

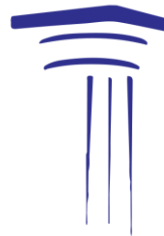


SECRETARY OF PUBLIC SAFETY AND HOMELAND SECURITY

“UNITE THE RIGHT 2.0”
VIRGINIA’S SUCCESSFUL IMPLEMENTATION OF
LESSONS LEARNED

BRIAN J. MORAN

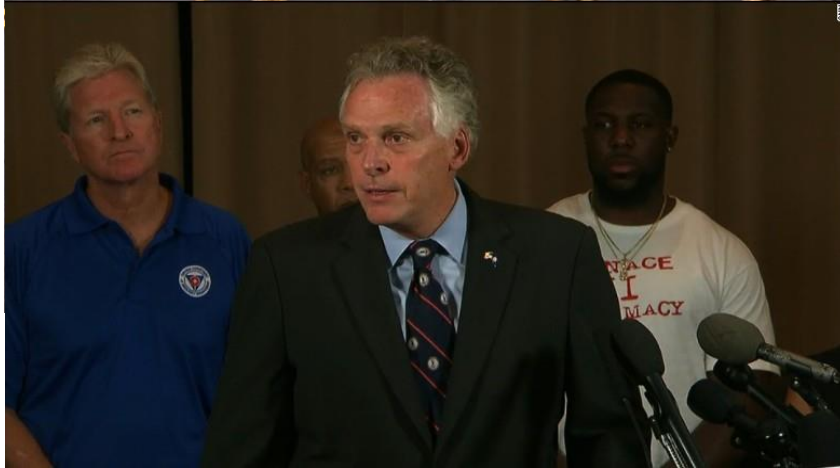
SECRETARY OF PUBLIC SAFETY AND HOMELAND SECURITY



“UNITE THE RIGHT” RALLY AUGUST 12, 2017: CHARLOTTESVILLE, VA



Armed militia members at the “Unite the Right” rally
Source: Brian Moran, Secretary of Public Safety and Homeland Security



August 12 press conference in Charlottesville
Source: CNN



“Unite the Right” rally
Source: Curtis Brown, former Deputy Secretary of Public Safety and Homeland Security

**“UNITE THE RIGHT” AUGUST 12, 2017:
PRECIPITATING EVENTS**

PRECIPITATING EVENTS



Source: *The Daily Progress*



Source: *The Cavalier Daily*

- January 31, 2017: Mayor holds press conference declaring City of Charlottesville a “capital of the resistance” against the Trump administration
- April 10, 2017: The City of Charlottesville decides to remove the Robert E. Lee statue located in the formerly named “Lee Park”
 - Removal of statue later blocked by courts
- May 13, 2017: Jason Kessler and Richard Spencer lead torch rally in Charlottesville to protest the removal of the Robert Lee statue

**Note: Virginia has 136 Confederate Monuments

PRECIPITATING EVENTS: MAY 30, 2017, KESSLER FILES PERMIT FOR AUGUST 12 RALLY

- Kessler's permit for August 12 rally is automatically granted after 10 business days pursuant to the City of Charlottesville's Standard Operating Procedure for Special Events Regulations § 3.4.6(b).

SPECIAL EVENT APPLICATION REQUEST
 \$25.00 Non-Refundable Application Fee Required.
 Please attach any additional info to this form.

RETURN TO:
 Charlottesville Parks & Recreation
 P.O. Box 911
 Charlottesville, VA 22902



FOR OFFICIAL USE ONLY
 Organizational Status:
 Non-Profit Commercial Independent
 Maps Attached ABC Permit Required
 Tent Permit Required License Verified

INDEMNITY RELEASE
 In making this request, the applicant understands that the sponsor will hold harmless and indemnify the City, its officers, employees, and agents against injury, loss or damage occurring as a result of this special event. Sponsors of special events held on public property will be required to provide Special Event Liability Insurance in an amount not less than \$1 million dollars, naming the City of Charlottesville, its officers, officials, employees and agents as an additional insured party to the contract. For additional information regarding this requirement please contact the Charlottesville Parks & Recreation Department at 870-3260.

