

City Manager Response to Issues Raised in Confidential Personnel Memorandum

1. I was in constant communications with City officials while I was out of the office. I communicated daily with Assistant City Manager Mike Murphy either by phone or email. I also had phone conversations and email exchanges with Chief Thomas every day during the six days I was out of the office, one day more than the Mayor's own vacation during this time period. I was also in constant contact with City Attorney Craig Brown and Director of Communications Miriam Dickler. Additionally I had several phone conversations with Mayor Signer and Vice Mayor Bellamy in advance of the closed session on Wednesday August 2nd. I joined the City Council's closed session discussion via phone for four hours on August 2nd, followed by another nearly hour long call with staff. I spoke to Rosa Atkins, Mike Murphy, Craig Brown, Chief Thomas and each City Councilor by phone the day after the closed session. I also had a conference call with Mayor Signer and Craig Brown on August 6th.
2. Staff was examining the feasibility of requiring the rally to move to McIntire Park since early July. The City Attorney and Deputy City Attorney made it clear on several occasions that they felt requiring the applicant to move the rally to McIntire Park on the basis of potential violence would be difficult if challenged. During the week of July 17th, several meetings were held with staff to discuss the possibility of moving the event. There were several interactions between staff and the Council during that week as well. Staff also communicated with each other and the Mayor during the week of July 24th.

I disagree that the "will of the Council" was clear. In conversations with Councilors in advance of the closed session on August 2nd several Councilors, including Mayor Signer, expressed concern about personal liability if the Council took action to move the rally to McIntire Park. However despite the lack of clarity staff continued to investigate the possibility of moving the rally. In addition the Mayor told the City Manager during this time period that a legal expert he consulted with told him there was a one in three chance of winning if a decision to move the rally from Emancipation Park was challenged.

To state "there was no movement forward" on the issue of relocating to McIntire Park was simply false.

The Council never took formal action on its desire to move the location of the rally. After consulting with staff I made my decision to approve the permit for McIntire based on public safety concerns. Despite the best efforts of our legal team and outside counsel, the City lost our case in court because the judge ruled the decision to move the rally was not content neutral. He used several social media postings from the Council to prove his point.

Mr. Kessler made it clear to the City both in meetings with Captain Lewis in July where she asked if he would move the event to McIntire and then again with me on August 7th that he had no intention of moving the rally to McIntire and would first, file a lawsuit to retain his right to demonstrate in Emancipation Park and secondly, would demonstrate

there even if a judge allowed us to move the rally to McIntire Park. The chances of an event being held at McIntire Park on August 12th were slim to none.

3. I spoke to each Councilor on the evening of Thursday August 3rd to inform them of where I was leaning on my decision after consulting with Chief Thomas. Chief Thomas and I discussed his concerns about public safety including the possibility of defending “two fronts” (Emancipation Park and McIntire Park). I also contacted Dr. Rosa Atkins to see if Charlottesville High School’s parking lots would be available for parking if the rally was moved to McIntire. That was less than 24 hours after the closed session ended and in no way impacted the planning for the rally. In fact, Chief Thomas told me on Thursday morning that he was already preparing for McIntire and Emancipation Parks just in case.
4. Chief Thomas does not recall Captain Mitchell stating that a CSO would be stationed at the synagogue.
5. We were unaware of Secretary Moran’s promise to have the National Guard provide protection of the synagogue. Police stationed an officer on the corner of the block where the synagogue is located plus another 55 officers about one block away in the other direction. In addition we had snipers on a rooftop in close proximity, whose primary responsibility was to monitor a two block radius which included Beth Israel. We also had a group of Virginia State Police officers who were walking a four block radius between two of our parks (Justice and McGuffey) on a route that passed the synagogue on several occasions throughout the day’s events.

