

In crisis and left waiting

Mental health patients, law enforcement experience pandemic-related delays sometimes extending more than 24 hours

BY JASMINE FRANKS
Staff

On a Friday morning in late November, Sgt. Josh Taylor and other Marion Police officers and Smyth County deputies responded to a report of a suicidal woman holding a knife to her chest.

Officers tried unsuccessfully to de-escalate the situation and negotiate with the woman to drop her weapon, but the woman became violent and the officers had to use a stun gun to subdue and disarm her, according to police accounts.

The woman was detained on an emergency custody order, also known as an ECO, and taken to the Smyth County Community Hospital, where she was evaluated by a crisis worker and determined to need treatment in a psychiatric facility. A magistrate issued a temporary detention order, or TDO, and then the only thing left was to locate an open bed in a psychiatric facility. And wait.

And wait.

Finding an available bed for people in crisis has long been a fairly lengthy process and one that requires law enforcement presence from the time an ECO is issued to the time the patient is transported to the facility.

For years, law enforcement and mental health advocates have pushed to alleviate this burden on both law enforcement and the patients they transport. Efforts over the last

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Marion Police Chief

few years to address the issue through programs like the Alternative Transport Program have been well-received.

Some area agencies say they’ve seen as few as half of the calls they previously had, while others say they’ve seen little difference. Challenges presented by the COVID-19 pandemic have nonetheless found officers once again tied up with mental health calls, but now for longer periods of time.

“Before COVID restrictions, typically you were looking at eight hours,” Taylor explained. “It may not seem like much more at 24 hours, but when you’re tying up resources for three times as long and holding these people for almost an entire day, it just becomes a problem all the way around.”

In the emergency room at Smyth County Community Hos-

See **WAITING**, Page A5

Waiting

From Page A1

hospital, Taylor sat with the patient he'd brought in that morning. When his shift was over that evening, another officer took this place. When he returned to work the following morning, Taylor returned to the hospital to resume his sentinel duty as the woman still waited to be transported.

Finally, just after 4 p.m. -- 33 hours into the ordeal -- the woman was taken to a nearby facility to begin her treatment.

This incident was a record for Marion officers, but it's not entirely unique. Just four days later, Taylor returned to SCCH's emergency room to sit with another patient awaiting transport to a facility. That process took 27 hours from start to finish. On Oct. 7, another took 31 hours.

Marion's police chief, John Clair, said his department has been dealing with lengthy wait times since September.

"We still get some reasonable ones, but I think what's going on is the pandemic is kicking in," he said.

Other agencies in the area are experiencing similar issues with delayed transports. Both Smyth County Sheriff Chip Shuler and Bland County Sheriff Jason Ramsey said their offices have seen holds turn into 20-plus-hour events. While Wythe County hasn't seen quite as drastic wait periods, the Wythe County Sheriff's Office has still dealt with significant increases to their hold periods, too.

When the newspaper reached out to WCSO for comment last week, a Wythe County deputy was about halfway through a 14-hour hold, just waiting for the OK to transport the patient.

"We are in this situation right now," Maj. Anthony Cline replied.

"The problem is," he later explained, "they're issuing a TDO that's not going anywhere."

Likewise, Ramsey said one of his deputies also completed an estimated 15-hour hold and transport in recent days.

"From what we're being told, it's a bed shortage," Ramsey said.

Chief Clair believes the bulk of the problem, at least locally, stems from Executive Order 70, which Gov. Ralph Northam issued in mid-August. Typically, under the Virginia Code, state-run psychiatric facilities are required to temporarily admit patients with TDOs if a bed in another in-patient facility can't be located. In an effort to mitigate the spread of the virus in state hospitals, Executive Order 70 suspends those admissions if the facility is at 100% capacity, which increases hold times significantly.

