or hosted events according to applicable reservation policy and may be held accountable under applicable university conduct policies for use under the reservation, including for any such use by an invited guest. In such cases, invited guests may use the reserved space consistent with restrictions applicable to the sponsor or host. The university may rescind the invitation of such a guest to use university space for failure to comply with such a restriction.

Un-sponsored public speaking, distribution of literature, or other expressive activity by members of the public is prohibited on campus away from the open reservation areas.

#### 4. *Event Fees and Charges:*

All persons are responsible for costs of damage, repair and clean up arising from their use of university facilities. Examples of such costs include the cost of providing tents, platforms, special fixtures and equipment, [other useful examples], or the assignment of maintenance or security personnel.

The university will determine any fee for security based on viewpoint-neutral standards used to assess risk, such as the number of expected attendees as determined by the university, the location of the event, the time of day, and presence of alcohol or special equipment. Consistent with lawful protection of expressive activity, VCU will not charge security-related fees based on the content of the expressive activity, the likelihood of disruption caused by others than event attendees, or the actions of those who may protest the expressive activity.

### Forms

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There are no forms associated with this policy and procedures.

### Related Documents

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[Related documents are critical to the development of corresponding policies and procedures. Related documents include federal regulations, state regulations, state policies and VCU policies, procedures and guidelines. If there are no related documents, insert the following statement: There are no related documents associated with this policy and procedures.]

1. VCU's Space Use Regulation, 8 VAC 90-70-10 *et seq.*  
(<https://law.lis.virginia.gov/admincodeexpand/title8/agency90/chapter70> and in [VCU Policy Library](#))
2. Virginia law governing speech on campus, Va. Code § 23.1-900.1  
(<https://law.lis.virginia.gov/vacode/23.1-900.1/>)



3. Virginia law governing restrictions on student speech; limitations, Va. Code § 23.1-401 (<https://law.lis.virginia.gov/vacode/23.1-401/>)

**Revision History** \_\_\_\_\_

None – New Policy

**FAQ** \_\_\_\_\_

There are no FAQ associated with this policy and procedures.



# VCU

## Reservation and Use of Space

Policy Type: Administrative

Responsible Office: Division of Student Affairs, Office of the Provost and Vice President for Academic Affairs

Initial Policy Approved: 12/11/2017

Current Revision Approved: 05/29/2018

### *Policy Statement and Purpose (partial adaptation)*

Any person who violates these restrictions may be excluded from university property, subject to criminal penalties for trespass, or subject to university action under applicable policy, such as the Student Code of Conduct or employee conduct policies. For the purpose of this policy, the term “person” may include an individual, group or organization based on the context.

### *Events requiring authorization (Major Events)*

All Major Events require advance notice and permission from the university because they may disrupt university functions or activities, destroy property, or present insurmountable or unreasonable logistical or security challenges. A Major Event is an event, other than an academic course, program, or curriculum approved by the provost, which involves any one of the following risk factors:

1. Installation of any structure, such as a tent, stage, scaffold, bleacher, bounce house, or carnival style ride
2. Outdoor amplified sound, including but not limited to bullhorns, Bluetooth speakers, etc.

### *VCU Administrative Directive*

1. In support of the above policy, any objects and/or items that could be used to build or aid in the construction of any structure, are not allowed and *will* be removed immediately.
2. Any event with more than 50 persons in attendance will be considered a Major Event and requires advance notice, permission from the university and must be approved, in advance. Those in attendance for non-approved events will be asked to leave.
3. Wearing a mask for the purpose of concealing one’s identity is not permitted on university property. University officials will request identification from any individual wearing a mask. Failure to comply with a request is subject to disciplinary action and arrest for violation of Virginia Code § 18.2-422.

4/29/2024

Protest

§2.2-3705.1(1) personnel information

**VCU POLICE DEPARTMENT  
Use of Force Report and Checklist**

**TO BE COMPLETED BY THE OFFICER(S) USING FORCE ONLY – INVOLVED OFFICERS SHALL COMPLETE**

This form is administrative in nature, and its purpose is to provide administrative information to the Chief of Police. It is the policy of the VCU Police Department, pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967) and related cases, that any admission made by you on this form will not be used against you in a subsequent criminal proceeding, and that this form will not be provided to any prosecutor who is conducting a criminal investigation of your involvement in this incident, unless you choose to waive your rights under the 5<sup>th</sup> Amendment and allow this information to be so used.

PHOTOGRAPHS			
OFFICER - Top of the hands	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Bottom of the hands	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Full body	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Visible injuries	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
SUSPECT(S)/VICTIM(S) - Full body	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
SUSPECT(S)/VICTIM(S) Visible injury	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
All photographs added to the shared drive	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

CAMERA/AUDIO FOOTAGE			
Campus video camera footage?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
In car camera footage?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Body camera footage?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Audio/body camera recording?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was footage added to the shared drive?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was footage consistent with statements?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Existence of any other footage (private video)?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

STATEMENTS AND CONTACT INFORMATION			
Suspect(s)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Witness(es)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Officer(s)	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was the Investigations Division notified?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

COMPLETED FORMS			
VCUPD-6 Use of Force Report	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
VCUPD-6A OC Only	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
VCUPD-23 Line of Duty Injury (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
VCUPD-76 Alleged Officer Misconduct Form	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Workers Compensation Form (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Physicians Selection Form (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other documentation – specify	Yes	<input type="checkbox"/>	No <input type="checkbox"/>

INCIDENT INFORMATION

1. Date of this report 04/30/2024
2. Date of incident 04/29/2024
3. Time of incident approx 2042 hours
4. Location of incident  
901 Park Ave., Richmond VA 23284
5. IBR number 202404290158
6. Type of force Physical  Individual OC canister  Firearm  ASP   
OC Fogger  Other (explain): \_\_\_\_\_
7. At the time of the incident, was the officer in uniform or plainclothes?  
Yes
8. List name and unit numbers of all officers present at the time the force was used:  
N/A
9. List names, addresses, phone numbers of any witnesses

OFFICER INFORMATION

10. Name [REDACTED]
11. Rank Police Officer
12. Unit # 1960
13. Where assigned Patrol Division- Swing Shift
14. Phone [REDACTED]
15. Race [REDACTED]
16. Sex [REDACTED]
17. Date of birth [REDACTED]
18. Date of employment  
N/A
19. Total years of education NA
20. Was the officer injured?  
no
21. If yes, type of injuries
22. Name of hospital
23. Type of treatment

**SUBJECT INFORMATION**

24. Name Unidentified - protestor

25. Address

26. Race

27. Sex

28. Date of birth

29. Social security #

30. Work phone \_\_\_\_\_

31. Home phone \_\_\_\_\_

32. Did subject complain of injury? **N/A** 33. Were there visible signs of injury?

34. If yes, type of injuries

*Note: Subject must go to the hospital for any complaint **or visible sign** of injury. Treatment must be refused at the hospital. If a subject is exposed to OC spray **ONLY** a VCUPD-6A **MAY** be filled out and treatment may be done by medical personnel on scene.*

35. Type of treatment

36. Name of hospital

37. How transported to hospital

38. Name of doctor

39. Time of treatment

40. Time of release

41. Was subject under the influence of alcohol?

Drugs?

42. Photos or video attached? \_\_\_ If no, explain: \_\_\_\_\_

43. Was suspect arrested? If yes, list charges. If no, explain:

**INCIDENT DESCRIPTION**

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective.

Ofc. Farrow's Statement:

On 04/29/2024 VCU police declared an unlawful assembly to the crowd assembled in the commons area. The VCU police moved forward to disperse the crowd. Almost immediately police started getting objects thrown at them. As the police line surged forward, I was kicked and a pallet hit me knocking me to the ground. I stood back up and deployed my OC on the advancing crowd that was in front of me for my safety and other officers. The exposed crowd immediately receded. VCU police regain control of the line and surged forward.

