



**CITY OF RICHMOND**  
**POLICE DEPARTMENT**  
**COLONEL ALFRED DURHAM**  
**CHIEF OF POLICE**

July 22, 2016

Claire Guthrie Gastanaga, Executive Director  
American Civil Liberties Union of Virginia  
701 E. Franklin Street, Suite 1412  
Richmond, Virginia 23219

**RE: Response to ACLU's Trump Rally Letter**

Dear Mrs. Gastanaga:

I am in receipt of your July 18<sup>th</sup> letter, penned 39 days after the Trump Rally. Your letter addressed five (5) specific concerns brought to you by unnamed "legal observers" purportedly in attendance on the evening of the Trump Rally held at the Coliseum on June 10<sup>th</sup>. This response will address those specific concerns and clarify actual actions taken by the Richmond Police Department on that evening; noting that I, along with my entire Command Staff, were present and on the scene, however these concerns were not brought to our attention.

I want to begin by making clear that it is my ultimate goal, at all times, to the best of my ability, to ensure the safety of **all** citizens, visitors, employees and officers of this fine City regardless of race, religion, sexual orientation, political affiliation, physical or mental limitation. To that regard, I have sought to build relationships and partnerships within the community which foster unity, understanding, cooperation, youth engagement, open dialogue, and collaborative solutions. Indeed last year, I invited you into our process and welcomed your input regarding our Body Worn Camera Policy; an initiative I championed to create greater transparency between officers' interactions with the public. It is with those same open arms that I accept your invitation in your letter to "meet with you personally" to discuss your concerns in more detail, noting your letter offered no possible solutions.

Directly addressing stated concerns in your July 18<sup>th</sup> letter:

**1) Information Communicated by RPD Officers:**

On the evening of June 10<sup>th</sup>, the "Trump for President" Campaign, leased the Coliseum through contract for a Trump Rally. Based on the documentation provided to the RPD, the lease included the ingress and egress areas of the Coliseum and the Rally required a ticket for admission to the event. Accordingly, based on the nationally televised outbreaks of violence at earlier Trump Rallies in other Cities across the country and the seeming escalation of that violence, I, in consultation with law enforcement officials from recently visited Cities by Trump, sought to develop a public safety plan that best protected life and property, secured the leased premises, while still allowing for the free exercise of expression.

Based on the above, for safety and tactical reasons a path was established for the ingress and egress to the Coliseum for those individuals who had tickets to the event. Additionally, a Free Speech section was provided among the "non-event" reserved areas where individuals could stand and freely express themselves. The path for admittance into the Coliseum passed



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directly in front of the free speech area within touching distance. RPD's purpose for asking whether individuals had tickets for the event was to properly direct them to the admission line or to other areas in close proximity allowing for expression. RPD did not inquire as to whether the person was an actual Trump supporter, just whether that had a ticket. If they did not have a ticket, the individual was directed to the free expression areas. Some of those individuals stated that they were protestors, others identified themselves as the "I love God" group and so forth. Regardless of affiliation, if they did not have a ticket, they all received the same instructions, including those individuals who may have been Trump supporters.

**2) Officers Badges displaying "mourning bands" across the center of their Badge**

I begin by stating I know of no officer who had their badge numbers covered, nor individuals with tape on their badges. It is a long held custom and practice in law enforcement for officers to shroud their badges with a "mourning band" when an officer has died. However, it is important to note, the mourning band does not cover their badge number nor is it worn in the area of the badge number. Mourning bands are worn across the center of the badge, while badge numbers, in the case of badges with actual numbers, are displayed at the bottom. All officers, unless working undercover or special operations are required to wear their name tags and pursuant to Departmental policy are required to provide their names when asked whether in person or via phone. Accordingly, on June 10<sup>th</sup> many officers, due to the unfortunate death of one of our long-standing officers, were displaying mourning bands on their badges, but this would not have obstructed badge numbers if present. A photo of a shrouded badge is attached with this correspondence.

**3) Misstatement regarding "Protestors" being corralled while Trump supporters were allowed to allegedly move freely.**

As stated earlier, the Rally required a ticket for admission to the event. If an individual did not have a ticket, the individual was directed to the free expression areas. Some of those individuals stated that they were protestors, others identified themselves as the "I love God" group and so forth. Regardless of affiliation, if they did not have a ticket, they all received the same instructions, including those individuals who may have been Trump supporters. And those with tickets, regardless of political views, were directed to the admissions line.

In response to your bottleneck assertions, from going back and discussing the evening with members who were present and based on the after action briefing, at no time did anyone bring to RPD's attention that there was an alleged bottleneck on the 5<sup>th</sup> street side. To the best of RPD's knowledge and planning, individuals could enter and exit from the 7<sup>th</sup> Street side and 5<sup>th</sup> Street side, and from behind. We are unaware of, nor was it brought to RPD's attention that anyone who went to the restroom had difficulty returning to the free speech areas. Finally, in this portion of your letter you note that "Trump" supporters entered the free speech areas and engaged in "antagonizing" behavior. It is unclear whether you are asserting their behavior exceeded the legal limits for free expression of their First Amendment rights. Any "alleged public intoxication" was not brought to the attention of my officers nor do I have any indications that they observed any such behavior directly.



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**4) Altercation between Trump supporters and Crowd of Protestors**

In this section of your letter you assert that an officer allowed Trump Supporters into the protest zone and those individuals were allowed to freely walk in and out of the crowd of protestors. Officers were not instructed to inquire as to political affiliations of individuals entering “non-event” areas, nor the content of their views. Rather their goal was to direct individuals with tickets who were going to the event to the path for admittance and all others were directed to the “non-event” areas.

You also note that several of the individuals in the non-event area “chanted pro-Trump slogans and pushed their way into the center of the crowd. . . Several individual fights broke out and police removed the three men and two protestors.” Again, the non-event reserved areas allowed for the freedom of expression within the permissible limits of the law. As such, individuals stating pro-Trump slogans would not rise to the level of police intervention, however, the first sight of a physical altercation brought a swift and immediate intervention from Police bringing the physical altercation to a quick end without any substantial injuries to those involved or in the crowd surrounding them.

**5) You assert after the rally, during the march through downtown Richmond, “Trump supporters or those wanting to antagonize the protestors followed closely behind and around protestors”**

In this section of your letter, you claim Police “failed to keep opposing protestors apart” as they marched through downtown Richmond. The City of Richmond has a Permit process for demonstrators to seek permits requesting Police to facilitate their procession. No such permit request was filed in conjunction with a “march through downtown,” for any identifiable group nor was there a request for Police assistance regarding “the march through downtown.” Moreover, since no route or notice from demonstrators had not been provided for this march, Police had the dubious role of disbursing crowds at the Coliseum for a known event and tracking an unidentified “march through downtown.” I am pleased, we were able to successfully maintain order at both venues without incident during this time period. Specifically regarding your assertion that Trump supporters followed closely behind protestors “wanting to antagonize” them -- again it was not the role of RPD to regulate the content of permissible expression of Free Speech or separate groups based on the content of their message, but rather to ensure public safety via tactically sound methods. As mentioned before, any “alleged public intoxication” was not brought to the attention of my officers nor do I have any indications that they observed any such behavior directly.

Sincerely,

A handwritten signature in black ink that reads "Alfred Durham". The signature is written in a cursive style with a long horizontal flourish at the end.

Alfred Durham  
Chief of Police