

FREEDOM

American Civil Liberties Union



2015-2016
Annual Report





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Achieving the goal of protecting our liberties and advancing the rights granted to us by the Constitution and Bill of Rights is no mean feat. It requires vigilance and persistence to confront and surmount challenges to our liberties and freedom in the courts, the legislature or adverse public opinion. We strive each day to live up to our values: seeking justice, exhibiting courage, making progress, acting with integrity and putting people first. When threats to liberty seem overwhelming, we remind ourselves that we must not lose sight of the vision that inspires us ... a Virginia in which all are equal and live in freedom.

The ACLU of Virginia has worked toward this vision for almost 50 years. As we look to our anniversary and the 100th anniversary of the national ACLU, we recommit ourselves to stand unyielding in the face of threats to our freedom. We promise to pursue relentlessly for all Virginians—

- The freedom to control our own bodies without politicians intervening;
- The freedom to be safe and secure without sacrificing our privacy, liberty or our very lives;
- The freedom to effect change in our communities through the power of the vote;
- The freedom of movement without “Big Brother” surveillance tracking our digital footprints;
- The freedom to think and believe what we want without government telling us otherwise or penalizing us for those thoughts and beliefs; and
- The right to be treated fairly and equally because we are all valued as individuals with no one person being better than anyone else.

We urge you to share in our vision, and see how the ACLU of Virginia’s work moves us closer toward freedom and equality for all.



Claire G. Gastañaga
Executive Director

A handwritten signature in black ink that reads "Claire G. Gastañaga". The signature is stylized and cursive.

We have the freedom to
CONTROL OUR OWN BODIES



We envision a Virginia in which abortion is readily accessible and people are empowered to decide to seek an abortion without interference from politicians.

In 2015-16, we worked in coalition to push back against Targeted Regulations of Abortion Providers (TRAP), which imposed medically unnecessary, hospital-style restrictions on abortion clinics, the sole purpose of which is to shutter these facilities and close off access to constitutional abortion services. We also helped defeat an arbitrary ban on abortions after 20 weeks of pregnancy, and advocated for laws that would protect the right to breastfeed a child in public and at work whenever necessary.



Looking ahead, we will advocate for a repeal of the TRAP statute so no one's access to abortion is subject to the whims of a governor and appointees to state regulatory agencies. We'll also challenge the regulation of medical abortions.

Virginia is for people to make their own decisions about their bodies.

In 2015-16, stories of deaths at the hands of law enforcement, either in the streets or while in custody, filled headlines across the country. In Virginia, we were vocal about incidents that highlighted problems with mental health and correctional practices: Jamycheal Mitchell (Hampton Roads), who was imprisoned for months for stealing \$5 worth of junk food until he died of neglect, and Natasha McKenna (Fairfax County) who was fatally tased while in custody. We also raised awareness about the need for accountability calling for the release of video footage and names of officers involved in the fatal police shootings of Michael Pierce Jr. (Harrisonburg) and Kionte Spencer (Roanoke County).

We worked with the Westmoreland County Sheriff's Department to develop a new use of force policy that is among the most progressive in the U.S., and advocated before the Fairfax County Police Practices Review Commission for the establishment of a civilian review authority. We also



pushed for the reform of discovery rules to stop “trial by ambush” in criminal cases, successfully lobbied for more funding for pre-trial services, and fought to prohibit state agencies from asking whether job applicants have ever been convicted of a crime. And, we continued to advocate for smart justice as a member of broad, left/right coalitions on criminal justice reform in general and the death penalty in particular.

Looking ahead, we will continue to work in coalition with usual and unusual allies on smart criminal justice reform to advocate for changes in police practices, including adoption of uniform

statewide policies on body cams and use of force policies that sanctify human life, demilitarization of law enforcement agencies, and establishment of civilian review. We'll also work to limit the use of solitary confinement, oppose civil asset forfeiture, support marijuana decriminalization, increase the felony larceny threshold, and reform officer certification laws.

Virginia is for sensible criminal justice reform and accountability in law enforcement that will help keep us safe and free.

