



December 9, 2016

Art Acevedo  
Chief of Police  
Houston Police Department  
Via Email: [public.affairs@houstonpolice.org](mailto:public.affairs@houstonpolice.org)

**Re: Protecting the Rights to Peaceful Assembly and Free Speech**

Dear Chief Acevedo:

Welcome to Houston, and congratulations on taking your oath as Chief of the Houston Police Department. We write to inform you of a potentially illegal pattern of interaction between Houston Police Department officers and protesters that developed in the month after our election. You may already be taking action to address the incidents described below—if so, wherever you stand in that process, the ACLU of Texas stands ready to help. But in the case that you are not aware of this pattern, we summarize below the reports we have received.

Your arrival in Houston comes at a trying time of heightened emotions and increased public demonstrations in the wake of the election. Like any other member of the public, police officers may have strong emotions about the outcome of the election or the viewpoint expressed in public demonstrations. But unlike other members of the public, a police officer is uniquely positioned to reinforce public trust in government through professional policing, or undermine that trust through disrespect for people exercising their First Amendment rights.

We recognize that these emotional times of intense public debate can make it challenging to execute the oath to protect, preserve, and defend the United States Constitution, especially the rights to peaceful assembly and free speech. But it is during these times that steadfast respect for our First Amendment rights is most critical. To fulfill the guarantees of our Constitution, we look to our police force to choose professionalism: engage protesters respectfully, avoid creating conflict, refrain from arresting protesters who are behaving lawfully, and temporarily relieve officers who appear to be at risk of losing their composure.

Today marks one month since the election. Over the past month, prior to your assumption of office, we received reports of Houston Police Department officers falling short of that ideal. We have heard multiple reports of:

- Officers antagonizing law-abiding protesters, with threats such as “Next time I see you I’ll arrest you,” and then following through on such threats;

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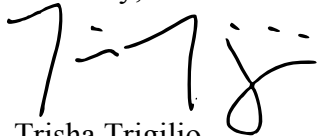
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- Officers creating unnecessary conflict with protesters, such as mounted officers splitting a march into two groups and refusing to allow protesters to cross with the pedestrian signal;
- Officers grabbing protesters from behind without any verbal warning, and then using additional force when protesters reflexively pull away;
- Officers arresting protesters on false charges, such as striking a police service animal, or no charge other than resisting arrest—strongly suggesting that the officer unnecessarily initiated or escalated an encounter;
- Officers using excessive force during arrests, such as pulling hair or bruising people who were otherwise submitting to arrest; and
- Officers requiring arrested protesters to wait many hours longer than usual to see a magistrate.

We alert you to these reports because many community groups perceive this pattern as a recent, post-election decline in the relationship between officers and protesters. As I know you are understand, ending this pattern is important because, for many community groups, this last month of increased demonstrations is only the beginning. Community leaders intend to organize additional demonstrations in anticipation of the President-elect's inauguration and beyond. The ACLU of Texas intends to deploy a team of legal observers, who will act as neutral witnesses to document police interactions at upcoming demonstrations, including demonstrations planned during the presidential inauguration. We anticipate that after giving notice of the incidents described above, there will be no further misconduct for our observers to document.

We look forward to many years of partnership in service of Houston residents' constitutional rights. Thank you for your commitment to protecting the rights to peaceful assembly and free speech.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trisha Trigilio', with a stylized flourish at the end.

Trisha Trigilio  
Staff Attorney  
ACLU of Texas