



July 20, 2016

Alfred Durham, Chief of Police
Richmond Police Department
200 W Grace Street
Richmond, VA 23219

RE: Police interactions with protesters

Chief Durham:

I am writing as a follow up to our letter dated July 18, 2016. The ACLU of Virginia remains concerned about the way in which the Richmond Police Department (RPD) is policing protests, particularly in light of conduct by RPD officers at the site of the Black Lives Matter protest on Monday that is similar to conduct observed at the Trump rally about which we wrote in our earlier letter.

RPD officers were observed again on Monday communicating inaccurate information to protestors about their legal and constitutional rights. Members of the public have a right to stand on public sidewalks without moving, especially where there is no objective evidence that their doing so is obstructing the police in any way. RPD officers at the Trump rally, and, again, on Monday during the Black Lives Matter protest, told people standing on public sidewalks that they have to keep moving. For example, toward the end of this video, <https://www.facebook.com/nic.mccarthy.5/videos/10206837627570266/>, RPD officers are clearly depicted telling the videographer to move along on threat of arrest and asserting that the bridge and public sidewalk on which he was standing are a “crime scene.”

It was also difficult on Monday, as it was during the Trump protest, to identify the officer in the video or any officers on scene at the protest through name badges, easily readable badge numbers, or department encouraged and enforced voluntary and non-defensive responses to identification queries by the public. In fact, our legal observers reported that more than one officer at the Trump rally refused to identify himself or herself in response to a direct request to do so. The department must do more to ensure that the public can identify the officers who are engaged in policing them.

Finally, we continue to be concerned about actions by officers observed at the Trump protest and detailed in our prior letter that appeared to have had the effect of escalating rather than de-escalating the potential for violence.

Our hope is to work with law enforcement to identify and address issues like this before situations escalate. Because you are committed to transparency and community policing, we believe you would agree that your department would benefit from having credible information about such officer conduct reported to you by the public. Such reports would allow the department to evaluate the need for additional training or discipline of individual officers if the officers could be identified. We hope that you will take appropriate action to

address the issues we have brought to your attention and remain interested in and willing to meet with you at a suitable time to discuss these concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga". The signature is fluid and cursive, with the first name "Claire" being the most prominent.

Claire Guthrie Gastañaga

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