

News

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title: USA - Virginia police change surveillance policy**summary:** Four days after Virginia Beach police admitted they had sent undercover officers to the meetings of Dolphin Liberty, a local citizens group opposed to the expansion of the Virginia Marine Science Museum to include a captive dolphin display, a letter from Police Chief Alfred M. Jacocks Jr. stated that "police will no longer go undercover to monitor civic groups without first consulting the commonwealth's attorney".

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Beach police change policy on surveillance

By JASON SKOG

_ 2001, The Virginian-Pilot

VIRGINIA BEACH -- Police will no longer go undercover to monitor civic groups without first consulting the commonwealth's attorney, according to a letter from Police Chief Alfred M. Jacocks Jr.

The change came Friday, four days after police admitted they had sent plainclothes officers to meetings of Dolphin Liberty, a citizens group opposed to a dolphin exhibit planned for a \$55 million expansion of the Virginia Marine Science Museum.

Jacocks' letter maintained that his department did nothing wrong and followed a set of surveillance standards used by police nationwide.

"I remain concerned that a perception of improper or overzealous conduct has been created among members of our community," he wrote.

His four-page letter to City Manager James K. Spore stated that Beach police must consult with the commonwealth's attorney's office before conducting surveillance on "associations or advocacy groups not associated with organized criminal activity."

The extra step requires police to tell the attorney about what they know, what they intend to find out, and why surveillance is the best method.

"We'd be advising them on whether the actions they are contemplating taking are legal, and whether it's going to pass muster . . . so far as the courts are concerned," said Harvey L. Bryant, commonwealth's attorney in Virginia Beach.

“I don't view it as a veto process,” Bryant said. “What questions we would be asking would vary in each case, depending on what the surveillance techniques are going to be, what groups are involved, and what prior information exists that indicates this is a law enforcement necessity.”

Dolphin Liberty representatives on Monday applauded the new policy.

“I think it's a great idea,” said Kevin E. Martingayle, a Beach attorney representing Dolphin Liberty. “I honestly believe that if that procedure had been followed in this instance, it certainly would not have occurred -- at least not the way it played out.”

Martingayle said it would not necessarily have averted an undercover investigation, “but I think it would have been more tightly confined.”

“This investigation grew tentacles that were too long,” he said. “The long arm of the law became much too long.”

Last week Martingayle threatened “court intervention” if police did not stop monitoring Dolphin Liberty and provide a more complete explanation for why they did so in the past. Martingayle said a recent conversation with City Attorney Leslie L. Lilley and the new policy from Jacocks could help avoid formal legal action.

Dolphin Liberty co-founder Susan Q. Wagner said Monday she was gratified by the department's decision.

“That will do a lot to make people feel like things are going to get better,” she said.

Four days after Virginia Beach police admitted they had sent undercover officers to the meetings of Dolphin Liberty, a local citizens group opposed to the expansion of the Virginia Marine Science Museum to include a captive dolphin display, a letter from Police Chief Alfred M. Jacocks Jr. stated that “police will no longer go undercover to monitor civic groups without first consulting the commonwealth's attorney”.

The new policy was applauded by representatives of Dolphin Liberty. Last week, an attorney representing Dolphin Liberty threatened “court intervention” if the police monitoring of the group did not stop and demanded a complete explanation for their previous surveillance of the group.

Full story: [Pilot Online](#)