§2.2-3705.1(1) personnel information

45. Officer's signature

\_\_\_\_\_

Date: 05/01/2024





SUPERVISOR'S RESPONSIBILITIES

**Note:** If a complaint of excessive use of force was made, a VCUPD-76 must be compiled.

**NOTE:** For cases of lethal force or allegations of excessive force, the administrative review of the incident will be conducted by the Investigations Division. In those cases and others which will be investigated by I Investigations, check this block only and skip to the signature section below.

To be investigated by IAD

For cases not meeting the above criteria:

I have reviewed this use of force, and have determined that:

1.  it is within the policy guidelines--OR-- it is NOT within the policy guidelines
2.  training and proper tactics were followed--OR-- were NOT followed

I recommend that this use of force be classified:

- JUSTIFIED
- JUSTIFIED -- but other policy violations noted
- JUSTIFIED -- but tactical or procedural improvement opportunities noted
- NOT JUSTIFIED -- not excessive force, but avoidable through better tactics or de-escalation
- NOT JUSTIFIED -- EXCESSIVE FORCE

REASONS FOR ABOVE RECOMMENDATIONS:

Supervisor's name Edgar Greer

Supervisor's unit # 1255

Supervisor's signature 


Date: 5-1-24

Supervisor's assignment Patrol

Telephone # 8-3157

DIVISION MAJOR'S REVIEW: I CONCUR  I DO NOT CONCUR (EXPLANATION ATTACHED)