Sponsor(s) Name: JASON KESSLER
 Address: [REDACTED]
 Sponsor Telephone: [REDACTED]
 Event Contact Name: () _____
 Contact Address: [REDACTED]
 Contact Telephone: Office () _____
 Home () _____
 Cell (MW) [REDACTED]

JASON KESSLER 5/30/17
 APPLICANT SIGNATURE DATE

DATE APPLICATION SUBMITTED: 5/30/17

EVENT PURPOSE / BRIEF DESCRIPTION:
Free speech rally in support of the Lee Monument

plce 5/30/17
11:40am
May 30, 2017
 Date Application Received By P&R

EXHIBIT
A

PRECIPITATING EVENTS: JULY 8, 2017: KU KLUX KLAN RALLY



*July 8 KKK March in Charlottesville, VA
Source: Huffington Post*

- On July 8, approximately 50 KKK members marched in Charlottesville to protest the removal of the Lee statue
- Their presence attracted nearly 1,000 counter-protestors
- 22 people were arrested
- Law enforcement deployed tear gas to disperse the crowds

[July 8 Video Footage](#)

PRECIPITATING EVENTS

LEGAL AID JUSTICE CENTER

NATIONAL LAWYERS GUILD

ACLU
AMERICAN CIVIL LIBERTIES UNION
OF VIRGINIA

THE RUTHERFORD INSTITUTE

Terry McAuliffe, Governor of Virginia

July 17, 2017

Dear Governor McAuliffe:

We write to express concerns over the outsized and militaristic governmental response to those who chose to peacefully exercise their First Amendment rights to assemble in public and engage in peaceful, nonviolent protests. We understand that the issues we bring to your attention are

PRECIPITATING EVENTS



- On July 17, 2017, advocates criticize law enforcement response as “outsized and militaristic”
- August 2, 2018: Governor McAuliffe participates in a phone call with the Mayor of Charlottesville and provided numerous public safety recommendations
- August 2, 2018: The Virginia State Police holds a briefing for Charlottesville City Council and the Mayor to provide updated intelligence

PRECIPITATING EVENTS: THE MEMO

Permit should not allow:

- Firearms/weapons of any sort within 10 block vehicular restriction area
- Designated parking areas
- Bus protestors to and from protest area
- Consider reducing time allowance from 5 hours to 3 hours for safety reasons
- Prohibit signs, poles, items that could be used as weapons
- Mandatory meetings prior to protest between law enforcement and organizers



NOW: Cville Parks and Rec sets up barricades in Emancipation Park ahead of tomorrow's rally. One worker pulled a long knife hidden in bush.



8:55 AM - 11 Aug 2017

74 Retweets 43 Likes



PRECIPITATING EVENTS: AUGUST 10, 2017, KESSLER AND ACLU FILE SUIT OVER VENUE CHANGE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

(Charlottesville Division)

JASON KESSLER,

Plaintiff,

v.

CITY OF CHARLOTTESVILLE

and |

MAURICE JONES,
Charlottesville City Manager
In his official and individual capacities,

Defendants.

) Case No. 3:17-cv-00056

)

) COMPLAINT FOR
) DECLARATORY AND
) INJUNCTIVE RELIEF
) AND DAMAGES

)

)

)

)

)

)

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)

VERIFIED COMPLAINT

PRELIMINARY STATEMENT

1. The First Amendment guarantees political speech, including protest, the highest level of protection—and the right to speak out is most robust in traditional public fora, including public parks and streets. Since this country’s founding, people have taken to the parks, streets, and sidewalks to make their voices heard on matters of public concern. This case is about viewpoint discrimination by Defendants against Plaintiff. Plaintiff’s views are highly controversial and have evoked strong protests and demands heard by City Council that his permit be revoked.

