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September 20, 2017

VIA E-MAIL & U.S. MAIL

Lt. Col. Lawrence O'Toole
Interim Chief of Police
St. Louis Metropolitan Police Department
1915 Olive Street
St. Louis, Missouri 63103
lotoole@slmpd.org

Honorable Lyda Krewson
Mayor for the City of St. Louis
St. Louis City Hall - Room 200
1200 Market Street
St. Louis, Missouri 63103
krewsonl@stlouis-mo.gov

Michael Garvin
Deputy City Counselor
St. Louis City Hall
1200 Market Street
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Julian Bush
St. Louis City Counselor
St. Louis City Hall
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Re: Arrest of St. Louis Post-Dispatch Reporter, Mike Faulk

Dear Mayor Krewson, Chief O'Toole, Mr. Bush and Mr. Garvin:

We represent the St. Louis Post-Dispatch and write you regarding concerns over the arrest and treatment of one of its reporters, Mike Faulk, while covering the protests and events following the acquittal of former St. Louis police officer, Jason Stockley on Friday, September 15, 2017.

On Sunday, September 17, 2017, Mr. Faulk was covering the protest activities and events related to them, including the unlawful activities of a few agitators who assembled among the protesters. That evening, Mr. Faulk was arrested as part of a large group of persons arrested. Those arrested included other journalists, legal observers, residents of the area and protesters. Even assuming that some of those arrested may have been involved in unlawful activities, including destruction of property and perhaps assaults on police officers—and videos we have seen of the operation show no such activity—at no time, was Mr. Faulk ever involved in any unlawful conduct. He was simply engaged in his First Amendment protected activity of newsgathering.

When he was arrested, Mr. Faulk was standing on a sidewalk reporting on the protests. He was not impeding vehicular or pedestrian traffic. He was clearly identified and credentialed as a

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reporter for the Post-Dispatch and repeatedly advised several of the arresting officers of his status. Nonetheless, he was rounded up and restrained by police officers who surrounded a large group of people and prevented them from leaving the perimeter in a mechanism we understand is referred to as “kettling.” Independent of whether the “kettle” containment activity was proper under the circumstances (and as the Post-Dispatch has reported, there are serious questions about that), there was no reason why a credentialed reporter should have been arrested or restrained from doing his job of reporting the events. Once the reporter was clearly identified as such, he should have been released immediately and allowed to continue his newsgathering activity.

Moreover, as we understand the situation, Mr. Faulk was not merely restrained and arrested. While standing on the sidewalk and making no resistance, he was forcefully pushed to the ground by police officers and a police officer’s boot was placed on his head. As a result of this unneeded and inappropriate force, Mr. Faulk suffered injury to both legs, his back and wrist. Even after being restrained with zip ties and totally subdued, a police officer deliberately sprayed him in the face with pepper spray, mace or some other stinging substance. At some point during the evening, an officer also took it upon himself to review the contents of the cell phone Mr. Faulk was using to communicate and photograph the events of the evening. A bike he was using during his news coverage has not been returned to him. He was held for over thirteen hours in jail, even though one of our editors was at the jail only two hours after the arrest to secure his release. That editor was lied to by jail personnel who told her that he was still in transport, even though he was already at the jail. Jail personnel denied his repeated requests for medical attention.

These events and this manner of treatment are entirely inappropriate and highly disturbing. In order to ensure no further infringements of reporters’ First Amendment rights, police and City leaders must establish a protocol wherein once a reporter is identified as such, any restraint must cease unless the reporter has engaged in activity otherwise unlawful, and this would not include the claim that the reporter has failed to disperse. The failure to establish such a protocol in the first place was a grave mistake.

City and law enforcement leaders must recognize that reporters covering these events are providing a valuable service in reporting the events and ensuring that any unlawful acts of protestors are reported while also ensuring that law enforcement is not abusing its authority and documenting when it is not. Through their tweets, photographs and videos, reporters also alert the public as to those areas they should avoid if they desire to do so. Arresting a reporter who poses no danger to public safety or risk of criminal activity diverts law enforcement personnel from the services they are expected to provide, while doing nothing to stop unlawful actions or promoting public safety.

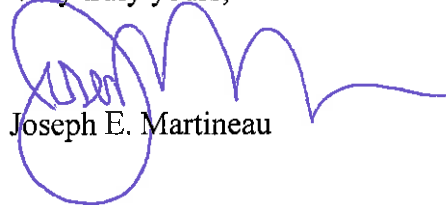
We demand that all charges against Mr. Faulk be promptly dismissed or nolle prossed, that all records of his arrest be expunged, and that protocols be put into effect to prevent any recurrence of arrests of journalists who are covering these important events and who are engaged in no

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criminal activity whatsoever. We are happy to engage with you in resolving this situation and in preventing any future occurrence.

Finally, we request that all records pertaining to the arrest of Mr. Faulk, including the “kettling” activity and orders and communications that preceded it and about it, including any surveillance cameras, video or audio recordings, or other documents, including email, cell phone texts and any other electronic transmission, memorializing any of the events preceding and following the arrest of Mr. Faulk and the other persons arrested that evening be preserved for review in any proceedings that may follow regarding these events. This includes any personal photographs taken by police officers who seemed to be celebrating the event while and after it occurred.

Very truly yours,



Joseph E. Martineau

JEM:eis

cc: Gilbert Bailon, Editor
Ray Farris, Publisher