Name: Ervin Taylor Unit # 1840

Signature:  Date: 5-8-24

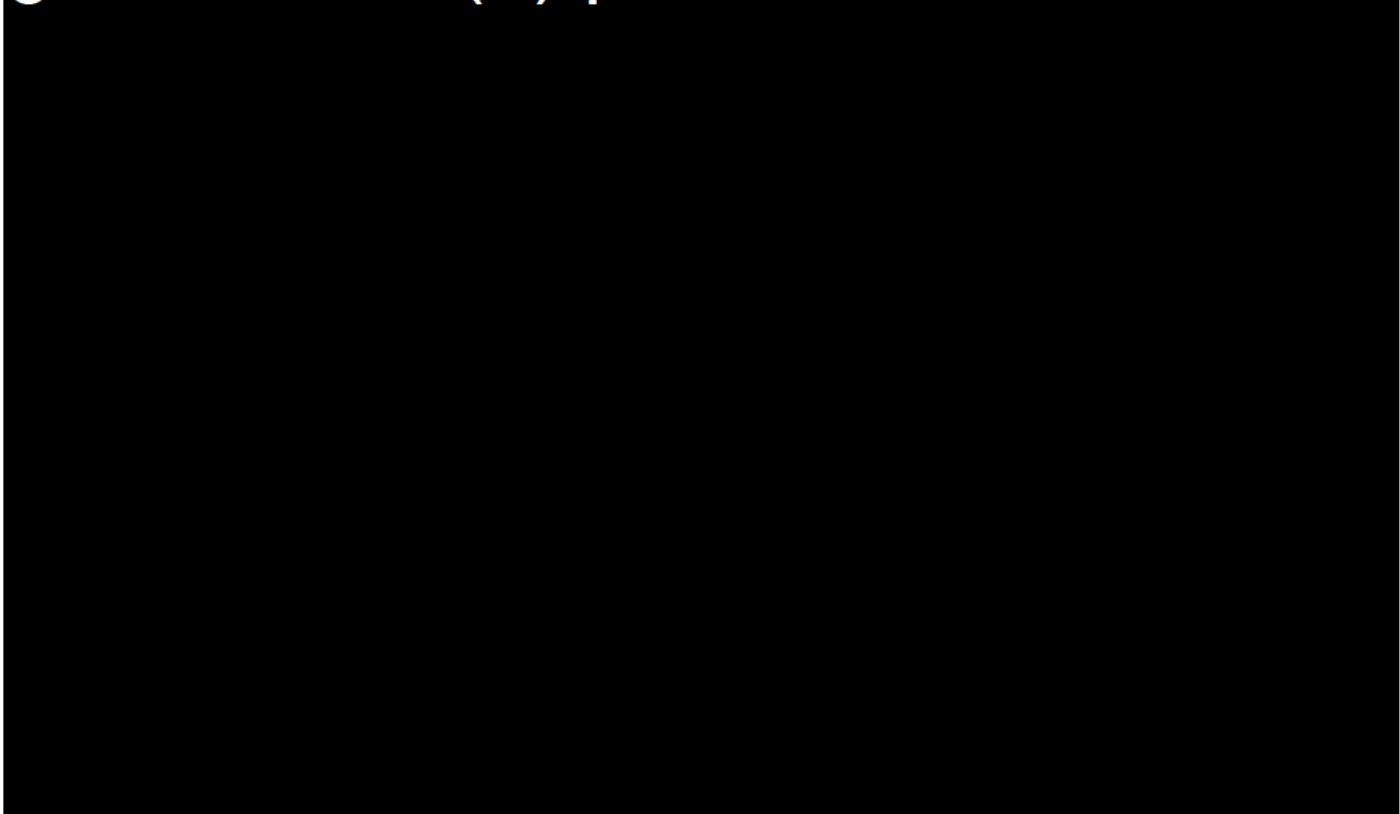
Distribution

Original – Through channels to the Chief of Police

Copy – Investigations Division



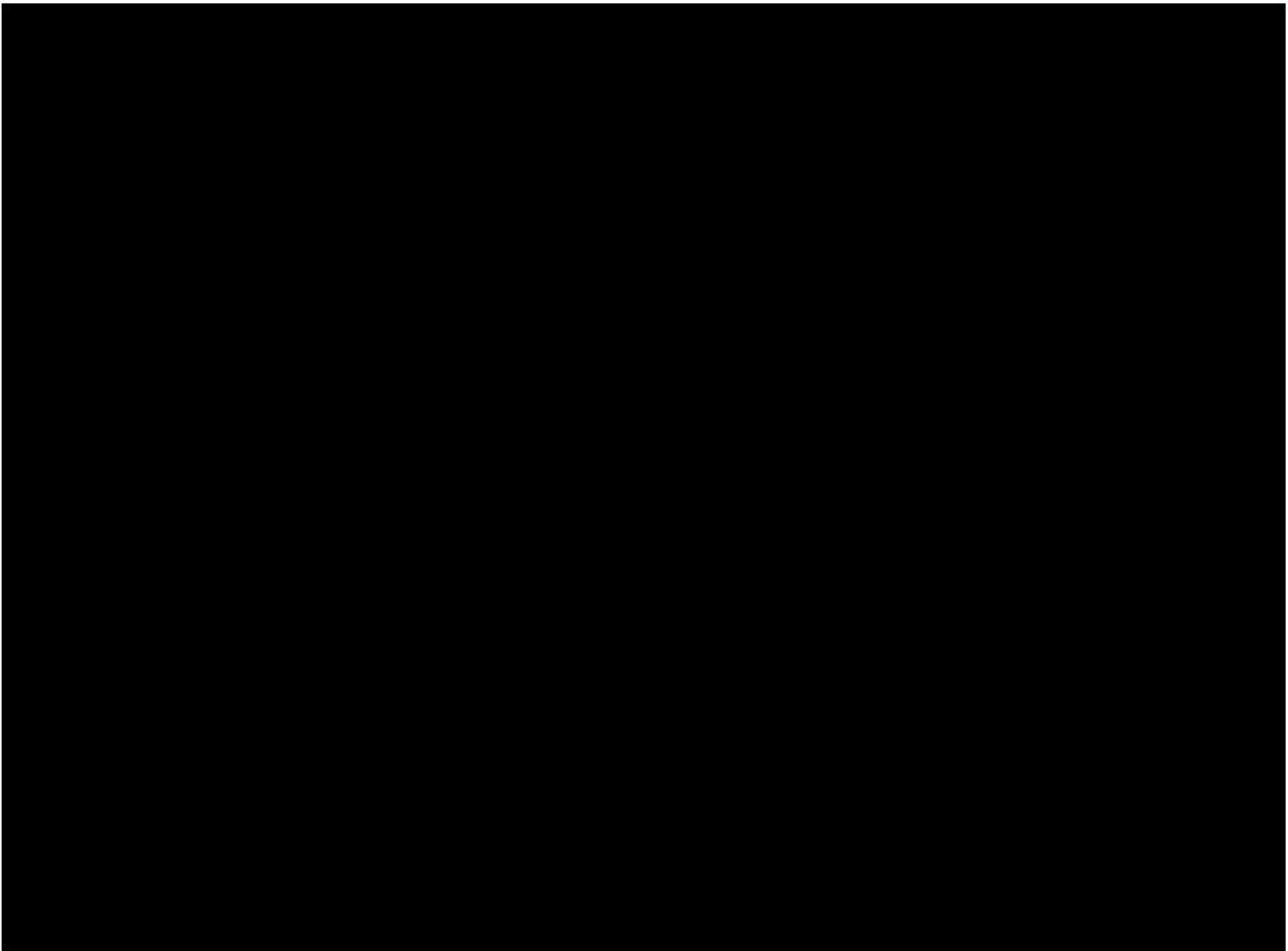
# §2.2-3705.1(1) personnel information



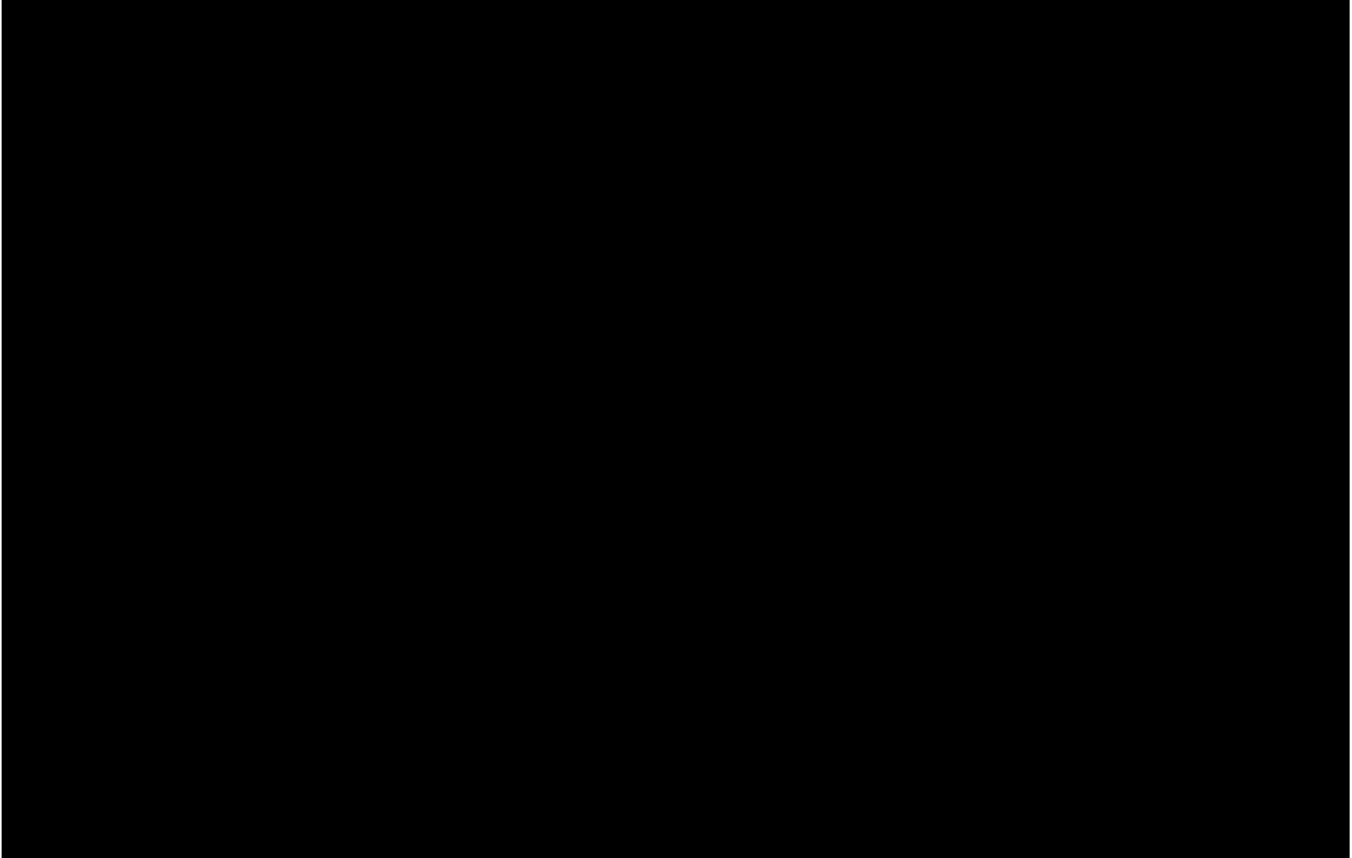
Full body



Full face



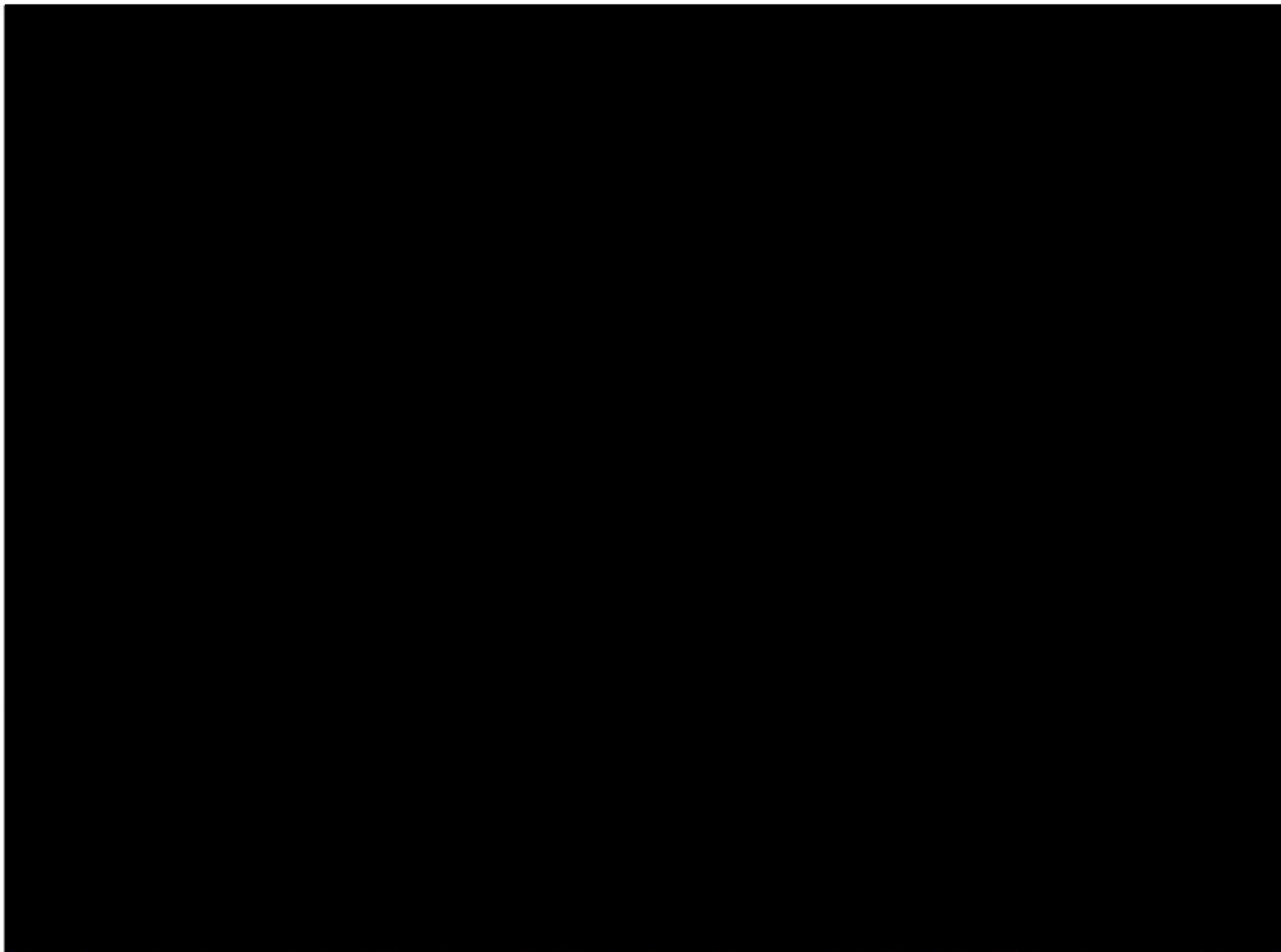
§2.2-3705.1(1) personnel information



Bottom of hands



Top of hands







# INCIDENT/INVESTIGATION REPORT

*Vcu Campus Police Department*

Case # 2024-04290158

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown					
	IBR	Status	Quantity	Type Measure	Suspected Type
D R U G S					
Assisting Officers					

Suspect Hate / Bias Motivated:

## INCIDENT/INVESTIGATION REPORT

*Vcu Campus Police Department*

Narr. (cont.) OCA: 2024-04290158

**NARRATIVE**  
 On Tuesday, April 30, 2024 an administrative report was submitted for OC deployment.



REPORTING OFFICER NARRATIVE

Vcu Campus Police Department

OCA 2024-04290158
Date / Time Reported Tue 04/30/2024 01:49

Victim  
UNKNOWN

Offense  
ADMINISTRATIVE REPORT

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On Tuesday, April 30, 2024, Sgt. Merricks submitted an administrative report to document OC and Fogger deployment by Officers ██████████ and ██████████. They have provided the following statements.

Officer ██████████ Statement:

"On 04/29/2024 VCU police declared an unlawful assembly to the crowd assembled in the commons area. The VCU police moved forward to disperse the crowd. Almost immediately police started getting objects thrown at them. As the police line surged forward, I was kicked and a pallet hit me knocking me to the ground. I stood back up and deployed my OC on the advancing crowd that was in front of me for my safety and other officers. The exposed crowd immediately receded. VCU police regain control of the line and surged forward."

Officer ██████████ Statement:

"Sgt. Merricks, During the protest, I had to deploy my OC Fogger twice. The first deployment was after a subject grabbed Officer Robinson's helmet. His helmet fell off and then another subject balled up his fist to strike him so I deployed the fogger above his head. On the second deployment, an unknown male wearing a gas mask threw a sign with a pole at me when I got separated and did not have a shield. The subject was then swinging a long pole at me so I deployed the fogger again. In both instances, I was unable to affect an arrest do to the crowd and office safety."





4/29/2024

Protest

§2.2-3705.1(1) personnel information

**VCU POLICE DEPARTMENT**  
**Use of Force Report and Checklist**

**TO BE COMPLETED BY THE OFFICER(S) USING FORCE ONLY – INVOLVED OFFICERS SHALL COMPLETE**

This form is administrative in nature, and its purpose is to provide administrative information to the Chief of Police. It is the policy of the VCU Police Department, pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967) and related cases, that any admission made by you on this form will not be used against you in a subsequent criminal proceeding, and that this form will not be provided to any prosecutor who is conducting a criminal investigation of your involvement in this incident, unless you choose to waive your rights under the 5<sup>th</sup> Amendment and allow this information to be so used.

PHOTOGRAPHS			
OFFICER - Top of the hands	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Bottom of the hands	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Full body	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Visible injuries	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
SUSPECT(S)/VICTIM(S) - Full body	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
SUSPECT(S)/VICTIM(S) Visible injury	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
All photographs added to the shared drive	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