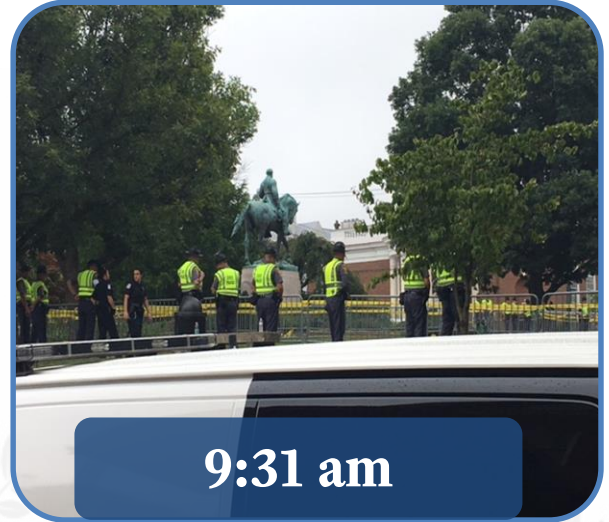
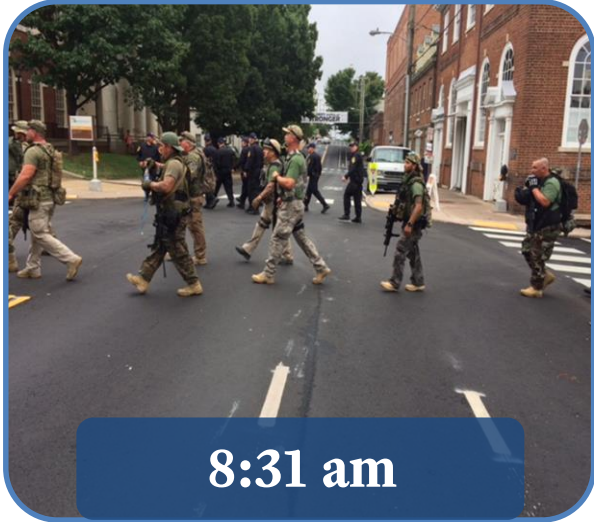
PRECIPITATING EVENTS: AUGUST 11, 2017, TORCH RALLY AT THE UNIVERSITY OF VIRGINIA



*August 11 Torch Rally at the University of Virginia
Source: Daily Progress*

[Video Footage](#)