The result, Clair says, is that patients are forced to wait it out in the emergency room for long periods of time. The executive order also limits the placement of patients who are positive for COVID-19 in state-run psychiatric facilities. In a statement from Mount Rogers Community Services, which serves Smyth, Wythe and Bland counties, the CSB also noted that few private facilities will admit patients with positive COVID test results.

Earlier this week, officers with the Saltville Police Department took part in a nearly identical experience as Marion's 33-hour event. The difference for the Saltville officers was that the patient they accompanied was positive for COVID-19.

Saltville Police Chief Erik Puckett explained that mental health workers were unable to find a facility that would accommodate a patient with COVID-19, so after 32 hours, the patient was released home.

"The end result was that she didn't get the treatment or the care that she was there to get because of the COVID pandemic," Puckett said.

Mount Rogers Spokesperson Logan Nestor said in worst case scenario situations when beds cannot be located, the Department of Behavioral Health and Developmental Services has been contracting with community hospitals to allow patients to receive treatments in the medical hospitals.

Both patients involved in Marion PD's recent 33- and 27- hour events were transported to Ridgeview Pavilion in Bristol, so only a small portion of their hold time involved actual transport.

"In the past, if we couldn't get them in Ridgeview Pavilion in the TDO process, they would have had to go to the state hospital," Clair said.

The chief said he understands the need to help alleviate the burden the pandemic has created on state hospitals and crisis workers, but he feels the burden has been inadvertently placed on law enforcement.

"There's all these pieces that come in to play," he said. "There's hospitals, psychiatric hospitals, CSBs and law enforcement, and as a result of the pandemic, all these pieces seem to get accommodated except for law enforcement and the patient."

According to Mount Rogers' statement, Virginia, as a whole, has encountered extreme shortages of psychiatric beds both within the state hospital system and in the private sector.

Added to that, the nearest state hospital, Southwestern Virginia Mental Health Institute in Marion, halted admission of new patients altogether at the beginning of November due to an outbreak at the facility. The institute just resumed accepting new admissions last week. SWVMHI is one of just eight state-run behavioral health hospitals that serves adults. Other facilities have also halted admissions at other times during the pandemic.

"All of these factors have combined to create longer than normal wait times for individuals at our local hospitals' emergency departments," the Mount Rogers statement read.

Virginia DBHDS spokesperson Lauren Cunningham said SWVMHI and other state hospitals are regularly operating at 100% of their bed capacity. When hospitals are full, delays can happen, she said.

"As always, we are not denying admission except in cases related to COVID-19, but are delaying admission if state hospital staff need to work to make a bed available," Cunningham said.

"We understand that this makes it incredibly difficult on local law enforcement, especially smaller departments, who may have to stay with a patient for several hours before a bed comes available."

She noted that DBHDS agreed that "law enforcement cannot continue to operate in such a capacity that strains both individuals in crisis and community resources."

Virginia's community services boards and state hospital staff are working

alongside one another to facilitate safe discharges and to help those known to be at risk in the community avoid crisis, she said.

"DBHDS is working through existing discharge processes and engaging in specialized actions to facilitate discharges; however these tremendous efforts have not been enough to reverse the increasing census trends."

Some of those efforts include developing three CSB-operated assisted living facilities dedicated to state discharges, setting up transitional mental health group homes to aide in discharges and working with long-term care organizations to safely discharge appropriate geriatric patients.

Additionally, Mount Rogers has been using one of its programs to relieve law enforcement in the emergency department in Wythe County whenever possible, however that program is only available during night shift hours due to funding and officer availability, their statement said.

"We also utilize both our Wythe and Smyth County Crisis Care Centers in an effort to avoid hospitalizations when possible and provide services in a community setting."

The extended wait times in transporting patients to psychiatric facilities aren't just a problem for law enforcement. Above all else, it's also a huge burden to the patients, whose treatments are postponed during the wait.

In addition to the scenario Saltville officers experienced earlier this week, Marion's Officer Taylor said some patients become anxious, wanting to know where they're going and when. The long waits can also cause some to become agitated even when they were initially cooperative.