CAMERA/AUDIO FOOTAGE			
Campus video camera footage?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
In car camera footage?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Body camera footage?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Audio/body camera recording?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was footage added to the shared drive?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was footage consistent with statements?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Existence of any other footage (private video)?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

STATEMENTS AND CONTACT INFORMATION			
Suspect(s)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Witness(es)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Officer(s)	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was the Investigations Division notified?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

COMPLETED FORMS			
VCUPD-6 Use of Force Report	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
VCUPD-6A OC Only	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
VCUPD-23 Line of Duty Injury (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
VCUPD-76 Alleged Officer Misconduct Form	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Workers Compensation Form (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Physicians Selection Form (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other documentation – specify	Yes	<input type="checkbox"/>	No <input type="checkbox"/>

INCIDENT INFORMATION		
1. Date of this report 04/30/2024	2. Date of incident 04/29/2024	3. Time of incident approx 2042 hours
4. Location of incident 901 Park Ave., Richmond VA 23284		
5. IBR number 202404290158		
6. Type of force	Physical <input type="checkbox"/>	Individual OC canister <input checked="" type="checkbox"/>
	OC Fogger <input type="checkbox"/>	Firearm <input type="checkbox"/> ASP <input type="checkbox"/>
		Other (explain): _____
7. At the time of the incident, was the officer in uniform or plainclothes? Yes		
8. List name and unit numbers of all officers present at the time the force was used: N/A		
9. List names, addresses, phone numbers of any witnesses		

OFFICER INFORMATION		
10. Name §2.2-3705.1(1) personnel information	11. Rank Police Officer	12. Unit # 1131
13. Where assigned Traffic		14. Phone #
15. Race	16. Sex	17. Date of birth
18. Date of employment N/A		
19. Total years of education NA		
20. Was the officer injured? no	21. If yes, type of injuries	
22. Name of hospital	23. Type of treatment	

**SUBJECT INFORMATION**

24. Name Unidentified - protestor

25. Address

26. Race

27. Sex

28. Date of birth

29. Social security #

30. Work phone \_\_\_\_\_

31. Home phone \_\_\_\_\_

32. Did subject complain of injury? N/A 33. Were there visible signs of injury?

34. If yes, type of injuries

*Note: Subject must go to the hospital for any complaint **or visible sign** of injury. Treatment must be refused at the hospital. If a subject is exposed to OC spray **ONLY** a VCUPD-6A **MAY** be filled out and treatment may be done by medical personnel on scene.*

35. Type of treatment

36. Name of hospital

37. How transported to hospital

38. Name of doctor

39. Time of treatment

40. Time of release

41. Was subject under the influence of alcohol?

Drugs?

42. Photos or video attached?  If no, explain: \_\_\_\_\_

43. Was suspect arrested?  If yes, list charges. \_\_\_\_\_ If no, explain: \_\_\_\_\_

INCIDENT DESCRIPTION

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective.

Ofc. §2.2-3705.1(1) personnel Statement:

During the protest, I had to deploy my OC Fogger twice. The first deployment was after a subject grabbed Officer Robinson's helmet. His helmet fell off and then another subject balled up his fist to strike him so I deployed the fogger above his head.