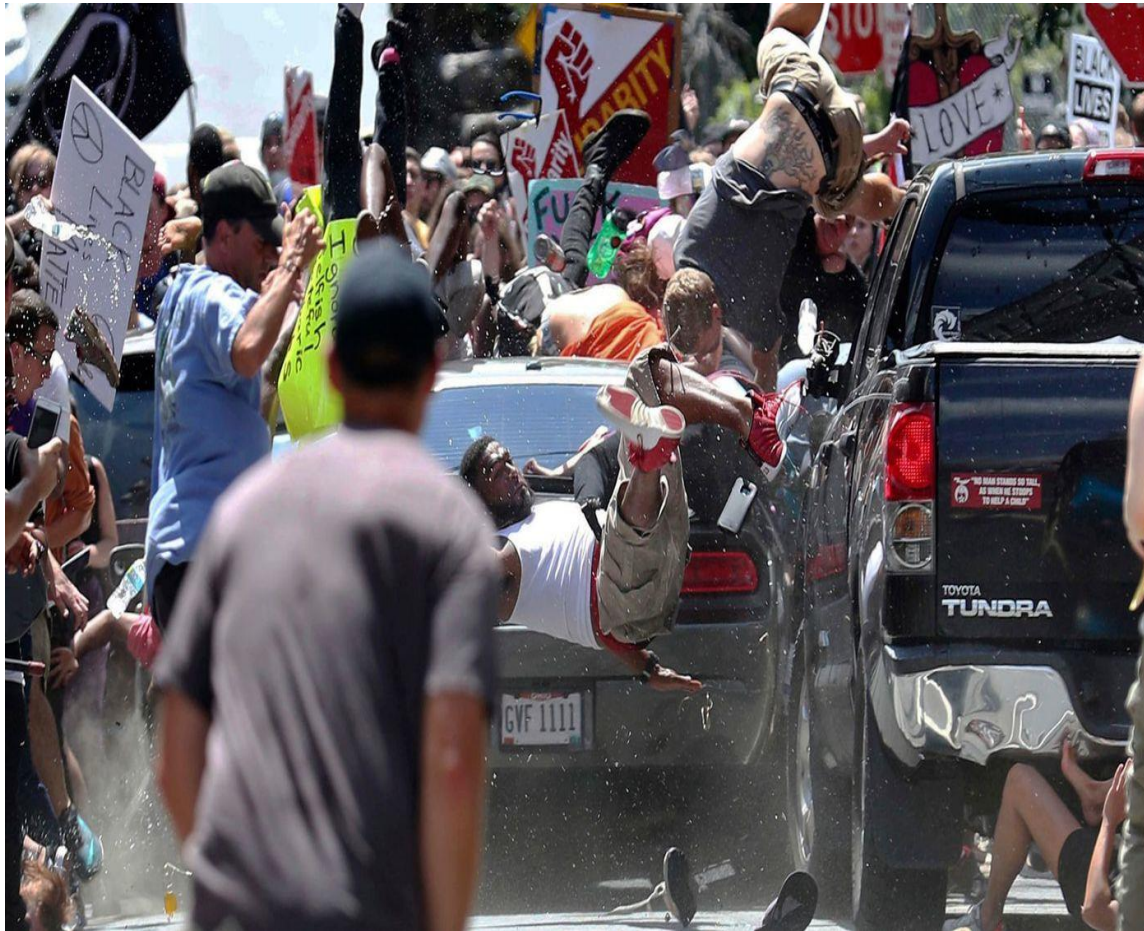
AUGUST 12, 2017: TIMELINE OF EVENTS



AUGUST 12, 2017: TIMELINE OF EVENTS

- 11:28am: Governor McAuliffe declares a State of Emergency
- 11:32am: Law enforcement declares unlawful assembly, gives participants 11 minutes to clear park
- 11:32am-12:00pm: Law enforcement clears park, National Guard assembles to secure and protect the park