We have the freedom to
FEEL SAFE AND SECURE





VOTE

POLLSTAR
BLACK HAWK
COUNTY



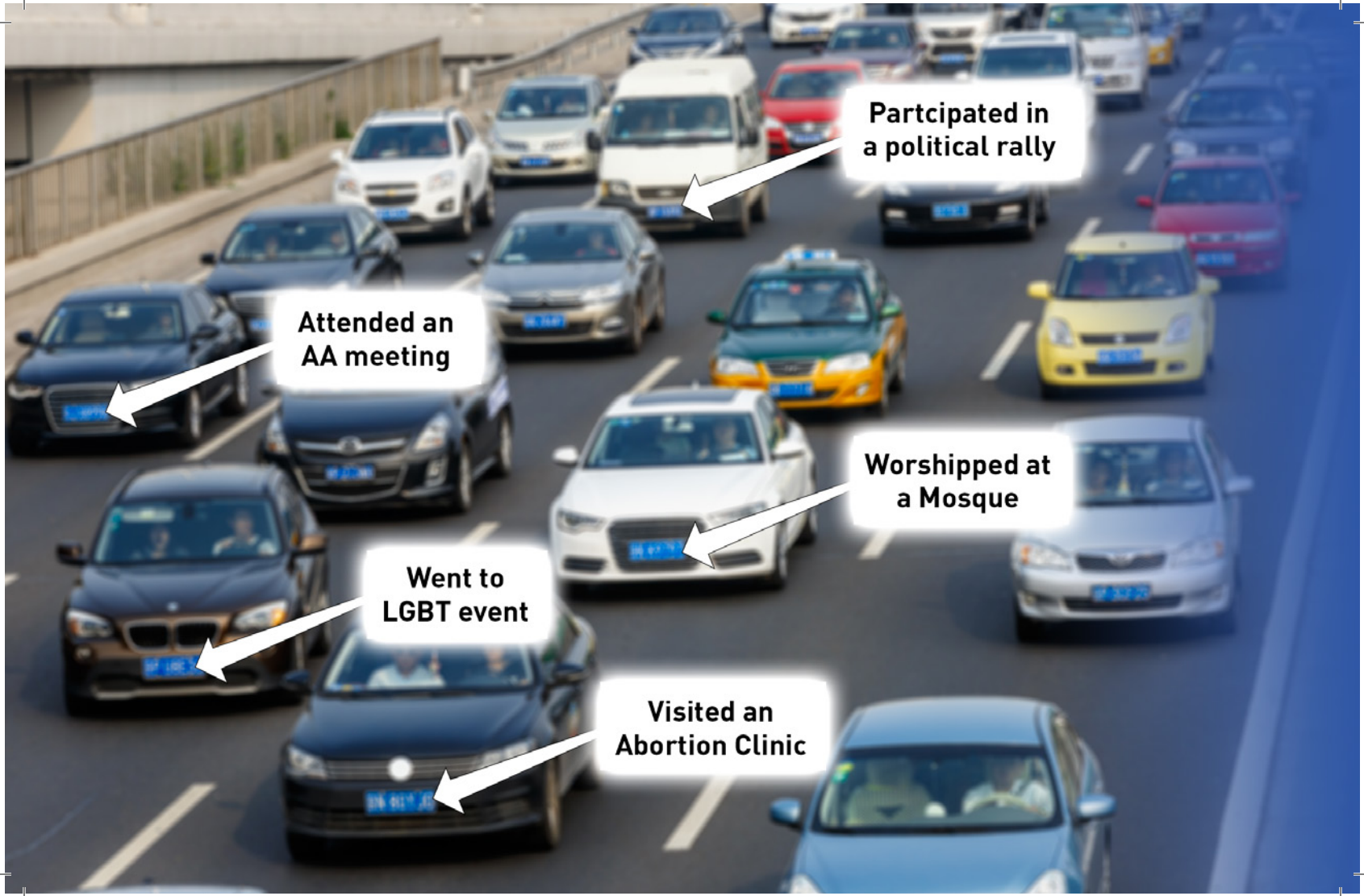
We have the freedom to EFFECT CHANGE

We envision a Virginia in which everyone has the right to vote.