"Most of these people that are in the ECO/TDO process, the majority are cooperative, but there are some that can be cooperative in the first few hours, but sitting there for 24 hours or more, that can make just about anybody impatient and when you've got people seeking mental health treatment, that can make some become agitated," he said.

In early September, one patient became upset with the wait, demanded to be transported to a facility and then began damaging property in Smyth County Community Hospital's emergency department, according to police accounts.

"Anybody's going to get agitated after sitting in the ER for 20-plus hours," Sheriff Shuler said. "I mean, I get aggravated waiting in line for an amusement park ride. I can't imagine being these people who are just trying to get help. We can swap off, we can change shifts,

we can give deputies a break, but that person is sitting there the entire time. Hospital staff change over and we change over, but that person is there the whole time. It's heart-breaking."

And it's not a reasonable burden for patients to shoulder, Clair said.

"Imagine if I approached you and said, 'I've got a warrant for your arrest,' and I took you into custody and transported you to a processing center where I questioned you about the aforementioned crime and when I was all done, I left you handcuffed to a bench for 33 hours," Clair said. "If this was happening in a criminal process, people would be extremely upset. It would be viewed as a tragedy and a clear civil rights violation. But, when it happens in a mental health crisis, we seem to gloss over it."

Frustrated with the ongoing ordeal, Clair is calling on local legislators to draw attention to the issue. He's reached out to Sen. Todd Pillion and Dels. Israel O'Quinn and Jeff Campbell, as well as Richmond Del. Jeff Bourne. Bourne, a George Wythe graduate, has been a strong proponent for reforming the way police respond to calls involving people in crisis.

In reaching out to legislators, Clair hopes shining a light on the issue will bring about some sort of a solution in the same way drawing attention to the patient transport system prompted the Alternative Transport Program.

"The entire behavioral health system is largely driven, at least in terms of how law enforcement is associated with it, by the Code of Virginia," Clair said. "What we're seeing now is what the code is capable of at its extreme limit. My question is: now that we've seen what this can look like at its extremes, is this what we want it to look like? And if not, what kind of legislative adjustments are they willing to make?"

He fears that somewhere, some time, one of these events will go incredibly wrong and he's sounding the alarm now.

"We are seeing law enforcement contacts with mental health patients unfold tragically across the nation and we are looking for ways to solve that problem," he said. "What we are experiencing right now is not a solution, but a bigger part of the problem, one which our legislature controls."

Bourne and O'Quinn have written to the governor's office about the issue and Pillion's office has reached out to DBHDS, Clair said.

A spokesperson for Northam did not respond to a request for comment.

In an email from O'Quinn, the Southwest Virginia delegate reiterated that the region's law enforcement have long

"It puts us all in a jam. It takes up time from my men and all the other police agencies when they could be out there doing their job. And there's also a high price tag that comes with that."

Chip Shuler

Smyth County Sheriff

struggled with transporting patients to facilities all over the state.

"The problem is now being exacerbated by the issues the chief has brought up with extended times of late and the directives in the governor's executive orders," O'Quinn wrote. "Any member of our delegation can tell you that without proactive involvement by the Governor and the Secretary of Public Safety, nothing is going to change. Legislative efforts are either ignored or thwarted, leaving us little recourse."

Maj. Cline believes additional funding for Alternative Transport Programs would help alleviate some of the burden on law enforcement's end.

"When you tie an officer up for 20 to 30 hours, the system is not functioning the way it's supposed to be," Cline said. "The more cops you take off the street, the less safe the streets are."

"It really ties up our office with us being so small," Ramsey said. "It's taking that officer away from patrolling the county."

"It puts us all in a jam," Shuler agreed. "It takes up time from my men and all the other police agencies when they could be out there doing their job. And there's also a high price tag that comes with that."