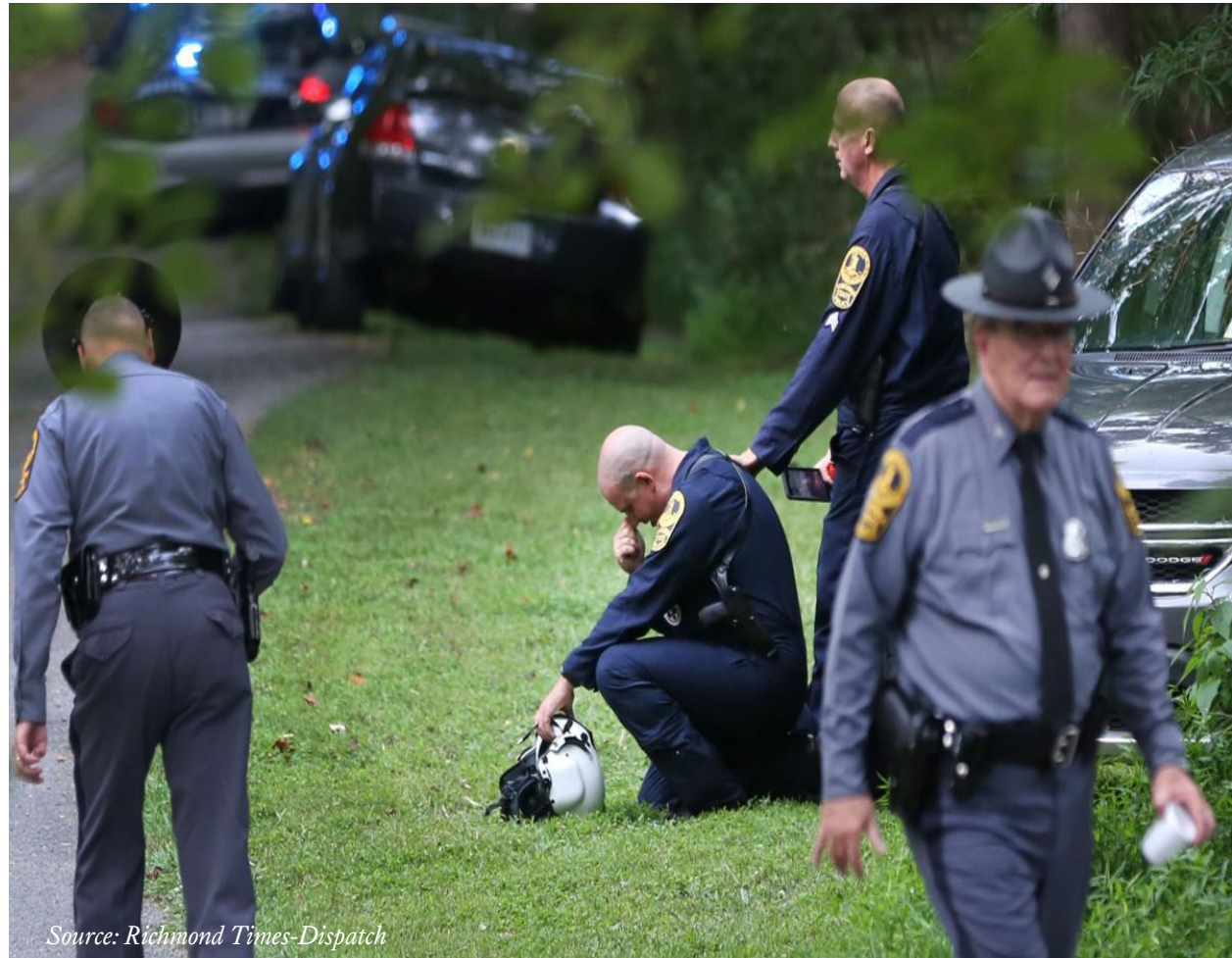
AUGUST 12, 2017: TIMELINE OF EVENTS



- At 1:43pm, a domestic terrorist drives his vehicle into a crowd of people, killing 32-year-old Heather Heyer and injuring dozens more

AUGUST 12, 2017: TIMELINE OF EVENTS

- At approximately 4:51pm, a Virginia State Police helicopter crashes, killing Lieutenant H. Jay Cullen and Trooper-Pilot Berke M.M. Bates



Source: Richmond Times-Dispatch

AUGUST 12, 2017: TIMELINE OF EVENTS

"I have a message to all the white supremacists and the Nazis who came into Charlottesville today. Our message is plain and simple. Go home. You are not wanted in this great Commonwealth."
-Governor Terry McAuliffe



*6:30pm Press Conference with Governor and City Officials
Source: WTOP*

LESSONS LEARNED

EXECUTIVE ORDERS 67 AND 68

- On Friday August 18, 2017, Governor McAuliffe signs Executive Order 67, which temporarily suspended permitting at the Robert E. Lee Monument in Richmond, VA pending a thorough review of the regulation
- On Thursday, August 24, 2017, Governor McAuliffe signs Executive Order 68, establishing the Task Force on Public Safety Preparedness and Response to Civil Unrest

TASK FORCE ON PUBLIC SAFETY PREPAREDNESS AND RESPONSE TO CIVIL UNREST

The Task Force was charged with:

- Reviewing results from an independent After-Action Review (AAR)
- Reviewing state and local permitting processes
 - Developing a regulation for permitted events at state-owned Lee Monument
 - Developing a permitting reference document with best practices for local governments
- Assessing the Commonwealth's ability to prepare for and respond to incidents of civil unrest