For a short period, we celebrated the restoration of voting rights for more than 200,000 individuals who were disenfranchised due to a felony conviction by law. Gov. Terry McAuliffe signed an executive order automatically restoring immediately the voting rights to individuals who had completed the terms of their sentence, as we had urged him and his predecessors to do for the prior decade. Unfortunately, when political forces sued the governor to block his executive order, the Supreme Court of Virginia didn't agree with his or our legal analysis.

Looking ahead, we will continue to fight for an amendment to the Virginia constitution that will affirm the right of every Virginian to vote that cannot be abridged, and we will advocate for laws that expand—and oppose laws that restrict—voters' access to the polls and ballot.

Virginia is for everyone to participate in democracy.



Participated in a political rally

Attended an AA meeting

Worshipped at a Mosque

Went to LGBT event

Visited an Abortion Clinic

We have the freedom to MOVE FREELY

The ACLU of Virginia vigorously defends Virginians from mass surveillance by the government. We sued the Fairfax County Police Department over its use of automatic license plate readers that collect personal information about people's whereabouts without any identifiable law enforcement purpose. We are lobbying for passage of the Electronic Communications Privacy Act (ECPA) that would require law enforcement to obtain a warrant before snooping into anyone's personal data, and have been successful in getting a new law approved that requires a warrant before police can spy on anyone using a drone or cell site simulator. We worked with ACLU national and other affiliates on the TAKE-CTRL initiative, designed to establish policies that prevent law enforcement from purchasing or deploying surveillance technologies without informing the public and gaining approval from elected officials.

Looking ahead, we will continue to advocate for passage of ECPA and enactment of local and state laws to prevent government from engaging in mass surveillance or collecting and maintaining digital and other data about us without probable cause to believe that we've done anything wrong and a warrant to gain access.

Virginia is for all to be free from worry that Big Brother is watching.

We have the freedom of THOUGHT AND EXPRESSION

The ACLU of Virginia is a fierce defender of everyone's right to free speech. In 2016, we began training and coordinating teams of Legal Observers to monitor public demonstrations and ensure that the rights of protesters and counter-protesters are protected equally. We fought against a proposed law that would have required local school teachers to flag educational



materials—including significant works of literature—and notify parents of any sexually related content, and another that would have criminalized the use of profanity in public. We were vocal about Henrico Public Schools' banning of an educational video about racial disparities in American society. We won a lawsuit against the Petersburg City Council after it denied a resident the right to speak at a public meeting. And we supported the right of a professional football team to use whatever name it chooses without threat of losing valuable trademark protections. We counseled the Christiansburg School Board on the strict standards they must meet to ban the Confederate flag at school.

Looking ahead, we will continue to defend the right to free thought, expression, association and assembly.

Virginia is for those who exercise their First Amendment rights.



CONVERSION
THERAPY IS
TORTURE

I AM A
QUEER
BLACK
TRANSMAN
AFRAID
FOR MY LIFE
IN TRUMP'S
AMERIKKA

ACLU
LEGAL
OBSERVER



We have the right to EXPECT FAIR AND EQUAL TREATMENT

We envision a Virginia in which no one faces harassment or discrimination because of who they are.

In the past year, we fought against proposed legislation that would have required people to have their genitals inspected before using the bathroom and pay a penalty if they used the “wrong” facility, and sued a local school board that adopted policies forcing transgender students to use facilities that don’t correspond to their gender identities. We shut down measures that would have allowed the use of religion to discriminate against LGBT people. We also worked to bring the Virginia Code into full consistency with the reality of marriage equality which entails equal rights and equal responsibilities. And we won a lawsuit in which a man sued his ex-wife to discontinue spousal support after it was discovered she had been in a relationship analogous to marriage with another woman.

We lobbied one local school district to force a change in dress code policies that discriminated against young women. We also advocated for the right of immigrants not to be detained in jail solely based on voluntary requests from federal authorities not supported by a criminal warrant.

