

GESPASS & JOHNSON

Kathleen M. Johnson

David Gespass

Also admitted in:
Washington, D.C.

825 36th Street South
Birmingham, Alabama 35222
Phone: 205-323-5966
Fax: 205-323-5990

Reply to:
P.O. Box 550242
Birmingham, Alabama 35255-0242
E-mail: pass.gandjlaw@gmail.com

E-mail: kmj.gandjlaw@gmail.com

July 7, 2020

Mayor Frank V. Brocato
100 Municipal Drive
Hoover, AL 35216

Police Chief Nicholas C. Derzis
100 Municipal Drive
Hoover, AL 35216

VIA EMAIL AND FIRST-CLASS MAIL

Re: Treatment of Protesters

Dear Mayor Brocato & Chief Derzis:

We are writing as lawyers who are representing demonstrators arrested as a result of the E.J. Bradford protests and who are now representing past and future demonstrators following the torture and murder of George Floyd. We are concerned that the response by the Hoover Police Department to the current wave of protests is increasingly disproportionate to whatever problems the protesters present, is threatening protesters' constitutional rights and, at a minimum, is retaliation against protesters, individually and collectively, for their actions.

As you well know, an arrest is not a finding of guilt. Anyone arrested and charged is presumed innocent and cannot be punished unless and until found guilty beyond a reasonable doubt in a court of law. That means that officers have no right to punish people they arrest, whether intentionally or otherwise. The events of last Saturday certainly indicate that your police department is doing exactly that.

Regarding individuals, Star Robb and Satura Dudley were arrested on outstanding misdemeanor warrants when they arrived at the protest Saturday. You are well aware that we have been representing protesters for some time and we are angered that neither we, nor either of the two individuals, were notified of the outstanding warrants earlier. Had notification been sent, arrangements would have been made for each to surrender herself and post bond or, more appropriately, been processed and released on signature bonds. It is clear that the tactics employed by the police were calculated to result in their incarceration for as long possible, particularly since jail personnel refused to release anyone until all were processed. Even though the two had arrived to participate in the protest on Saturday, they were not arrested for anything they did that day and, in fact, were arrested before the protest began. This constitutes calculated and planned pre-conviction punishment.

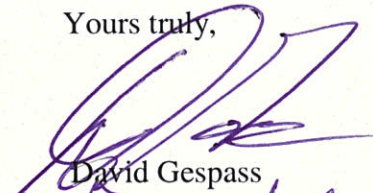
Mayor Frank V. Brocato
Police Chief Nicholas C. Derzis
July 7, 2020
Page -2-

The others who were arrested Saturday were held for some eight hours before being released, despite the fact that there were people prepared to post their bonds immediately. There is simply no good reason why processing should take so long. We would note that, in the course of a week of protests in Montgomery by the Poor People's Campaign, several individuals were arrested in the early evening of one event and not released until the next morning. A letter to Sheriff Cunningham complaining of the long delay elicited an immediate reply, apology and assurance that there would no longer be such delays and, indeed, over the following days, arrestees were processed and released expeditiously. We expect no less from the City of Hoover.

Finally, we note that police officers have arrived at these demonstrations in fatigues and combat gear. The only purpose such a display of quasi-military force serves is intimidation. Over the last weeks, there has been no indication that any protesters have engaged in behavior that warranted such a response. We know of no officer or civilian who has been injured by any protester, yet the department's response to the ongoing demonstrations has been increasingly confrontational and disproportionate.

In sum, we call on you to take immediate steps to correct the procedures – or lack thereof – that led to these problems. We intend to protect and defend the constitutional rights of protesters vigorously and the City of Hoover is obligated to do the same. Police officers of course have jobs to do, but their job description does not include pre-conviction punishment or intimidation of non-violent protesters.

Yours truly,



David Gespass



Richard R. Rice



Tiffanie Agee

DG/da

cc: Hoover City Council members (via email only)