



ACLU-WV Investigating Treatment of Protesters on Behalf of Berkeley County Unity Coalition

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CHARLESTON, W.Va. – On behalf of the Berkeley County Unity Coalition, the American Civil Liberties Union of West Virginia (ACLU-WV) is investigating the treatment of several peaceful protesters at the hands of authorities following recent demonstrations in Martinsburg.

At least 11 protesters were arrested during demonstrations on May 30-31 against the murders of George Floyd, Breonna Taylor, Ahmaud Arbery and countless other Black Americans over the years.

ACLU-WV has submitted a request to the Martinsburg City Attorney's Office and the Martinsburg Police Department for records under the West Virginia Freedom of Information Act. The letter includes requests for bodycam and dashcam footage in possession of law enforcement from the evenings of the events, names and badge numbers of officers involved, official law enforcement policies and procedures for interacting with community members at protests, and use-of-force policies.

An initial review shows many of the protesters were forced to sit in jail with excessively high bails for exercising their First Amendment rights. These harsh punishments came during a pandemic that is ravaging jails and prisons across the country. Multiple video recordings from the demonstration also appear to show police using excessive force and escalating tensions.

Damon Wright, president of the Berkeley County Schools Diversity Council, said the incident shows again that de-escalation training is desperately needed for officers.

“This situation could have been handled in a way that deescalated the situation and afforded a learning opportunity for both sides,” he said. “Some of the young people were school aged and these incidents could further traumatize them to think twice about the role of police in helping.”

Dr. Zakee McGill, president of the Berkeley County NAACP, which is one of the community organizations comprising the Unity Coalition, called for transparency from authorities.

“City officials and the MPD should be on notice that we will be ever vigilant and we will not stop pursuing justice for all,” he said. “Black lives matter, and the First Amendment rights of citizens are sacred.”

Last week, the 4th Circuit Court of Appeals vacated a decision by the United States District Court in the Northern District of West Virginia involving the murder of Wayne Jones, a Black man who lay motionless on the sidewalk after he was stopped for walking on the road and not a sidewalk. The lower court that had granted the five officers involved in the shooting qualified immunity. As a result of the 4th Circuit’s opinion, the case has been remanded back to the Circuit Court, where it may proceed to trial. In issuing its decision, the Court stated:

“Before the ink dried on this opinion, the FBI opened an investigation into yet another death of a [B]lack man at the hands of police, this time George Floyd in Minneapolis.

“This has to stop. To award qualified immunity at the summary judgment stage in this case would signal absolute immunity for fear-based use of deadly force, which we cannot accept.”

Pastor Nathaniel Wright, sociologist Adonijah Gilmore and McGill recently met with Berkeley County Prosecutor Catie Wilkes Delligatti regarding the arrests and to ask that all charges against protesters be dropped. They wished to thank Delligatti for her openness and willingness to listen, but also said the injustice in these cases began with the chief of police ordering the arrests, the arresting officers making inappropriate baseless charges, and the magistrates’ unwillingness to recognize lack of probable cause.

ACLU-WV will continue to closely monitor the situation. Officials have five business days to respond to the records request.

The Unity Coalition is a newly formed coalition of civil and human rights organizations, educators, faith leaders, business owners and other concerned citizens.