45. Officer's signature

§2.2-3705.1(1) personnel information

Date: 05/01/2024

SUPERVISOR'S RESPONSIBILITIES

**Note:** If a complaint of excessive use of force was made, a VCUPD-76 must be compiled.

**NOTE:** For cases of lethal force or allegations of excessive force, the administrative review of the incident will be conducted by the Investigations Division. In those cases and others which will be investigated by I Investigations, check this block only and skip to the signature section below.

To be investigated by IAD

For cases not meeting the above criteria:

I have reviewed this use of force, and have determined that:

- 1.  it is within the policy guidelines--OR-- it is NOT within the policy guidelines
- 2.  training and proper tactics were followed--OR-- were NOT followed

I recommend that this use of force be classified:

- JUSTIFIED
- JUSTIFIED -- but other policy violations noted
- JUSTIFIED -- but tactical or procedural improvement opportunities noted
- NOT JUSTIFIED -- not excessive force, but avoidable through better tactics or de-escalation
- NOT JUSTIFIED -- EXCESSIVE FORCE

REASONS FOR ABOVE RECOMMENDATIONS:

Supervisor's name **Edgar Greer**

Supervisor's unit # **1255**

Supervisor's signature 

Date: **05/01/2024**

Supervisor's assignment **Patrol**

Telephone # **828-3157**

DIVISION MAJOR'S REVIEW: I CONCUR  I DO NOT CONCUR (EXPLANATION ATTACHED)

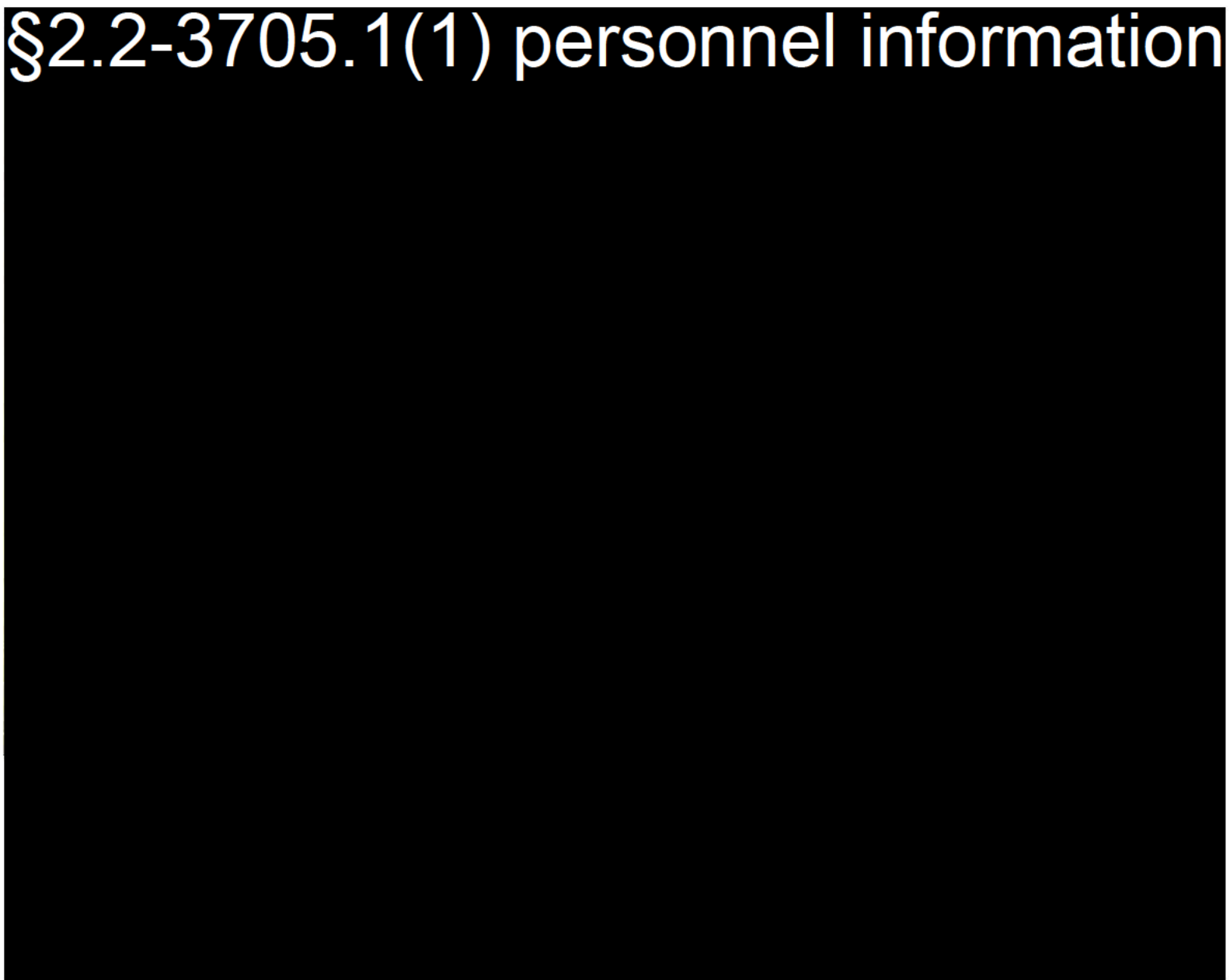
Name: **Ervin Taylor** Unit # **1840**

Signature:  Date: **5-9-24**

Distribution

Original – Through channels to the Chief of Police  
Copy – Investigations Division

