



Sept. 1, 2020

The Honorable Levar Stoney
Mayor of Richmond
900 E. Broad St., Suite 201
Richmond, VA 23219

Mr. Gerald Smith
Chief of Police, City of Richmond
200 W Grace St.
Richmond, VA 23220

Via mail and email

Dear Mayor Stoney and Chief Smith:

Our organizations represent journalists, both professional and student, working in Virginia and across the country to bring the public news about civil unrest in challenging times. In recent weeks, that work has been made needlessly more difficult and dangerous by repeated acts of aggression and violence on the part of officers of the Richmond Police Department, whose pattern of behavior suggests an intent to target journalists for the purpose of inhibiting news coverage of events of profound public importance.

The eyes of the country are upon Richmond. Since the abuse of journalists has now become a repeated practice, it is essential for their safety that you set down "bright lines" that officers may not cross, under penalty of swift and certain disciplinary action.

To enumerate just some of the serious incidents that have been brought to our attention:

Roberto Roldan, a reporter for Virginia Public Media, said he was pepper-sprayed in the face by one Richmond Police officer and tackled by another on East Marshall Street on the night of May 31. He was wearing a high-visibility vest, and had shown his state-issued press badge and verbally identified himself as a member of the press before the incident. NBC-12 reporter Olivia Ugino said she was trying to capture video of a May 31 arrest when a police officer reached into her car, grabbed her and told her to leave for "security" reasons, an episode that she captured on video.

Andrew Ringle, executive editor of *The Commonwealth Times*, was the victim of unjustified use of force while covering a June 21 attempt by protestors to topple the J.E.B. Stuart statue on Monument Avenue. Police officers took action to disperse protesters around 10 p.m. after the city declared the gathering unlawful. Even while



shouting “I’m press!” at a swarm of officers and displaying his press badge, Ringle was pepper-sprayed and then thrown to the ground, causing him to suffer lasting injury to his elbow, which he documented on video.

On multiple occasions, the managing editor of *The Commonwealth Times*, Hannah Eason, reported that police shone flashlights directly into her camera for a sustained period as she was filming news events, in an apparent attempt to keep her from documenting the officers’ activities. On the latter of those instances, July 26, two RPD officers forcibly shoved her with their chests in an apparent attempt to drive her away from the area where a protester was being pinned down by multiple officers, although she informed them that she was in fact following police instructions in safely positioning herself on a public sidewalk.

On the evening of July 25, while covering protests outside RPD headquarters, Commonwealth Times news editor Eduardo Acevedo and another reporter were accosted by police while recuperating from exposure to tear gas. As Acevedo and the other journalist fled from the exposure area and were pouring milk into their eyes to ease the sting, multiple officers forced Acevedo to the ground and pinned the other reporter to a wall, although there was no basis to suspect them of any crime and although Acevedo was shouting “I’m press!” throughout the encounter.

The officers eventually released the journalists after inspecting their I.D. cards. On the evening of July 26, Ringle was detained and handcuffed by Richmond police while covering news events in Monroe Park. Ringle was detained for approximately 20 minutes, searched and photographed by Richmond police before being released. Ringle was forced to give his Social Security numbers and answer other unnecessarily intrusive questions despite showing a valid press I.D. badge that should have ended the need for further inquiry. The journalist was forced to remove his face mask so that an officer could photograph him on his body cam, for no apparent legitimate purpose.

Multiple staff members of *The Commonwealth Times* were repeatedly exposed to tear gas and pepper spray by police despite being visibly involved in newsgathering.

Although some incidental exposure is perhaps unavoidable in such circumstances, the journalists believe that on several occasions, they were specifically made the target of attacks by RPD officers. On June 14, while outside RPD headquarters covering a protest, Eason was sprayed with a chemical agent directly on her head and face, leaving burns and irritation that lasted for at least a day. On July 25, while covering demonstrations outside RPD headquarters, Eason was targeted by a canister of tear gas thrown by officers that burst directly at her feet as she was hiding behind a car, far from the police line, attempting to film officers shooting flash-bangs and gas canisters into the air.

In none of these instances were the journalists accused of anything other than being in a place where protests were happening. There is a clearly established First Amendment



right for journalists to videotape and photograph police activity in publicly viewable places such as parks, and police have no basis to detain or search journalists, or to otherwise interfere with lawful newsgathering activity.

In any free country the balance between actual vigilance and over-zealous enforcement is delicate. While it may be understandable that your officers had a heightened sense of awareness during these incidents, that is still no excuse for them to not recognize a journalist's right to document matters of great public concern occurring in traditional public forums. Law enforcement agencies are established to uphold and enforce existing laws not to use them as a pretext to punish journalists exercising their First Amendment rights to gather and disseminate news, information and images.

Disturbingly and above-and-beyond any individual instance of in-the-field conduct, multiple representatives of *The Commonwealth Times* have attempted to speak by phone with representatives of the Richmond Police Department – both for purposes of reporting news and for purposes of filing complaints about some of the behavior described in this letter – and have been completely rebuffed in their attempts to speak with anyone in authority. While one can perhaps debate about a heat-of-the-moment decision made during a public-safety emergency, what appears to be an official policy of refusing phone calls from *The Commonwealth Times* is not a heat-of-the-moment safety decision. It is unacceptable and unprofessional for public servants to “freeze out” an important local news organization on which thousands of people rely, and especially to convey the unmistakable impression that complaints of excessive use of force will be taken less seriously when the force is directed against college student journalists. This must stop at once.

We are aware that two attempts at meetings between representatives of local news organizations and the Richmond Police Department have been scheduled – with no provision for remote participation – and then canceled, most recently on the grounds of building maintenance. At a time when all government meetings are moving online, there is no excuse for continuing to delay this time-sensitive conversation or to limit attendance to those whose health and geographic proximity enables them to safely be present in-person.

We urge you to (1) convene the delayed meeting with news organizations at the earliest opportunity so that you may hear first-hand in more detail of the incidents briefly described here, including accommodations for remote participation, (2) take swift and transparent disciplinary action against any member of the police force found to have abused official authority against journalists or other civilians, and (3) reinforce to all members of the police force that they are both legally and professional bound to respect the independence of journalists doing their work lawfully and non-disruptively in documenting civil unrest.

The National Press Photographers Association, Society of Professional Journalists and others offer training for law enforcement agents to work in a safe, legal and professional



manner with the news media, and would gladly arrange an opportunity to do so for your officers whenever requested.

Thank you for giving this troubling safety issue your prompt attention. We look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hadar Harris", with a long, sweeping flourish extending to the right.

Hadar Harris
Executive Director
Student Press Law Center

On behalf of the following co-signatories:

The Brechner Center for Freedom of Information, University of Florida
The College Media Association
The National Press Photographers Association
The Faculty of the Robertson School of Media and Culture at Virginia Commonwealth University
SPJ @ VCU
The Virginia Press Association
Virginia Professional Chapter of the Society of Professional Journalists.