In her email, Cunningham said, "The critical reality is the state hospitals will remain in this cycle until Virginia implements more comprehensive payment strategies and rules for admissions to private hospitals and strengthens community services that facilitate discharges."

Everyone seemed to agree that all involved in the process were doing the best they could with what they're given and they all say they'll continue to do so. No one claimed to have a solid solution that would completely remedy the problem, but there seemed to be a consensus that it was one that couldn't go unaddressed and one the public should be aware of.

But, Clair cautioned, "When one of these incidents goes poorly, 'we're doing the best we can' won't be a sufficient answer."



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COVID-19 impacts crime and punishment

Area sheriffs report varying crime shifts

BY JASMINE DENT FRANKS
Staff

While regional jail administrators don't have the same authority to release inmates as the state's prison system now does, local jails are seeing a significant decline in their inmate numbers in midst of the COVID-19 pandemic.

According to a release from Gov. Ralph Northam's office, Virginia saw a 67 percent decrease in new jail commitments for misdemeanors from late February to mid-April, with a 17 percent overall decrease to the state's jail population.

"We've seen a fairly dramatic decrease in our jail population," said New River Valley Regional

Jail Superintendent Greg Winston, who estimated the Dublin jail had seen about a 20 percent drop in inmates.

NRVRJ serves Wythe, Bland, Floyd, Pulaski, Grayson, Carroll and Giles counties and the City of Radford.

Southwest Virginia Regional Jail Authority Superintendent Steve Clear said the Abingdon facility of the regional jail system had also experienced a drop in inmate numbers. The

jail system operates four regional jails with the Abingdon facility serving Smyth, Washington and Russell counties.

Though both facilities have seen a decline in their inmate populations, which coincides with the statewide effort to reduce jail populations to curtail the spread of the coronavirus, Winston and Clear say they can't definitively attribute the drops to any specific aspect of the efforts.

"I will say that our numbers are down, but I would be very hesitant to say exactly why they're down," Clear said.

In mid-March, Northam and Secretary of Public Safety and Homeland Security Brian Moran urged local criminal justice officials across the state to take proactive measure to divert offenders from the jail systems. Those measures included us-

See **CRIME**, Page A6

Crime

From Page A1

ing summonses in lieu of arrests when possible and using pretrial services and electronic monitoring when they're available.

In a joint statement with the Virginia Sheriffs Association, the Virginia Association of Commonwealth's Attorneys, the Virginia Indigent Defense Commission and the Virginia Association of Regional Jails, the Northam administration additionally recommended allowing for sentence modifications, considering ways to decrease the number of low-risk offenders being held without bond and using alternatives to incarceration.

Since Northam's stay-at-home order was issued at the end of March, area law enforcement agencies have reported varying changes in crime rates.

In Wythe County, overall crime has remained about the same, said Sheriff's Maj. Anthony Cline.

"We're still answering calls as usual," Cline said. "Crime's still happening."

Cline said Wythe deputies are still making arrests when arrest-able offenses occur, noting that magistrates determine if an individual is eligible for bond prior to entering the jail system.

In neighboring Smyth County, Sheriff Chip Shuler said his office has seen a decline in overall crime. While drug offenses are about the same, he said, calls for things like thefts and burglaries have decreased.

"Of course, everybody's home, so it'd be kind of hard to break into a house with people home," he pointed out.

Smyth deputies are making use of summonses when possible for non-violent offenses, he said.

In Bland County, Sheriff Jason Ramsey said his office is seeing the opposite happen in terms of crime rates.

"When all this stuff first started, we actually saw a decrease in crime," Ramsey said. "But the month of April was extremely busy for us. Our crime has actually picked up significantly."

All three county agencies reported seeing a spike in domestic and child abuse calls. In Bland County, Ramsey said Emergency Custody and Temporary Detention orders are also on the rise.

Pretrial Services

Since guidance was issued by the state to decrease jail populations, pretrial officers' caseloads have soared at Southwest Virginia Community Corrections.

