



American Civil Liberties Union of the Nation's Capital

1400 20th Street N.W., Suite 119 Washington, DC 20036-5920 202-457-0800

www.aclu-nca.org

Arthur B. Spitzer
LEGAL DIRECTOR

November 16, 2010

Hon. Cathy L. Lanier
Chief
Metropolitan Police Department
300 Indiana Avenue, N.W.
Washington, DC 20001

Re: Jerome Vorus

Dear Chief Lanier:

You will no doubt recall the incident involving young photographer Jerome Vorus and several MPD officers last summer, when the officers detained Mr. Vorus and ordered him to stop photographing and recording public police activity in Georgetown.

Additional details are provided in the enclosed Notice of Claim letter to the Mayor, the enclosed printout from Mr. Vorus's blog, and the enclosed story from the July 26, 2010, issue of The Washington Post.

Mr. Vorus has asked the American Civil Liberties Union of the Nation's Capital to represent him in connection with this incident. We would prefer to settle Mr. Vorus's claims without litigation, and we hope the MPD shares that goal.

Mr. Vorus's principal goal is to assure that all MPD members, now and in the future, understand clearly that there is no law or regulation prohibiting individuals from taking still photographs, videos, or sound recordings of police activities and other events in public places, and that members have no discretion to order individuals to refrain from such activity or to destroy any photographs, videos or sound recordings that they have made. Because several officers – including two sergeants and the Second District Commander (as quoted in The Washington Post) – inaccurately said that Mr. Vorus was not free to photograph or record, it seems clear to us that prompt corrective training on this topic is necessary, as well as

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promulgation of a new General Order or amendment of an existing General Order, and development of suitable permanent training materials and programs.

Mr. Vorus also seeks an appropriate apology and reasonable compensation from the MPD for the violation of his rights, as well as some means of assuring that he, personally, will not again be detained or given unlawful orders by MPD officers when he takes photographs in public places.

We would be happy to meet with you or your representative if you would like to explore the possibility of a settlement before litigation. We look forward to your reply.

Sincerely yours,

Arthur B. Spitzer
Attorney for Jerome Vorus



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Hon. Adrien Fenty
c/o D.C. Office of Risk Management
Attention: Claims
441 4th Street, N.W., Suite 800 South
Washington, DC 20001

Re: Jerome Vorus - Notice of Claims

Dear Mayor Fenty:

This letter is to notify you, pursuant to D.C. Code § 12-309, of claims for unliquidated damages that may be brought against the District of Columbia and/or its agents by Mr. Jerome Vorus. The time, place and circumstances giving rise to these claims are as follows.

Date of incident: July 3, 2010.

Time of Incident: Afternoon or early evening.

Place of Incident: Vicinity of 29th and M Streets, N.W., Washington, D.C.

Circumstances: On July 3, 2010, Mr. Vorus was walking in Georgetown. Noticing an MPD traffic stop he started to take some photographs from the public sidewalk. A male officer then approached Mr. Vorus and asked, for "security reasons," why he was taking pictures. Mr. Vorus told the officer he wanted to have some pictures of a traffic stop for his photo collection. A female officer spoke to the male officer, who then asked Mr. Vorus for his identification. Mr. Vorus asked if he was being detained. The male officer skirted around the question, then finally said that Mr. Vorus was free to leave. However, two additional cruisers then pulled up, each carrying two officers (the three cruisers were: 218, 2071, and 1901). A female officer (Officer Wishnick, Badge No. 5436) from the third cruiser walked up to the original two officers, spoke with them, then approached Mr. Vorus and asked for his identification. Mr. Vorus asked again if he was being detained. At first, Officer Wishnick didn't answer; finally, she told him that he was being detained. Mr. Vorus asked for a reason but didn't receive a response.

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Once it was clear to Mr. Vorus that he was being detained, he handed Officer Wishnick his identification, which he believes she ran through NCIC. She wrote his information down on a pad of paper and told him it was illegal to take pictures without prior authorization of the public information officer for MPD and that it was illegal to record her without her consent (Mr. Vorus's camera can also make sound recordings). In the course of the incident, four different MPD officers told Mr. Vorus that it was illegal to record without two-party consent, which is not true. One female officer told him that since he was on the streets of D.C. and an officer asked for his ID, he had a responsibility to provide it. She said, "It's a stop . . . We could stop anybody."

After he handed over his identification, Mr. Vorus asked for a supervisor. Two sergeants eventually arrived; they also stated that Mr. Vorus could not take photographs or audio record without the consent of the officers.

Eventually Mr. Vorus was handed his identification and he and his mother (who had arrived at the scene) walked away. Officer Wishnick never told Mr. Vorus that he was free to leave, but she did not object when he and his mother walked away.

Additional details may be found in the enclosed printout from Mr. Vorus's blog and the enclosed story from the July 26, 2010, issue of The Washington Post.

These police actions violated Mr. Vorus's rights under the First and Fourth Amendments to the Constitution and under the laws of the District of Columbia. Mr. Vorus and his mother were publicly embarrassed and inconvenienced by these events.

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I hereby request that you locate and preserve all records of this incident, including any MPD field notes and reports, radio runs, e-mails, and surveillance camera films or tapes

I also enclose a copy of a letter about this incident sent today to Police Chief Cathy Lanier.

Sincerely yours,

Arthur B. Spitzer
Attorney for Jerome Vorus

cc: Hon. Cathy L. Lanier