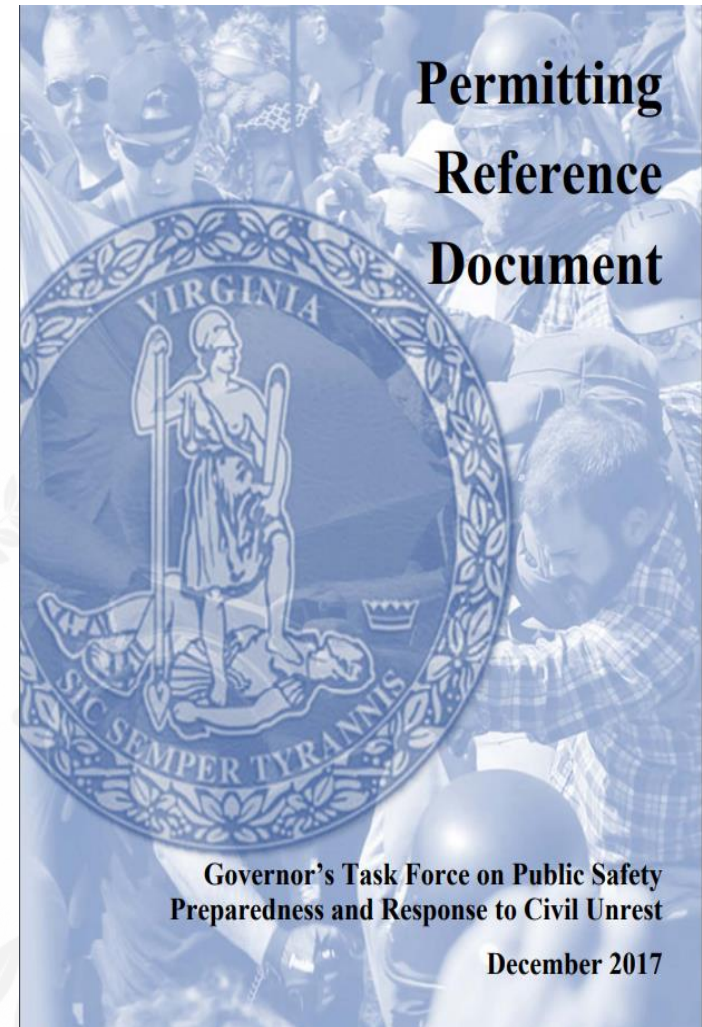
*Task Force Meeting
Source: Olson Group, LTD*

PERMITTING WORK GROUP

Governments should adopt robust permitting processes and address the following areas:

- Threshold for requiring a permit
- Capacity limits for public spaces
- Tiered permit applications
- Time restrictions
- Timeline for submitting and reviewing permit applications
- Fees
- Off-duty public safety officers
- Weapons restrictions
- Coordination
- Communication
- Evaluation and feedback

Permitting Reference Document



<https://www.pshs.virginia.gov/commissions-task-forces-and-working-groups/previous-administration/task-force/>

PREPAREDNESS AND RESPONSE WORK GROUP

Preparedness and Response Work Group was charged with reviewing and making recommendations on the following issues:

- Appropriate lines of authority and control
- Internal and external communication
- Planning
- Coordination of preparedness and response efforts
- Capabilities
- Deployment of resources
- Intelligence gathering and information sharing
- Cyber security



*Clearing of Emancipation Park
Source: Northwest Herald*

MAJOR FINDINGS: PERMITTING

- Permitting was identified as key issue
 - Charlottesville did not leverage existing processes to impose critical public safety restrictions
- Common misconception that requiring permits violates the First Amendment
 - Strong permitting processes enhance First Amendment by protecting safety of speakers
- Governments can impose reasonable time, place & manner restrictions
- Robust permitting processes provide governments with a mechanism to plan, allocate resources and execute safe, successful events
- Task Force developed a reference document for governments and recommended banning firearms and other weapons



*July Charlottesville City Council Meeting
Source: C-Ville Weekly*

MAJOR FINDINGS: NEW ERA OF PROTESTS



"Unite the Right" rally
Source: *The Daily Progress*



Protestors and counter-protestors at "Unite the Right" rally
Source: *CNBC*



"Unite the Right" rally
Source: *Knoxville News Sentinel*

MAJOR FINDINGS: NEW ERA OF PROTESTS

- Out-of-state actors traveling to attend similar types of events with the intent of agitating crowds
 - At least 35 states represented in Charlottesville
- Need to leverage criminal history information to identify bad actors
- Protestors and counter-protestors with intent to incite violence
- Introduction of personal protection equipment, firearms, and other weapons
- Use of social media to promote events and spread false information