"Caseloads have doubled and almost tripled," said Pretrial Coordinator Josh Kiser, who oversees pretrial services for offenders spanning from Lee to Smyth counties.

Kiser said the increase is significantly noticeable in Smyth County, where a single pretrial officer supervises somewhere between 80 and 100 individuals.

Kiser said he's also seen an uptick in offenders released under his office's supervision who were released on recognizance

and unsecured bonds, or with lower bond amounts.

"There have been more unsecured bonds than we've seen in seven years," Kiser said, noting that's how long pretrial services have been offered through Southwest Virginia Community Corrections.

While the heavy caseload coupled with new restrictions on how they operate have put a strain on pretrial officers, Kiser said they are dedicated to ensuring that those released with pretrial services meet the conditions of their release.

"We just want to ensure that the public is safe with everything going on and that the people being released are being supervised," he said.

Pretrial services can be ordered by either a magistrate or a judge. If an individual is denied bond by a magistrate, they can request a bond hearing in front of a judge.

Kiser said his office has seen a jump in the number of orders granted by judges, while that number has remained about the same coming from magistrates.

In Wythe County, Commonwealth Attorney Mike Jones said he hasn't really noticed an increase in bond requests from those incarcerated, but he does consider making bond recommendations on a case-by-case basis for those who do hit the court system.

"I can't really say if there's been more or less, but we have been encouraged to look for alternative ways to monitor people on pretrial that are being held without bond," he said.

Those individuals must be non-violent and pose no risk of fleeing, as well as meet other requirements, Jones said. Wythe and Bland County residents released with pretrial services conditions are supervised by New River Community Corrections & Pretrial Services.

Another contributing factor to the decrease in jail inmates came in the form of a judicial emergency declared by Virginia Supreme Court Justice Donald Lemons in March.

The judicial emergency, which has been extended twice and is now scheduled to lift on May 17, delays most cases in civil, criminal and traffic courts. Bond hearings, emergency protective order hearings and hearings for other emergencies still carry on under the order.

"That's about the only type of hearings we're allowed to do right now because of the emergency declaration," Jones said.

That means individuals awaiting trial outside the jails aren't being convicted in court and so are not being committed to jail.

It also means that those on pretrial services aren't cycling out as they normally would, leaving pretrial officers' caseloads to mount.

"If we were getting cases and others were being finalized, it wouldn't really affect us that much," Kiser said.

Early Release

To further cut down on the inmate population, the General Assembly approved a proposal to give the director of the Virginia Department of Correc-

tions authority to grant early release to nonviolent inmates with less than a year left to serve in the state's prison system.

Those convicted of a Class 1 felony or sexually violent offense are not eligible for consideration. According to a release from the DOC, COVID-19 diagnoses are not a deciding factor.

While prisoners housed in regional jails awaiting an opening at a DOC facility are technically eligible for early release consideration under the amendment, the legislation does not currently provide an avenue for their release.

"There's a little bit of confusion about that right now," Winston said.

Clear said the Southwest Virginia Regional Jail Authority currently houses about 300 DOC inmates at its four facilities.

DOC spokesperson George Sisson explained that screening offenders in jail systems for release is a bit more difficult than screening those within the DOC's own facilities, but, he said, the department is currently working to find a way to conduct those screenings so that jailed inmates can also be considered for early release.

Early release for local and regional jail inmates must be considered by a judge. As Jones, Winston and Clear pointed out, there is no real way to put a number on how many offenders have been granted early release through the court system at this time.

"We're only given the release order," Clear said. "We're not given a reason why the release was granted."

Practicing Caution

So far, the two regional jail systems, as well as the DOC facilities in Bland, Marion and Pocahontas, have reported no cases of COVID-19 among their inmates or staff.

Winston and Clear both stressed that enhanced sanitation practices and other precautionary measures have been put into place to safeguard against the virus at their facilities.

