

# ACLU of Virginia

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April 12, 2004

Timothy J. Longo, Jr.  
Chief of Police  
Charlottesville Police Department  
606 East Market Street  
Charlottesville, VA 22901

**RE: Taking of DNA Samples from African-American Males**

Dear Chief Longo:

I am writing regarding recently published reports that the Charlottesville Police Department has obtained and tested DNA samples from nearly 600 African-American men in an effort to find a suspected serial rapist. The stunning number of samples collected by your department indicates that the net you have cast to locate your suspect is far too large to fit comfortably within the framework of our Constitution, which requires an individualized approach to criminal investigations.

If it is true that all saliva samples have been provided voluntarily, it may very well be that you have not technically violated the Constitution. However, as matter of respect for the spirit of the Fourth Amendment of the Constitution, as a matter of sound police investigative practices, and as a matter of good community policy regarding the treatment of racial minorities, the ACLU asks that you cease the practice of detaining African-American men practically at random in order to collect saliva samples for DNA testing.

The ACLU has no intention of undermining your efforts to solve these serious crimes, but we strongly suggest that you narrow the scope of your investigation by using more precise indicia for selecting individuals whose DNA is to be sought. In order to restore public confidence in the Police Department, we also recommend that you publicize the new criteria to the residents of Charlottesville immediately.

In the meantime, the ACLU of Virginia intends to take steps to educate African-American males in Charlottesville as to their constitutional right to refuse to provide saliva samples to police officers, unless it is under circumstances required by law.

I thank you for your attention to this important matter.

Sincerely,

Kent Willis  
Executive Director