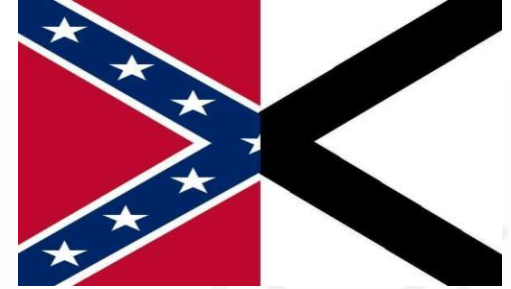
WHITE SUPREMACIST & ANTI-ANTIFA GROUP SYMBOLS



Vanguard America



Vanguard Virginia
(state chapter of Vanguard America)



League of the South



Traditionalist Worker Party (TWP)



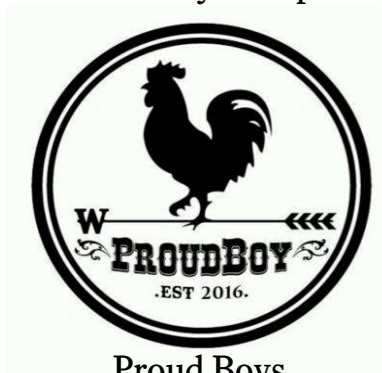
Identity Evropa



Ku Klux Klan



National Socialist Movement



Proud Boys



Fraternal Order of Alt-Knights - FOAK

MAJOR FINDINGS: MULTI-DISCIPLINARY TRAINING



NATIONAL INCIDENT MANAGEMENT SYSTEM

- The After Action Review (AAR) revealed the need for cross-disciplinary trainings and exercise opportunities on National Incident Management System (NIMS) and Incident Command System (ICS)
- Fire and Emergency Management agencies have historically embraced NIMS and ICS while law enforcement has utilized internal practices

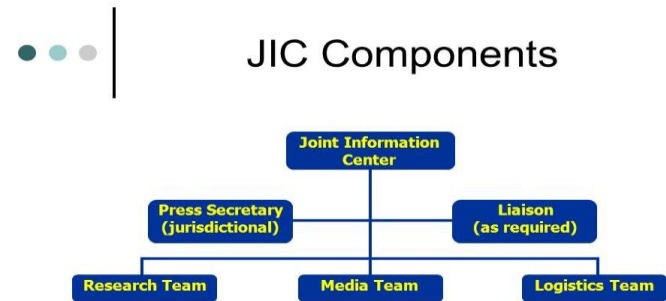
MAJOR FINDINGS: MULTI-DISCIPLINARY TRAINING



- DCJS, in consultation with VSP and VDEM hosted four regional trainings on preparation and response to civil unrest
- They also hosted *The 2018 Virginia Homegrown Violent Extremist (HVE) Counterterrorism Practitioners Conference/Training*
- VDEM received \$1,000,000 to develop and implement regional NIMS trainings

MAJOR FINDINGS: INFORMATION SHARING

- Information and intelligence sharing is critical to success
- A multi-agency Joint Information Center (JIC) should be established during an event
- The JIC should leverage social media to ensure the public receives timely, accurate information



Slide courtesy of FEMA



MAJOR FINDINGS: RESOURCES AND CAPABILITIES

- Importance of understanding what resources and capabilities are available at the state and local level
- Integrate resources and capabilities to ensure thorough, coordinated planning and response
- Utilize Incident Management Teams to assist with planning and integration efforts

MAJOR FINDINGS: LINES OF AUTHORITY

- National emergency management doctrine holds that “all emergencies begin and end locally”
- Local governments lead and states provide support
- Relationship becomes tenuous when state support overwhelm local assets
- Further study is needed on how to best integrate state assets into local preparations and response