Looking ahead, we will continue to fight for anyone subjected to harassment or discrimination because they are LGBT or because of their religion or nationality. We’ll continue to support legislation prohibiting discrimination on the basis of sexual orientation and gender identity in housing, public accommodations, and in the workplace. We’ll oppose efforts to use religion as a proxy for discrimination. We’ll stand fast against efforts to single people out because they are immigrants or people of color.

Virginia is for everyone, period.



IN THE NEWS

Number of earned media placements:

459,650

print, radio, television, online, cable and wire service mentions.

Estimated advertising value equivalency:

\$4.6 billion

Facebook followers:

2,990*

Twitter followers:

2,644*

**As of July 31, 2016.*

Selected media outlets covering the ACLU of Virginia:

ABC News, the Augusta Free Press, the Baltimore Sun, the BBC, the Bluefield Daily Telegraph, the Boston Globe, the Bristol Herald-Courier, the Chicago Tribune, the Christian Science-Monitor, CNN, Counter-Current News, C-Span, the Culpeper Star-Exponent, the Daily Press, the Daily Progress, Danville Register & Bee, Der Spiegel, the Detroit News, the Dinwiddie Monitor, EDGE, the Falls Church News-Press, the Fredericksburg Free Lance-Star, the Galax Gazette, GayRVA, the Harrisonburg Daily News-Record, the Henrico Citizen, the Houston Chronicle, the Huffington Post, Legal Monitor Worldwide, LGBT Weekly, the Los Angeles Times, the Lynchburg News & Advance, the Martinsville Bulletin, Metro Weekly, the Miami Herald, MSN, the New York Times, Newsday, Northern Virginia Daily Online, the Oklahoman, Patch, the Petersburg Progress-Index, Politico, Reuters, the Richmond Free Press, the Richmond Times-Dispatch, the Roanoke Times, the San Francisco Chronicle, the St. Louis Post-Dispatch, the Staunton News-Leader, Tidewater Review, TIME Magazine, USA Today, Virginia Lawyers Weekly, the Virginia Gazette, the Virginian-Pilot, the Washington Blade, the Washington Post, the Washington Sun, the Washington Times, WAVY-NBC10, WCVB-88.9FM, WDBJ-CBS7, WRIC-ABC8, WRVA-1140AM, WSET-ABC13, WSLN-NBC10, WTTG-FOX5, WTVR-CBS6, WVEC-ABC13, WVIR-NBC29, WVTF-89.1FM, WWBT-NBC12 ... and more.

HEADLINES:

“DOJ Says Transgender Student’s Case Has Merit”

The Daily Press

“Battles Over Religious Freedom Are Sure To Follow Same-Sex Marriage Ruling”

The Chicago Tribune

“ACLU Seeks Christiansburg Principal’s Rationale On Rebel Ban”

The Roanoke Times

“ACLU Report: Body Camera Policies Are ‘Inconsistent And Chaotic’”

WAVY-NBC10

“Battles Over Religious Freedom Are Sure To Follow Same-Sex Marriage Ruling”

The Chicago Tribune

“City Of Petersburg, ACLU Reach Settlement In Free Speech Case”

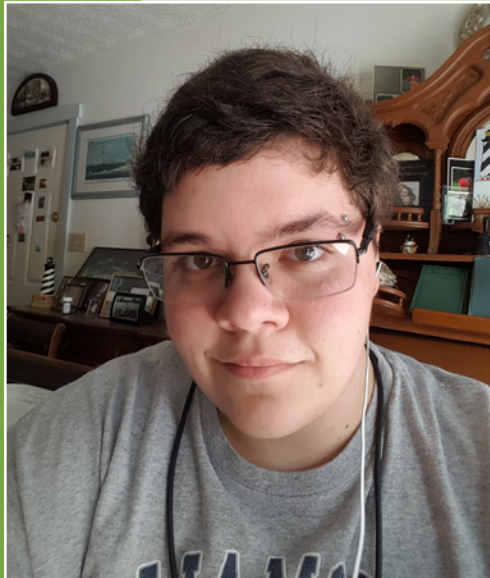
WRIC-ABC8

“Creepy Virginia Toilet Proposal Could Require Genital Inspections, Critics Fear”

The Huffington Post

STORY OF THE YEAR

Gavin Grimm v. Gloucester County School Board



Since 2014, our client Gavin Grimm, a now-17-year-old senior at Gloucester High School, has led the way in the national movement for human rights for trans people. In 2015, the U.S. Court of Appeals for the 4th Circuit reached a historic decision: that gender identity and sex are the same thing under Title IX of the Education Amendments of 1972, and thus cannot be the basis for discrimination in any school that receives federal funding. The case is headed for the U.S. Supreme Court in 2017.