# §2.2-3705.1(1) personnel information



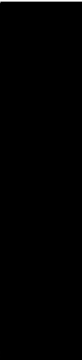
# §2.2-3705.1(1) personnel information

Back

Left

§2.2-3705.1(1) personnel information

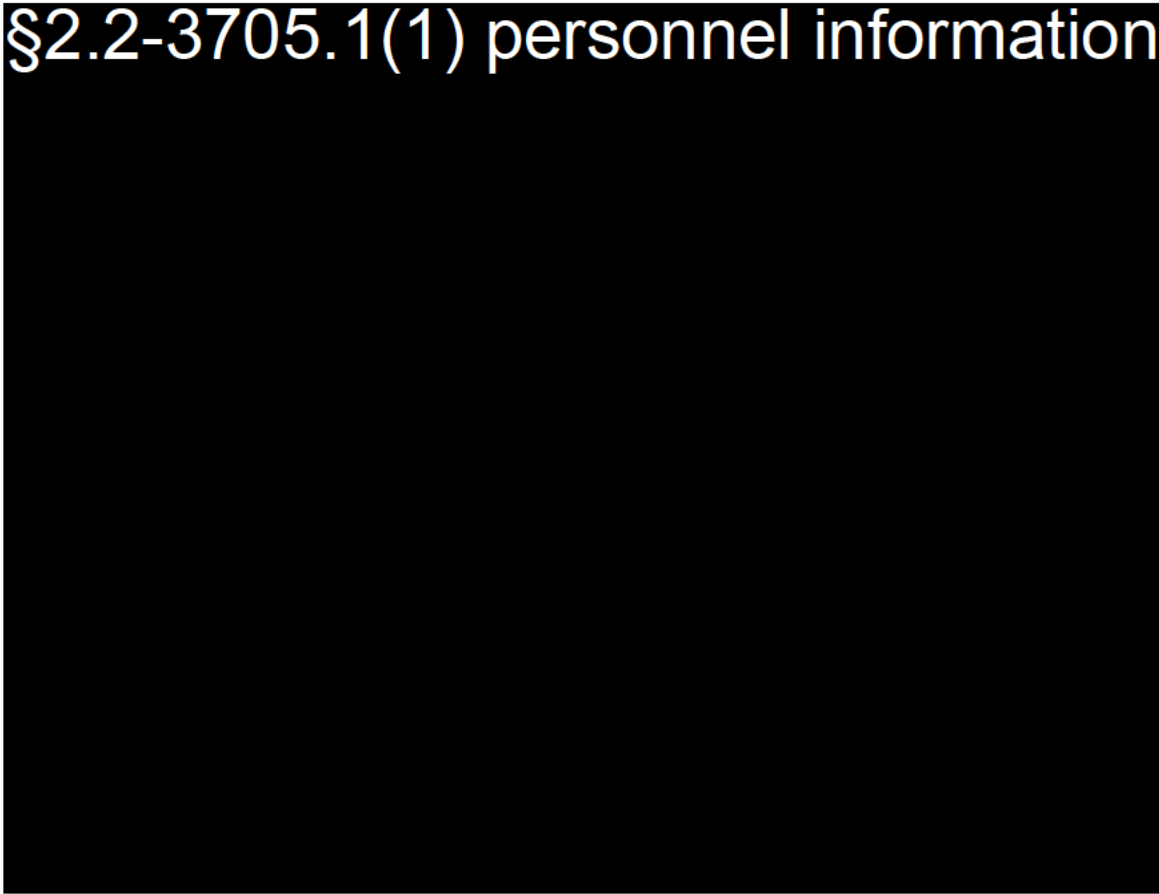
Bottom of hands



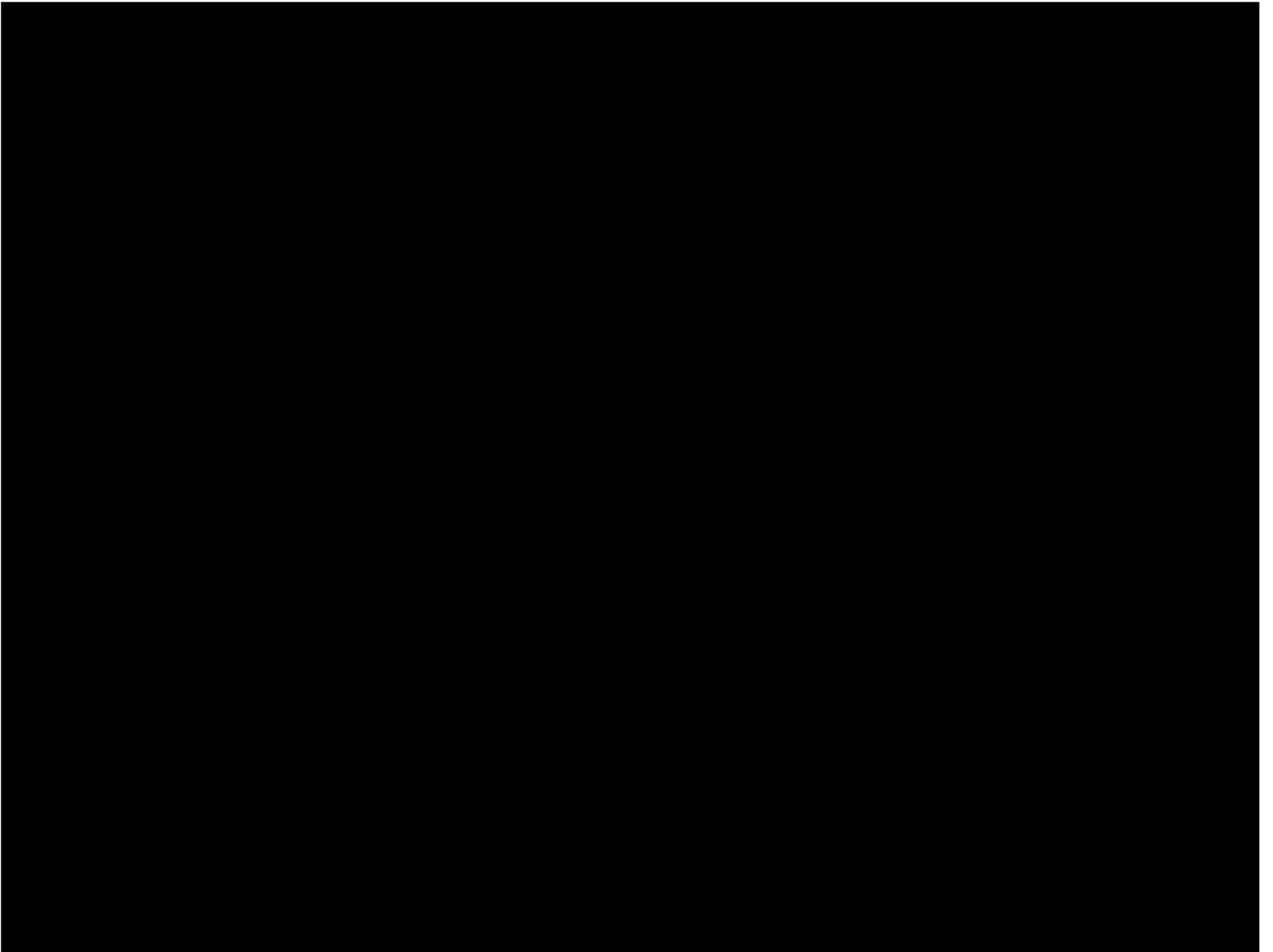
Top of hands



§2.2-3705.1(1) personnel information



Full body



Full face

**INCIDENT/INVESTIGATION  
INTERNAL COPY**

INCIDENT DATA	Agency Name <i>Vcu Campus Police Department</i>		Case# <i>2024-04290158</i>		
	ORI <i>VA1300300</i>		Date / Time Reported <i>04/30/2024 01:49 Tue</i>		
	Location of Incident <i>901 PARK AVE, Richmond 23284-</i>		Premise Type <i>School-college/university</i>	Sector/DispZone	Last Known Secure <i>04/29/2024 20:00 Mon</i>
	#1	Crime Incident(s) <i>Administrative Report</i> <i>99S</i>	(Com)	Weapon / Tools	Activity
	#2	Crime Incident	( )	Weapon / Tools	Activity
	#3	Crime Incident	( )	Weapon / Tools	Activity

VICTIM	MO		Type: <b>INDIVIDUAL (NOT A LEO)</b>		Injury:		
	V1	Victim/Business Name (Last, First, Middle) <i>UNKNOWN</i>	Victim of Crime # <i>I,</i>	DOB <i>Agc</i>	Race	Sex	
	Home Address				Home Phone		
	Employer Name/Address				Business Phone	Mobile Phone	
	VYR	Make	Model	Style	Color	Lic/Lis	VIN

OTHERS	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)		Type: <b>INDIVIDUAL (NOT A LEO)</b>		Injury:	
	IO	Name (Last, First, Middle) <i>§2.2-3705.1(1) personnel information</i>	Victim of Crime # <i>§2.2-3705.1(1) personnel information</i>	DOB <i>§2.2-3705.1(1) personnel information</i>	Race	Sex
	Home Address <i>224 E BROAD ST RICHMOND, VA 23219</i>				Home Phone	
	Employer Name/Address <i>VCU ( POLICE)</i>				Business Phone	Mobile Phone
	Type: <b>INDIVIDUAL (NOT A LEO)</b>		Injury:			
	IO	Name (Last, First, Middle) <i>§2.2-3705.1(1) personnel information</i>	Victim of Crime # <i>§2.2-3705.1(1) personnel information</i>	DOB <i>§2.2-3705.1(1) personnel information</i>	Race	Sex

PROPERTY	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)								
	VI #	Code	Status Frm/Tc	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID#	<i>MERRICKS, J. (71872)</i>	Supervisor	<i>(0)</i>
Invest ID#	<i>(0)</i>	Case Status	<i>Pending - Initial Report</i>
Status	Complainant Signature	Case Disposition:	<i>04/30/2024</i>

# INCIDENT/INVESTIGATION REPORT

*Vcu Campus Police Department*

Case # 2024-04290158

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

## INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 2024-04290158

*Vcu Campus Police Department*

**NARRATIVE**

On Tuesday, April 30, 2024 an administrative report was submitted for OC deployment.