*Unified Command at Wells Fargo
Source: LACP*

MAJOR FINDINGS: LINES OF AUTHORITY



“UNITE THE RIGHT 2.0”

“UNITE THE RIGHT 2.0”

AUGUST 11, 2018: CHARLOTTESVILLE, VA



*Public Meeting at Mt. Zion First African Baptist Church
Source: Cavalier Daily*



*Heather Heyer Way
Source: USA Today*



*“Unite the Right 2.0”
Source: USA Today*

“UNITE THE RIGHT 2.0”: TIMELINE OF EVENTS



Chief Al Thomas
Source: Richmond Times-Dispatch

- November 27, 2017: Kessler files for special event permit to hold a rally on “Unite the Right” anniversary
- December 11, 2017: City denies Kessler’s permit request
- December 18, 2017: Al Thomas, Chief of Police, announces retirement
- December 19, 2017: Craig Brown, City Attorney, announces retirement

“UNITE THE RIGHT 2.0” : TIMELINE OF EVENTS

- January 2018: Lisa Robinson is appointed interim City Attorney
- January 2, 2018: Chief Dupuis is appointed as interim police chief
- February 2018: City adopts new permitting ordinance
- March 6, 2018: Kessler files suit to challenge permit denial

“UNITE THE RIGHT 2.0” : TIMELINE OF EVENTS

- May 25, 2018: Charlottesville City Council announces that City Manager Maurice Jones’ contract will not be renewed
- May 25, 2018: Dr. RaShall Brackney is appointed as Chief of Police effective June 18, 2018



*Chief Brackney Swearing In
Source: The Daily Progress*

“UNITE THE RIGHT 2.0”: TIMELINE OF EVENTS

- July 24, 2018: Kessler withdraws his request for a special event permit
 - Now potentially unpermitted event
- July 31, 2018: Mike Murphy is appointed Interim City Manager
- August 1, 2018: John Blair is appointed City Attorney



Source: WHSV

“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED

- State and local agencies began jointly planning for “Unite the Right 2.0” in March 2018
- The National Incident Management System (NIMS) and its Incident Command System (ICS) were adopted and utilized
- All public safety and supporting agencies operated under the direction of a Unified Command



**NATIONAL INCIDENT
MANAGEMENT SYSTEM**

“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED

- Virginia State Police Captain identified as Incident Commander early in the planning process
- The Virginia Department of Emergency Management deployed a full-scale Incident Management Team (IMT) in May
- The IMT ensured the development of a single flexible Incident Action Plan that could be adapted throughout the weekend
- Agencies participated in more than 35 planning meetings
 - Policy meetings
 - Legal meetings
 - Tactical meetings
- City and state officials hosted 7 community briefings

“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED

Police Perimeter
Source: VSP



“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED

- Governor Northam signs Executive Order 15 declaring a state of emergency 8/8/18
- Agencies participate in a tabletop exercise to test the Incident Action Plan
- Multi-agency press conference outlining preparations for the weekend and communicating expectations to local residents and event attendees



“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED

- A JIC was established with all agencies represented
- An EOC was set up off-site, with a separate policy team room for high-level officials
- The UC was located off-site



“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED



“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED



*Kessler at Northern Virginia Metro Station
Source: VOX*

“UNITE THE RIGHT 2.0”: IMPLEMENTATION OF LESSONS LEARNED

- Significance of having a comprehensive and flexible IAP:
 - Kessler withdrew permit application, so plan must account for unpermitted nature
 - Event at UVA for new president Saturday morning
 - “Rally for Justice” at 7pm on UVA campus
 - Late application for free speech rally on Sunday morning at Booker T. Washington Park
 - Shifting focus to Northern Virginia on Sunday



“Rally for Justice”
Source: Richmond Free Press

LINK TO TASK FORCE WEBSITE

Below is a link to the Task Force website, which includes the:

- Final report
- After-Action Review
- Permitting Reference Document

<https://www.pshs.virginia.gov/commissions-task-forces-and-working-groups/previous-administration/task-force/>

QUESTIONS?

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