Winston said there's a misconception that jails and prisons are unsanitary places, but he said inmates have always had access to hospital-grade disinfectant. Safeguarding against things like Hepatitis A, Tuberculosis and other infectious diseases are already a constant precaution in corrections facilities, so they're ahead of the game in that respect, he pointed out.

"We're always on point for controlling infection rates in confined settings," he said.

New protective measures also include screening incoming inmates, arresting officers and staff members as they enter the facilities and new inmates are monitored for symptoms before they are released into population. Weekend sentences have also been deferred during the judicial emergency and jail-to-jail transfers have been cut down drastically.

"At the end of the day, we're being as careful as we possibly can," Winston said.

Constitutional rights are on display in community

BY JASMINE DENT FRANKS

Staff

A local protest in support of the Black Lives Matter movement ended ahead of schedule June 13 following a clash between protesters and counter-protesters. The otherwise peaceable protest came to an end after heated verbal exchanges between the two groups took place in front of the courthouse.

The tensions that continue to follow the event have left some residents questioning why Town of Marion officials and police would allow such an event to take place.

Roanoke civil rights attorney John Fishwick, who previously served as a federal prosecutor, shed light on the issue, explaining that a town doesn't really have the ability to prohibit a protest.

"The first amendment right to assemble and free speech is a powerful right in this country," he said. "A government cannot pick and choose on what speech they want to endorse and not endorse."

Fishwick said individual towns and counties can put reasonable restrictions on the time, place and manner of a protest, but cannot mix one altogether. Doing so, he said, could lead to a lawsuit.

"They could be sued in federal court," he said, adding that damages and attorney's fees would likely be sought in such a suit.

According to the American Civil Liberties Union, while the first amendment of the U.S. Constitution guarantees the right to free speech and assembly, processes to exercise those rights may exist in some public forums.

Marches held on the streets within Marion town limits, for example, should be coordinated with town officials. Assemblies held on courthouse property would need to be coordinated with county officials. Though the courthouse is within town limits, it is a county building and under the county's authority.

While municipalities can require permits to assemble in traditional public forums, such as on streets, sidewalks or parks, they are not required to do so,

See **RIGHTS**, Page A6

Rights

From Page A1

Fishwick said.

“It’s left up to the individual location and again, those restrictions have got to be reasonable as far as time, place and manner.”

The ACLU notes on its website that permits, when required, cannot be denied because an event is controversial or may express unpopular views.

Recent protests in other parts of the nation have at times turned into violent riots, ending in the destruction of several historical monuments and other properties. At the courthouse on June 13, the group of counter-protesters gathered on the lawn near the monument of the Confederate dead. The gathering is believed to have been fueled by social media rumors warning that protesters planned to tear the statue down.

According to the ACLU, counter-protesters have the same rights to free speech and assembly as protesters. The organization notes, however, that police can keep antagonistic groups physically separated while still in view and earshot of one another.

“Restrictions can be reasonable and it certainly would be reasonable to keep protesters and counter-protesters away from each other,” Fishwick said. “The one lesson of Charlottesville is that that’s going to be enforced.”

In 2017, a Unite the Right rally in that city turned deadly after a car mowed over a group of counter-protesters, killing 32-year-old Heather Heyer and injuring 19 others. An independent review

commissioned by the city, pointed out several areas where police and city leaders failed in preparing for and managing the two-day event.

When Marion Police Chief John Clair heard about the planned protest in Marion, he reached out to organizers to help safely coordinate the march.

“If we don’t take reasonable measures to coordinate, then they will happen in uncoordinated and unsafe ways and that’s not healthy for the community either,” Clair explained.

Though law enforcement didn’t anticipate any violence during the event, they worked together to collaborate on contingency plans in case they were needed. Behind the scenes, Marion PD and the Smyth County Sheriff’s Office coordinated with the Virginia State Police, the Virginia Department of Emergency Management and law enforcement agencies in surrounding jurisdictions.

