

June 10, 2019

Richmond City Council
City Council Office
900 E. Broad Street, Suite #200
Richmond, VA 23219

Dear Mayor Stoney and Richmond City Council members,



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acluva.org

Claire G. Gastañaga
Executive Director
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Our Constitution promises all people, regardless of race, equal protection under the law. Yet, the Richmond Police Department and police departments all across Virginia have historically engaged in patterns of racial profiling. In Richmond, even though black residents make up 49% of the population, 65% of the people documented in 2017 and 2018 police reports were listed as black. Additionally, a black person is more than twice as likely to be stopped and documented by the Richmond Police than a white person.

Racial profiling is a discriminatory and unconstitutional practice. Good police practices, thorough training, carefully crafted policies and appropriate allocation of resources in law enforcement can ensure public safety and prevent abuses in encounters with police officers.

The ACLU stands with the Richmond Transparency and Accountability Project and asks that the City:

- 1) Prioritize community input in order to capture and share more robust and higher quality data.**
- 2) Ban predictive policing.**
- 3) Establish civilian oversight.**

Establish transparency. For too long, the default response of law enforcement agencies in Virginia when asked to disclose information about their operations has been an unequivocal “no.” It is time for state and local law enforcement agencies to move away from a culture of secrecy and toward a culture of transparency which affirms they should and will release as much information as possible, as soon as possible, rather than defend a decision to disclose as little as possible for as long as possible. Without the trust of the policed, policing cannot be effective.



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Ban predictive policing. Predictive policing has been established on a national platform to be ineffective, lead to over-policing marginalized communities, and ignore community and human needs. Today, “predictive policing” tools are used primarily to further target communities that are already over-policed,. The data driving predictive enforcement activities — such as the location and timing of previously reported crimes, or patterns of community- and officer-initiated 911 calls — is profoundly limited and biased. Predictive policing systems also threaten to undermine the constitutional rights of individuals. The Fourth Amendment forbids police from stopping someone without reasonable suspicion — a specific, individualized determination that is more than just a hunch. Computer-driven hunches are no exception to this rule, and a computer’s judgment is not a legitimate reason for a stop, search or arrest. Similarly, predictive policing must not be allowed to erode rights of due process and equal protection. Systems that create unexplained “threat” assessments have no valid place in constitutional policing.

Establish civilian oversight. Racial profiling disproportionately targets people of color for investigation and enforcement, which alienates communities from law enforcement, hinders community-policing efforts, and causes law enforcement to lose credibility and trust among the people they are sworn to protect and serve. We rely on the police to protect us from harm and expect them to promote fairness and justice in our communities. Racial profiling, however, has placed communities of color in fear and created a racially biased system of law enforcement that casts entire communities as suspect. Meaningful civilian oversight of policing, including both proactive and after-action components, can help rebuild trust. Civilians acting through the local governing body should have a role in reviewing policies that guide the purchase and use of police equipment.

The ACLU of Virginia believes we can build a police system that encourages and respects each individual, welcomes community involvement and serves every neighborhood. In addition, we ask and recommend that the Richmond Police Department and the City Council actively support legislation allowing a police officer

to be decertified for serious misconduct (not just criminal convictions), enact policies ending policing of low-level offenses, and enact policies requiring that the public receive notice and an opportunity for input before RPD is authorized by the City Council to purchase or deploy surveillance technology of any kind, including, but not limited to, body cameras, license plate readers, red light cameras, drones, or cell site simulators. We also urge Richmond City Council to hold a public hearing on Richmond Police Department's new records management system, including its potential for biased "predictive policing," that it chose to fund in the budget. We hope to work with the Richmond City Council to make this a reality for their residents.



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Thank you,

A handwritten signature in blue ink, which appears to read "Claire Guthrie Gastañaga". The signature is fluid and cursive.

Claire Guthrie Gastañaga
Executive Director