REPORTING OFFICER NARRATIVE

Vcu Campus Police Department

OCA 2024-04290158
Date / Time Reported Tue 04/30/2024 01:49

Victim  
UNKNOWN

Offense  
ADMINISTRATIVE REPORT

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On Tuesday, April 30, 2024, Sgt. Merricks submitted an administrative report to document OC and Fogger deployment by Officers [REDACTED] and [REDACTED]. They have provided the following statements.

Officer [REDACTED] Statement:

"On 04/29/2024 VCU police declared an unlawful assembly to the crowd assembled in the commons area. The VCU police moved forward to disperse the crowd. Almost immediately police started getting objects thrown at them. As the police line surged forward, I was kicked and a pallet hit me knocking me to the ground. I stood back up and deployed my OC on the advancing crowd that was in front of me for my safety and other officers. The exposed crowd immediately receded. VCU police regain control of the line and surged forward."

Officer [REDACTED] Statement:

"Sgt. Merricks, During the protest, I had to deploy my OC Fogger twice. The first deployment was after a subject grabbed Officer Robinson's helmet. His helmet fell off and then another subject balled up his fist to strike him so I deployed the fogger above his head. On the second deployment, an unknown male wearing a gas mask threw a sign with a pole at me when I got separated and did not have a shield. The subject was then swinging a long pole at me so I deployed the fogger again. In both instances, I was unable to affect an arrest do to the crowd and office safety. "



4/29/2024  
Protest #2

§2.2-3705.1(1) personnel information

**VCU POLICE DEPARTMENT  
Use of Force Report and Checklist**

**TO BE COMPLETED BY THE OFFICER(S) USING FORCE ONLY – INVOLVED OFFICERS SHALL COMPLETE**

This form is administrative in nature, and its purpose is to provide administrative information to the Chief of Police. It is the policy of the VCU Police Department, pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967) and related cases, that any admission made by you on this form will not be used against you in a subsequent criminal proceeding, and that this form will not be provided to any prosecutor who is conducting a criminal investigation of your involvement in this incident, unless you choose to waive your rights under the 5<sup>th</sup> Amendment and allow this information to be so used.

PHOTOGRAPHS			
OFFICER - Top of the hands	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Bottom of the hands	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Full body	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
OFFICER - Visible injuries	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
SUSPECT(S)/VICTIM(S) - Full body	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
SUSPECT(S)/VICTIM(S) Visible injury	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
All photographs added to the shared drive	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

CAMERA/AUDIO FOOTAGE			
Campus video camera footage?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
In car camera footage?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Body camera footage?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Audio/body camera recording?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was footage added to the shared drive?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was footage consistent with statements?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Existence of any other footage (private video)?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

STATEMENTS AND CONTACT INFORMATION			
Suspect(s)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Witness(es)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Officer(s)	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was the Investigations Division notified?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>

COMPLETED FORMS			
VCUPD-6 Use of Force Report	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
VCUPD-6A OC Only	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
VCUPD-23 Line of Duty Injury (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
VCUPD-76 Alleged Officer Misconduct Form	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Workers Compensation Form (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Physicians Selection Form (as needed)	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other documentation – specify	Yes	<input type="checkbox"/>	No <input type="checkbox"/>



SUBJECT INFORMATION		
24. Name Unidentified - protestor	25. Address	
26. Race	27. Sex	28. Date of birth
29. Social security #		
30. Work phone _____	31. Home phone _____	
32. Did subject complain of injury? <b>N/A</b> 33. Were there visible signs of injury?		
34. If yes, type of injuries <i>Note: Subject must go to the hospital for any complaint or visible sign of injury. Treatment must be refused at the hospital. If a subject is exposed to OC spray ONLY a VCUPD-6A MAY be filled out and treatment may be done by medical personnel on scene.</i>		
35. Type of treatment		
36. Name of hospital	37. How transported to hospital	
38. Name of doctor		
39. Time of treatment	40. Time of release	
41. Was subject under the influence of alcohol?	Drugs?	
42. Photos or video attached? ___	If no, explain: _____	
43. Was suspect arrested?	If yes, list charges.	If no, explain:



INCIDENT DESCRIPTION

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective.

During the protest, I had to deploy my OC Fogger twice.

On the second deployment, an unknown male wearing a gas mask threw a sign with a pole at me when I got separated and did not have a shield. The subject was then swinging a long pole at me so I deployed the fogger again. In both instances, I was unable to affect an arrest due to the crowd and officer safety.

§2.2-3705.1(1) personnel information

45. Officer's signature

Date: 05/01/2024

SUPERVISOR'S RESPONSIBILITIES

**Note:** If a complaint of excessive use of force was made, a VCUPD-76 must be compiled.

**NOTE:** For cases of lethal force or allegations of excessive force, the administrative review of the incident will be conducted by the Investigations Division. In those cases and others which will be investigated by I Investigations, check this block only and skip to the signature section below.

To be investigated by IAD

For cases not meeting the above criteria:

I have reviewed this use of force, and have determined that:

- 1.  it is within the policy guidelines--OR-- it is NOT within the policy guidelines
- 2.  training and proper tactics were followed--OR-- were NOT followed

I recommend that this use of force be classified:

- JUSTIFIED
- JUSTIFIED -- but other policy violations noted
- JUSTIFIED -- but tactical or procedural improvement opportunities noted
- NOT JUSTIFIED -- not excessive force, but avoidable through better tactics or de-escalation
- NOT JUSTIFIED -- EXCESSIVE FORCE

REASONS FOR ABOVE RECOMMENDATIONS:

Supervisor's name **Edgar Greer**

Supervisor's unit # **1255**

Supervisor's signature  #1255

Date: **05/01/2024**

Supervisor's assignment **Patrol**

Telephone # **828-3157**

DIVISION MAJOR'S REVIEW: I CONCUR  I DO NOT CONCUR (EXPLANATION ATTACHED)