I, along with Mike Murphy, Captain Victor Mitchell and Mayor Signer personally met with Rabbi Tom Guthertz and Mr. Alan Zimmerman on Wednesday August 16th, to explain the security that surrounded Congregation Beth Israel on August 12th. I showed them a GIS map of where our officers were positioned. Both Rabbi Guthertz and Mr. Zimmerman seemed to be re-assured that there was adequate protection around the synagogue on August 12th. Mr. Zimmerman apologized that his email had become an issue and was spreading on the internet. I told him not to worry about it and that we were all angry about what happened to our community. I also proposed having our officers provide security at the temple for their services on August 18th and 19th. They appreciated our attention and concern for their safety. On the evening of August 18th Chief Thomas and I received the following text from Mayor Signer, “Al, Maurice – thank you for the cops at the synagogue tonight. It is packed here and hugely reassuring to the folks here. Very emotional service as you can imagine. Thanks again.”

Rabbi Guthertz sent us this statement for public distribution the day after we met: “Yesterday, Alan Zimmerman and I met with the Charlottesville Police Department. Police officials reviewed with us the security provisions they made for the safety of our congregation during the protests. Based on our discussion, we are now confident that the steps they took were carefully considered to protect us and were effective. We note that we had also met with and spoken to the department prior to the rallies as part of our preparation. We look forward to continuing to work with them to guarantee the security of our community and thank them for their service.”

6. There was no “stand down” order given by the Mayor, City Manager or anyone with the Charlottesville Police Department. The city is concerned about reports of officers’ unwillingness to intervene in particular situations and Chief Thomas has responded by instructing his commanders to review body camera video footage from each CPD officer assigned to the demonstration. Officers were instructed to continuously record on August 12th. Chief Thomas has directed his commanders to review the 8-10 hours of video for each officer assigned to determine if officers did not intervene with citizens begging for assistance.
7. Our staff determined that scheduling additional meetings with residents would be difficult in such a short time period, so we provided information to both CRHA and Friendship Court to pass along to their residents. Assistant City Manager Mike Murphy sent the following email to the leadership in both organizations on Tuesday August 8th and followed up with additional information for the residents.

“Good afternoon. Last Saturday at Westhaven day Councilor Galvin spoke to a resident with connections to Friendship Court and the CRHA properties. She shared that your residents are feeling vulnerable and lack information about how they will be kept safe on August 12. We would be happy to talk with you about a communication strategy for your residents. We do have limited resources but we could provide information for a flyer, meet with staff in your organization, meet with block captains in Friendship Court or PHAR representatives, or hold a short meeting for residents in a community center. Obviously time is short and you know best how to get information to your tenants. Please get back to me directly if you see any need and to discuss alternatives.

All the best,

Mike”

Both organizations agreed to deliver information to their residents. A few days later, Mr. Duffield thanked us and reported that the flyers were hand delivered to residents. PHA’s Claudette Grant and Sunshine Mathon both thanked Mr. Murphy and Ms. Dickler for communicating with them and made a commitment to getting the information to their residents.

The police did not have any credible intelligence that Friendship Court, Sixth Street or Crescent Halls was a target of white supremacists. Forbidding parking on Garrett Street, 2nd Street SE, Monticello Avenue, Sixth Street and South First Street was proposed by Mr. Brandon Collins. As far as I know no resident of those housing complexes that are served by those spaces, or the property owners, ever requested restricting street parking. It would have also been difficult to provide adequate enforcement of the no parking restrictions on August 12th due to the need for all of our resources to be on or near the scene of the rally. We also did not have intelligence that any of those locations were targets of the Unite the Right rally attendees.