Gavin's courage and determination has been met with praise and recognition in the LGBT community and in global media. He has been featured in local, state, regional, national and international programs and publications from the *Daily Press* in Newport News, the *New York Times* and the *Washington Post* to *CNN* and *Der Spiegel*, the European equivalent of *TIME* magazine.

"I didn't set out to make waves," Gavin once said famously. "I set out to use the bathroom."





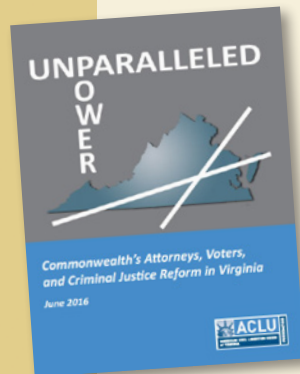
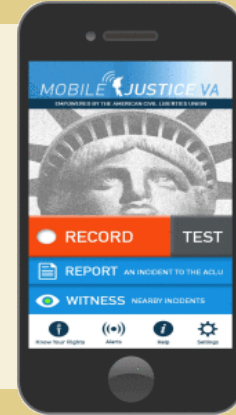
SPECIAL REPORTS AND INITIATIVES

Getting to Win-Win: The Use of Body-Worn Cameras in Virginia Policing

In 2015, we collected and analyzed dozens of local law enforcement policies from across the Commonwealth to find out how body-worn cameras are being used. We found wide disparities in how the policies addressed camera usage, privacy concerns, officer accountability, how long videos should be kept and who gets to see the footage. We developed our own model policy for body cams and called for a new state law that would bring consistency in how these important law enforcement tools are used.

Mobile Justice

In October 2015, we launched our own smartphone app, *Mobile Justice VA*, which allows users to capture video of police interactions and send files automatically for review by our legal team to determine if anyone's rights were violated. The app—which is free for both Android and iPhone users—also includes a handy Know Your Rights section and features a “witness” mode that alerts users when someone else is videoing police interactions nearby.



Unparalleled Power

This special report issued in June 2016 called attention to the unchecked power of Commonwealth's attorneys, the local prosecutors who wield broad discretion over what charges against defendants are brought to trial, whether a defendant is held in jail awaiting trial, whether a jury trial is held over a defendant's objections, and whether the death penalty is sought, among other important decisions. Many local prosecutors in Virginia have served for decades while running unopposed and simultaneously working to thwart reasonable reforms to the criminal justice system.

In memoriam...

Celebrating Two Guardians of Freedom

In 2016, the ACLU of Virginia lost two of its greatest guardians of freedom: Janet Cowie Cook and H. Stewart Dunn.

