

# 2022 Annual Report

## City of Charlottesville Police Civilian Review Board

*Note:* This report was prepared by members of the Board on or around 06/08/2022 and follows reporting in accordance with the timeframe indicated below:

### **Charlottesville Police Civilian Review Board Annual Report**

The following report summarizes the activities of the Charlottesville Police Civilian Review Board from the start of its activities in June 2020 through the first quarter of calendar year 2022.

#### **1. Introduction**

The Charlottesville Police Civilian Review Board (CRB) was authorized by amended Article XVI of Chapter 2 of the Charlottesville Code of the City of Charlottesville, approved by the City Council on November 4, 2019. The City Council Approved CRB Bylaws at the same meeting. The current CRB is a successor organization to the "Initial" CRB, commissioned in January 2019, whose mission was to research and evaluate models for police oversight and make recommendations to the City Council. That organization in turn superseded the Charlottesville Police Advisory Committee, that was then disbanded.

In the Bylaws, the CRB's guiding principles are listed as:

- Ensuring that police officers act with integrity and treat every person with equal dignity;
- Empowering and inspiring self-governance and a culture of mutual respect;
- Seeking social and racial justice;
- Engaging in community outreach and amplifying the voices of the socially, politically, and economically disenfranchised;
- Listening to and building cooperation between all stakeholders to find and develop common ground and public purpose;
- Championing just, equitable, and legitimate policing policies and practices; and
- Processing complaints, reviewing police practices and internal investigations, issuing findings, writing public reports, and making recommendations.

The enumerated powers of the Board (Sec. 2-452) include

- (a.) Develop and administer a process for receiving civilian complaints about the Charlottesville Police Department;
- (b.) Review Charlottesville Police Department internal affairs investigations at the request of the civilian complainant;
- (c.) Conduct hearings and make findings concerning Charlottesville Police Department internal affairs investigations initiated by civilians;
- (d.) Organize and conduct community outreach sessions;
- (e.) Provide policy recommendations to the City Council and Charlottesville Police Department

The CRB may also recommend policies or procedures to the City Council or the Charlottesville Police Department concerning police practices (Sec. 2-458.) The authorized CRB membership (Sec. 2-453) consists of seven voting members, all residents of Charlottesville, and must include representation of disproportionately policed groups and historically disadvantaged communities. The Board is also allocated one non-voting member with law enforcement experience. Board members initially serve staggered 18-month and 3-year terms. The CRB Executive Director is to be a city employee hired by the City Manager (Sec. 2-456.)

## 2. Membership

Volunteers for CRB membership were solicited by the City Council in December 2019 and January 2020.

Dierdre Gilmore, Dorenda Johnson, James Watson, Nancy Carpenter, Stuart Evans, and William Mendez were appointed as voting members and Phillip Seay was appointed as non-voting member in February 2020. Mr. Evans and Ms. Johnson subsequently resigned from the Board over the course of the reporting period. Dr. Jeffrey Fracher was appointed as a voting member of the Board in February 2021. Philip Seay relocated out of the area in May 2021. Mr. Bellamy Brown was appointed to the Board by the City Council in September 2020. As of the date of this report, the Board has one opening for a voting member and an opening for a nonvoting member with law enforcement experience. The current Board members are listed in Table 1.

Table 1. Board Membership

<b>Name</b>	<b>Membership Type</b>	<b>Term</b>
Bellamy Brown	Community	9/1/2021-8/31/2024
Nancy Carpenter	Social Justice	3/1/2020-2/28/2023
Jeffrey Fracher	At-Large	9/1/2021-8/31/2024
Deirdre Gilmore	Community	3/1/2020-2/28/2023
William Mendez	At-Large	9/1/2021-8/31/2024
James Watson	At-Large	3/1/2020-2/28/2023
Vacant	Community	--
Vacant	Law Enforcement (Non-voting)	--

## 3. Officers

CRB meetings were not begun until June 2020, due to City COVID restrictions. The first meeting was held electronically on June 29. At that meeting, James Watson was elected Chair and Stuart Evans Vice Chair. At the first Board meeting in 2021, Bellamy Brown was elected Board Chair and William Mendez elected as Vice Chair. At the January Board meeting, William Mendez was elected Chair and James Watson as Vice Chair.