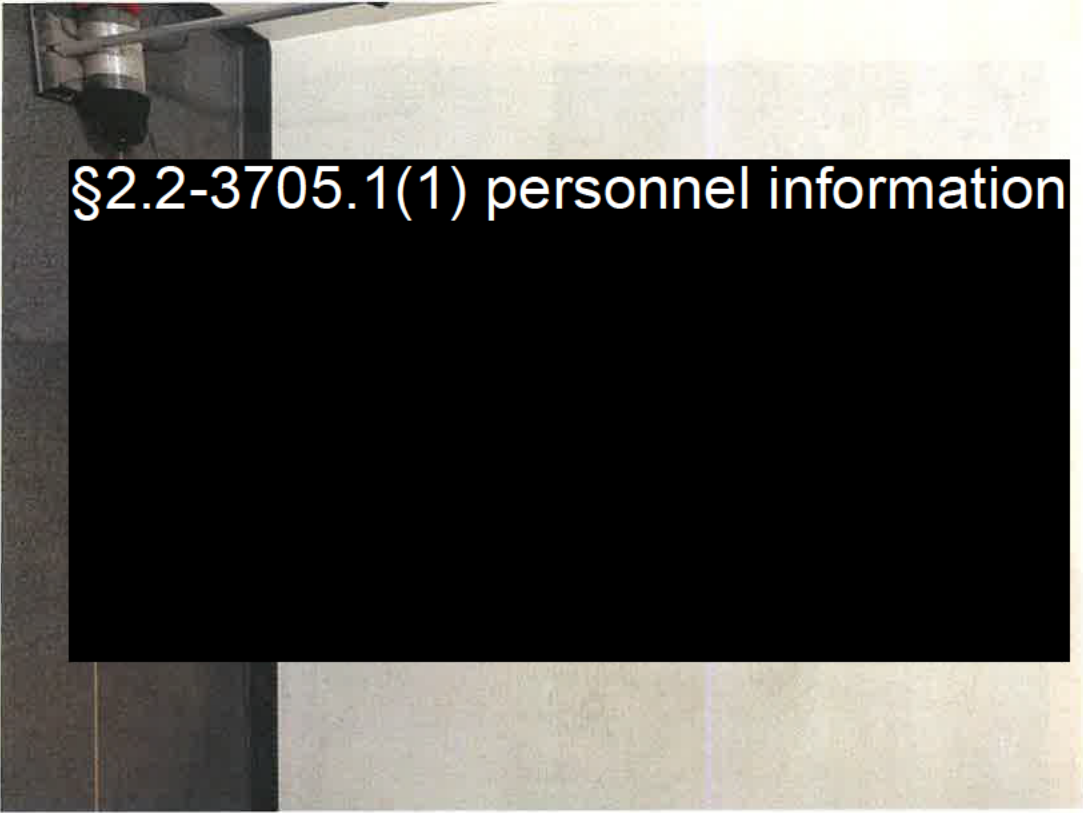
Name: **Ervin Taylor** Unit # **1840**

Signature:  Date: **5-9-24**

Distribution

Original – Through channels to the Chief of Police

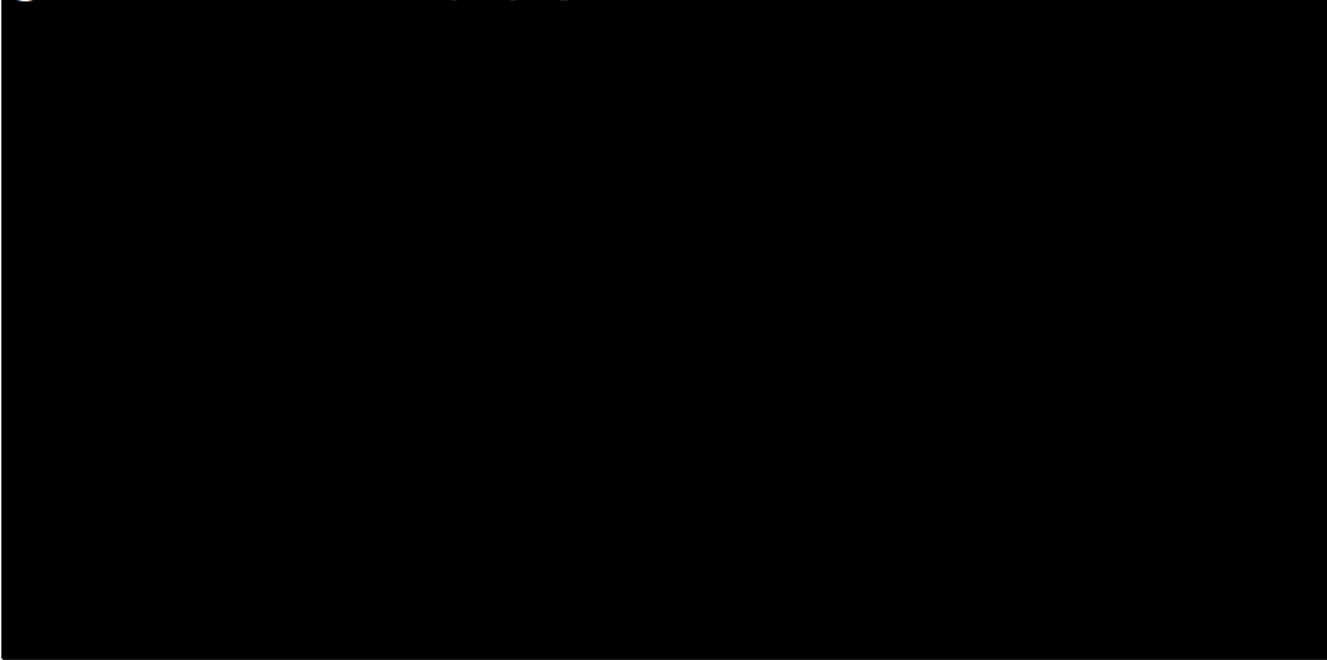
Copy – Investigations Division



§2.2-3705.1(1) personnel information

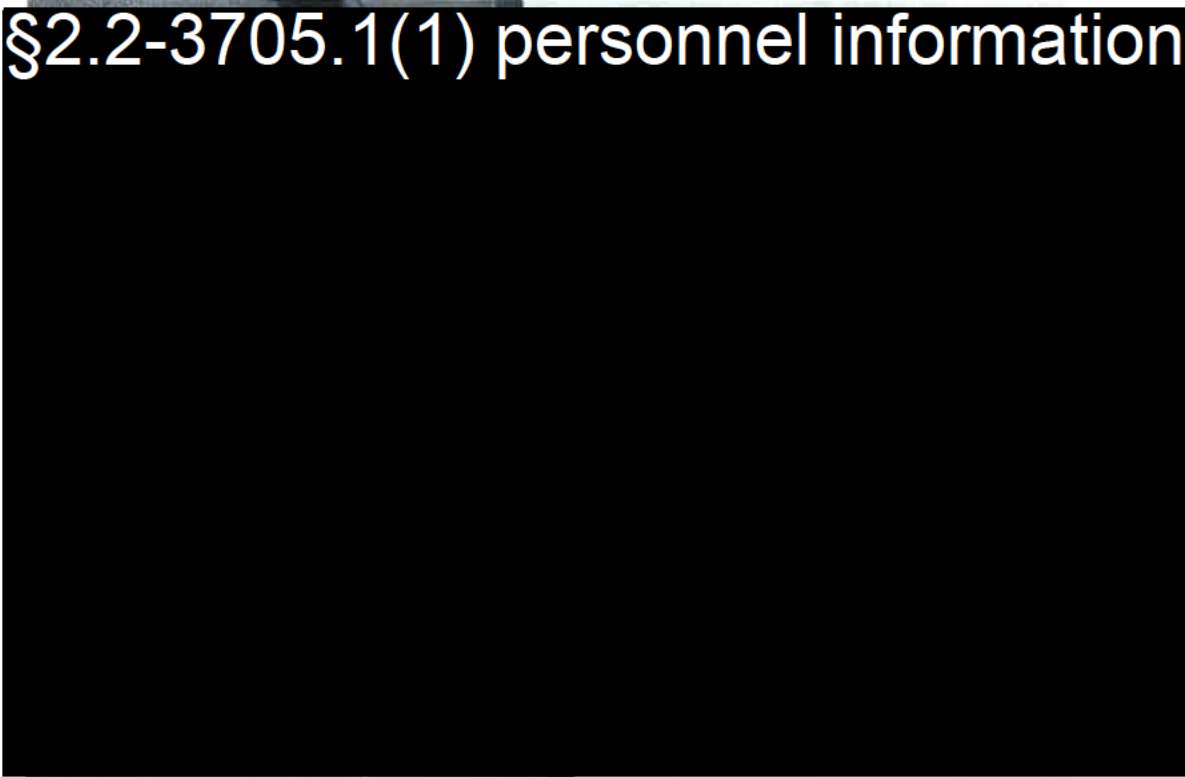
Full body

§2.2-3705.1(1) personnel information



Full face

§2.2-3705.1(1) personnel information



Bottom of hands

§2.2-3705.1(1) personnel information



Top of hands

§2.2-3705.1(1) personnel information



Back

§2.2-3705.1(1) personnel information



Left

§2.2-3705.1(1) personnel information

Right





# INCIDENT/INVESTIGATION REPORT

*Vcu Campus Police Department*

Case # 2024-04290158

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## INCIDENT/INVESTIGATION REPORT

*Vcu Campus Police Department*

Narr. (cont.) OCA: 2024-04290158

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Date / Time Reported Tue 04/30/2024 01:49

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