8. In advance of the events of August 12th the City and Virginia State Police communications teams advised the media and the public to follow the events of the day on twitter and Facebook. On the day of the rally there were 27 tweets posted or retweeted @CvilleCityHall. We also had 20 Facebook posts on the Charlottesville Police Department's page. Plus numerous press releases were sent to the media and posted on www.communityemergency.org. The PIOs also sent six press release emails to the media. The communications team collaborated closely with the Virginia State Police and regional PIOs throughout the day to provide information. The Mayor, City Manager and Police Chief joined Governor McAuliffe for a press conference on August 12th that was broadcast live throughout the country. I would hardly characterize the City government as "silent" on that day.
9. Staff never committed to "daily press briefings" in the days leading to the August 12th event. We did make a commitment to offer information to the media almost every day during the week of the 7th beginning with a press conference attended by the Mayor, City Manager and Police Chief.

We did not have the press briefing on August 3rd because there was a possible change in our plans for the August 12th rally. We were fully planning to have a briefing on issues related to July 8th and August 12th on Monday, August 7th but the content of the press conference changed to focus on the change in location for the rally. Our police department began shifting their plans to cover two possible sites for rallies and our legal team was busy preparing the City's defense of the decision to move the rally. There was little time available to hold a presser to discuss the July 8th event. We also held a press conference on Friday August 11th to discuss logistics for the next day, one day after Captain Mitchell provided information to the media in a press conference in the City Council Chambers.

10. In the nearly 16 years I've been involved with local government I've never had a Councilor request to review documents related to security plans for events including visits by Presidents Obama and Bush and the Dalai Lama. I may be mistaken but as far as I can tell we did not receive a request from any of the Councilors to review the written security plans for the August 12th event. Aside from Mayor Signer, no Councilor requested entrance into the Command Center that weekend. Our concern about having the Mayor in the command center was we were in a relatively small space with more people than we had on July 8th. At one point the Mayor came to the command center and was asked to wait on the 8th floor of the building, and that I would come up in a moment to update him and the Powell/Tate team on the situation. The Mayor stated that nothing was happening on the 8th floor and apparently left the building.

On two separate occasions during the height of the crisis, the Mayor threatened my job and that of the police chief because of our concerns about allowing him to be part of the command center. He said, "You work for me", and I replied that "I worked for the City Council."

11. Staff attempted to get the information concerning the vote on the curfew on the web site as soon as it was possible. It was posted on Twitter at 8:34 p.m. The Council did not vote on the ordinance until after 7:00 p.m. so Chief Thomas would probably have set the curfew for a little later in the evening, if necessary, to allow for people to clear the streets. It was not necessary.

I forwarded an email to City Council from IT Director Karen Parker with details on the issues related to the web site and our email exchange on August 15th.

12. I believe that the presence of Chief Thomas during the Council meeting of August 21st would have only added to the agitation of the crowd. The Chief's response on several issues would have been similar to mine because they are still reviewing what may have occurred on August 12th. The Chief had previously addressed some of the questions concerning 4th Street. There was no new information to report.

I do believe that the statements I made to the audience on Monday night and the question and answer session with them and the City Council was productive. The folks who were left seemed to appreciate the attempt to communicate with them.

13. Chief Thomas has made it clear that the use of tear gas was an effective way to disperse the crowd on July 8th. A portion of the crowd had begun to escalate their behavior and clearly indicated they were not going to move without being arrested. Chief Thomas gave 8-10 media interviews and discussed the use of tear gas by VSP. He made it clear that he supported the decision to deploy OC in an effort to safely disperse the unruly crowd.

Yes, there was a miscommunication about deploying the tear gas at that moment but it avoided physical force by the police.

14. I explained to each Councilor individually the basics of the security plan for July 8th. No Councilor requested a copy of the plan.
15. I felt that in the aftermath of the July 8th event it was best for me to provide background on the first amendment and why the City had no choice but to allow the Klan to rally in Justice Park and to also take some time to provide background on the police department's actions that day. Each City Councilor approached me at some point that night and thanked me for taking the time to explain our position and all offered positive feedback.
16. Chief Thomas and his team are working on an after action report for both July 8th and August 12th. He and his command team had little time to do a comprehensive report on July 8th while simultaneously preparing for August 12th. In addition we have hired outside counsel to conduct an independent review of the City's preparations and response.