While violence was not anticipated, law enforcement was not unprepared for potential confrontations, Clair said.

As recommended by the independent review of the Charlottesville event, the PD implemented an incident command structure with other agencies involved to prepare for any civil disobedience that could have arose.

Marion officers and sheriff’s deputies had a strong presence during the protest and at the courthouse. When protesters and counter-protesters began to clash, the officers formed a barrier, stepping in between the two groups to ensure those on either side could express their views while

also keeping them physically separated.

“From what I’ve read about the situation there, it looks like law enforcement was smart about the situation,” Fishwick said. “They stayed in touch with leaders of the group and permitted the protest to go forward and didn’t try to break it up.”

Fishwick that while law enforcement does have the authority to order protesters to disburse when events become unsafe, they have to be sure such disbursements are for objective safety reasons.

“They’ve got to always be careful when they do that that it’s for objective safety reasons,” he said. “If they’re not objective safety reasons, you run the risk of obviously making a situation much, much worse.”

He also pointed out that arrests can and should be made whenever laws are broken.

“If any group protests and laws are broken, then they can be arrested for breaking those laws. For example, if a protester attacks a counter-protester or a counter protester attacks a protester physically, then they should be charged criminally.”

The confrontation in front of the courthouse, though vulgar and heated at times, remained mostly a verbal exchange between the two groups, Clair said. However, at one point during the exchange, he said, a male counter-protester was briefly detained after he took a swing at a female protester. The man was released after the woman declined to press charges and the two groups disbursed shortly after the incident. In a separate incident, an individual Clair referred to as an agitator

was taken into custody on a public intoxication charge. He said the individual was not with the counter-protester group.

Both Clair and Sheriff Chip Shuler said their agencies are doing everything they can to ensure public safety during such events. Organizers have scheduled a second protest in support of the Black Lives Matter movement and the LGBTQ community on July 3. Clair said any groups planning response protests to the upcoming event are asked to also contact law enforcement so that those assemblies can be safely coordinated, as well.

“My burden is that the community be safe and there be no loss of life and there be no loss of property either,” he said. “And we are doing everything we can to ensure that that doesn’t happen.”

“Ultimately, that’s our job is to protect life and make sure everything’s peaceful and orderly and make sure nobody gets hurt and no property gets damaged,” Shuler said.

Clair said he is considering using what the Charlottesville independent review called the “stadium approach” during the upcoming protest, which he believes has the potential to draw a larger crowd.

According to the report, the stadium approach creates secure perimeters with designated entries, which enforces the separation of conflicting groups.

Fishwick said he believes that approach would be viewed as a reasonable restriction. “I think when you’re trying to keep the community safe and trying to separate people who might get violent

when right next to each other, I think that’s going to be reasonable and be legal.”

While the use of profanity in protesters’ chants and during the exchanges in front of the courthouse were points of concern for some residents, the centuries-old law criminalizing “profane swearing” in Virginia is set to be taken off the books on July 1.

Virginia Del. Michael Weber (R), who sponsored the House bill, told NPR in February that the bipartisan push for the repeal came as he and his colleagues agreed that the current code violated free speech and was unconstitutional.

“Profanity, although not helpful, in the context of the first amendment is protected,” Clair said.

During a Sunday press conference calling for peace within the community, Clair said he did not expect any violence from protesters in the upcoming event. Organizers Travon Brown and David Sparks said during the press conference that they only wanted their voices to be heard and wanted the community to come together to embrace change.

“Travon and David have made it absolutely clear to me that they do not have a desire for confrontation, that they want the ability to exercise their constitutional rights and they want to coordinate with us to make sure that those exercise of rights is safe and equitable to everyone involved,” Clair said.

For more on the call for peace, see our accompanying story headlined “Leaders call for aggressive comments and acts to stop.”