



OFFICE OF THE COMMONWEALTH'S ATTORNEY – CITY OF RICHMOND

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**CITY OF RICHMOND COMMONWEALTH'S ATTORNEY'S COMPLETED
REVIEWS OF SELECTED CIVIL UNREST RELATED COMPLAINTS**

FOR PUBLIC RELEASE

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Following the May 25, 2020, murder of Mr. George Floyd in Minnesota, Richmond has been the scene of peaceful protesters exercising their First Amendment rights; violent and destructive protests that cost the City millions of dollars; and multiple complaints of the use of excessive force by members of the Richmond Police Department ("RPD"). The Richmond Commonwealth's Attorney's Office has completed its review of the following specific complaints or events based upon referrals from both the RPD Internal Affairs Division ("IAD") and community members:

1. Whether a tattoo on the arm of a Richmond police officer is the emblem of a white supremacist group;
2. Whether a Richmond police officer deliberately drove his vehicle through a crowd and struck protesters on N. Allen Street on June 13, 2020;
3. Whether a Richmond police officer painted himself/herself in "black face";
4. Whether a specific officer deployed OC spray on a specific peaceful protester on June 1, 2020; and
5. Whether a Richmond police officer spat on a detained protester on June 1, 2020.

It is noteworthy that the Commonwealth's Attorney's Office does not employ any investigators. A core group of experienced attorneys and I have been working every day since June 1 to review IAD reports, review police body-worn camera footage, review social media video footage, interview witnesses and consider as much evidence as possible to determine the cause or validity of each of the above events. This is not a complete list of all of the allegations that our Office is still reviewing and I will announce my findings when those investigations are concluded.

The Tattoo. It was alleged that an officer had the emblem of an unknown white nationalist or white supremacist organization on his arm. In fact, the tattoo is the logo of Northern Red, a company that had provided firearms training to the officer.

Patrol Car on Curb. It was alleged that on the night of June 13, 2020, the driver of a patrol car deliberately drove through a crowd and struck multiple people near the

intersection of N. Allen Street and Monument Avenue. That allegation is not factually accurate and the details of my conclusion that no criminal offense was committed are attached in a separate report.

<https://www.dropbox.com/s/q8b23mq7lgrrq0p/CWAO%20Analysis%20of%20Vehicle%20Incident%20-%206-13-2020.docx?dl=0>

Photograph. A picture of an officer was posted on social media implying or claiming that the officer was wearing “blackface.” A copy of the social media picture was supplied to our Office. The officer was questioned and stated that the picture was taken years earlier when the officer was on a collegiate rugby team and attending an official event in which the “costume theme was beachwear.” The officer indicated that the officer and a former friend went as sunburned rugby players and painted their skin red. The officer further stated that “the post was unusually dark and the image appeared that my skin was painted brown.” The original picture had been taken in 2012 or 2013, prior to her employment with the police department. The officer provided an original picture from the event to IAD. A copy of this photograph was also provided to our office. A comparison of the social media photograph with the original photograph clearly demonstrates that the social media picture had been altered to appear as though the officer was in “blackface.” No criminal act was committed by the officer.

Use of OC Spray. An allegation was made that a specific officer deployed his OC canister towards a protester after he progressed from the Robert E. Lee Monument grounds across Monument Avenue towards the N. Allen Street marker. The investigation revealed that the officer directed his OC canister in this instance towards an individual throwing objects at the police. Body-worn camera footage shows an individual at that location making a throwing motion, bending back towards the ground where a pile of water bottles and debris lay, rising up again and making a second throwing motion. During the second throw, one frame of the footage captures what appears to be a water bottle in his throwing hand while another shows the object flying through the air at police as the officer deploys his OC canister to prevent any further violence.

<https://www.dropbox.com/sh/se0puf55m2wi980/AADE8wd9cKRRWxNXVOrUwVyma?dl=0>

(circles were added to the photos to assist the viewer). Accordingly, our review of the report, case file and multiple BWC video footage presents no evidence of criminal conduct by the officer in this specific incident.

Allegation of spitting on detainee. Following the June 1, 2020, protests at the Lee monument, allegations surfaced on social media that one or more officers had spat on a detainee who was seated near them on the curb. The Office reviewed the IAD investigative report; body-worn camera (“BWC”) footage captured from the vantage points of RPD officers present on scene; a social media post from a citizen (“C”) who captured video footage from the alleged incident; and a report from an independent forensic video consultant. Frame by frame comparisons of still photographs taken from RPD officers’ BWCs and the submitted social media post clearly show that the social media post was the result of the distorted visual perspective of C’s camera. This distortion was detailed in an unsolicited forensic report published on-line by Daniel Voshart at: <https://medium.com/forensic-vr/spitting-video-optical-illusion-confuses-police-and-protesters-547619f3facd>

The officers near the seated protester were not wearing masks and had been affected by their exposure to chemical agents. BWC video footage clearly shows individual officers spitting onto the street in an effort to clear their throats. No officers spat on or in the direction of the seated protester. Moreover, the protester had no discernible reaction to the spitting that can be seen and heard on the BWC, which supports the conclusion that nothing touched the individual. If the detainee had been spit upon, there would have been an instinctive and visible reaction. In addition, when viewing the social media post, it appears that there is a National Guard member immediately in front of the RPD officers and the protester. In reality, BWC footage shows that the National Guard member was across the street, yards away from the officers and the protester. Based upon the above analysis, there is no objective basis to conclude that any officer spat on the detainee and there was no criminal act committed by any officer related to that incident.

Colette Wallace McEachin
Commonwealth’s Attorney
July 20, 2020