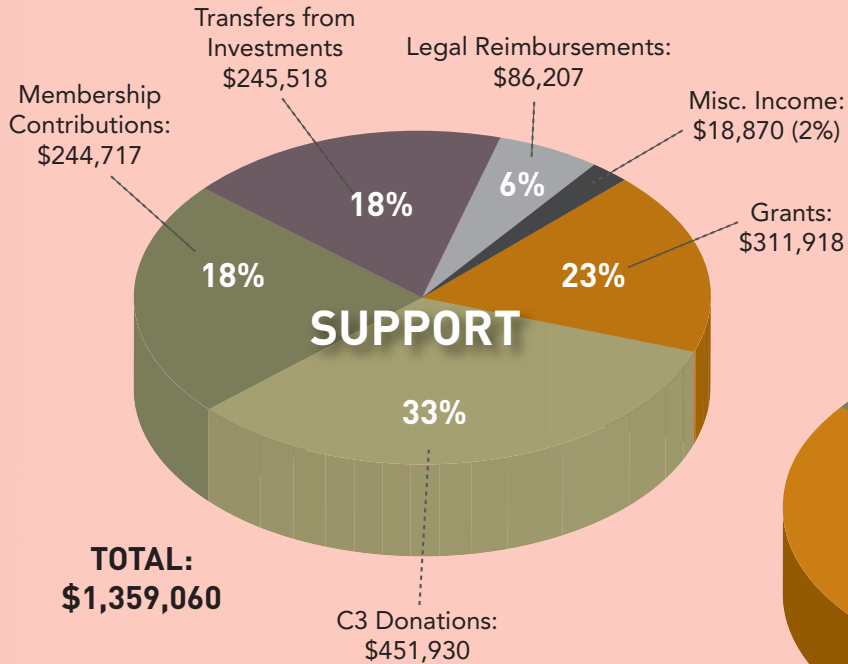
Janet was a stalwart supporter of the ACLU committed to the ideals of equality and justice. She was an active grassroots advocate for women's rights, voting rights and criminal justice reform, including the abolition of the death penalty. Her belief in the organization's work was so strong that she dedicated her time to convincing others to share in her enthusiasm for the ACLU through charitable donations. During her 12-year tenure on the Board of Directors, Janet served as chair of the development committee and on the National ACLU's Friends of the Legacy Challenge committee to encourage others to make planned gifts.

Stew was a true sentinel of the First Amendment and the ACLU. He brought decades of civil liberties and civil rights experience with him when he began serving as a member of the Virginia affiliate's Board of Directors in 1991. In the past 25 years, he served as vice president, and as the affiliate's representative on the National ACLU Board of Directors. While soft-spoken, his expertise and wit were a strong combination so that everyone knew to listen when he spoke. There was always something to learn from him, and he repeatedly offered remarks that ensured the ACLU of Virginia remained a principled organization dedicated to defending and advancing free speech.

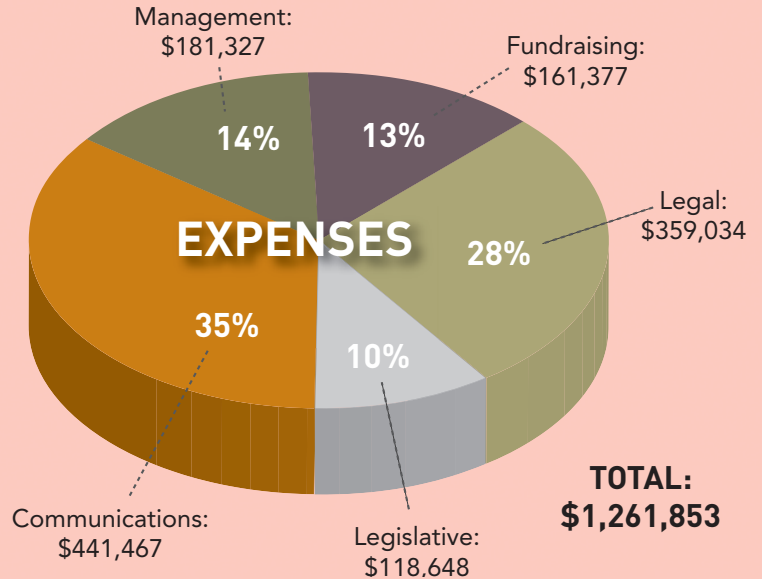
Janet and Stew's personal financial contributions and their unwavering commitment to the core principles of freedom and equality will have a lasting impact for those in Virginia for decades to come. They are sorely missed.



FINANCES



Combined budgets for the ACLU of Virginia, a 501(c)(4) tax-exempt non-profit organization, and the ACLU Foundation of Virginia, a 501(c)(3) tax-exempt non-profit organization, for the last fiscal year (April 2015-March 2016). Donations to the ACLU Foundation of Virginia are tax-deductible.



VOLUNTEER SERVICES:

Legal: \$119,863 Other: \$48,625 **TOTAL: \$168,488**

Because Freedom Can't Protect Itself



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Richmond, VA 23219