## 4. Meetings

Since the Board's inception, all meetings have been conducted electronically consistent with Charlottesville COVID safety guidance. The Board held seven regular meetings in 2020, beginning June 29. In addition, a special meeting was called for November 24 to discuss

approaches to drafting a new enabling ordinance for the Board (see Section X.) The Board held 12 regular meetings in 2021, along with five NACOLE training sessions and two joint work sessions with the City Council. Agendas and minutes for all meetings and work sessions can be found at <https://weblink.charlottesville.org/Public/Browse.aspx?startid=17097&row=1&dbid=0> and video recordings may be accessed at <https://www.charlottesville.gov/196/Streaming>

## 5. Executive Director Hiring

The (2019) enabling ordinance for the Civilian Review Board provided for the engagement of an Executive Director, whose duties would include providing administrative support to the Board, arranging for Board training, working with the City Manager to procure independent legal counsel for the Board, receiving review requests related to police complaints and acting as a liaison with the complainants and the Charlottesville Police Department.

The Board and City Manager drafted a job description for the post of Executive Director that was advertised again in spring of 2021. A total of 64 candidates applied. The Charlottesville Human Resources department screened candidates and identified eight who best met the educational and experience requirements in the posting. The eight candidates were interviewed on May 25, with one member of the Board on the interview panel, and four finalists were identified for a second round of interviews, that had not been conducted at the time of this report.

A final round of interviews was conducted with two members of the Board participating. Members of the interview panel advised the full Board that they had been in agreement with the City Manager as to the final choice for Executive Director. Mr. Hansel Aguilar began employment in August 2021. His qualifications are summarized briefly below.



Hansel Alejandro Aguilar Avila

### Education:

- B.A., Criminal Justice and Sociology, Rutgers University
- M.A., Sociology, James Madison University
- Ph.D., Sociology (in progress), James Madison University

### Experience:

- Police Misconduct Investigator, Government of the District of Columbia (2.5 years)
- Police Civilian Review Panel Member, Fairfax County VA, (5 years)

## **6. Training**

In July 2020, the CRB obtained an institutional membership to the National Association for the Civilian Oversight of Law Enforcement (NACOLE.) As part of the membership, the CRB obtained access to 32 training webinars from NACOLE's 2020 Annual Meeting. Various members of the CRB viewed a total of approximately 60 hours of these webinars. The Board also procured six in-person (Zoom) training sessions (one and one-half to two hours long) for all Board members intended to address aspects of police oversight most relevant to Charlottesville. The sessions were presented between January and June 2021, with a quorum of CRB members attending each session. These lessons were also made available to, and some were attended by, City Council Members, the City Manager, and Deputy City Manager. Additional training is being arranged by the Executive Director in cooperation with the Charlottesville Police Department.

## **7. Complaints Received**

Between June 2020 and December 31, the CRB received 10 complaints either directly from citizens or forwarded from the Charlottesville Police Department (CPD). All complaints were closed within 75 days. The Board also received 13 complaints between January 1 and the end of June 2021. Ten of the 13 complaints were closed when this report was being written; all of the unresolved complaints were received in June, and none had been open more than 75 days. All citizen complaints received by the CRB were forwarded to the CPD, but citizens may opt out of sending complaints to the CRB. Some complaints were not seen by the CRB; the Internal Affairs department (see below) reported 17 externally generated complaints received between July 1 and December 31, 2020; seven more than received by the CRB (59%).

## **8. Internal Affairs Investigations**

Between January 1, 2019 and April 30, 2022 (the last month for which information was available), the CPD internal affairs unit reported the results of 136 complaint investigations, 50 received in 2019, 38 from 2020, 44 from 2021, and 4 received in the first three months of 2022 (see Table 1.) Of the 38 complaints initiated in 2020, 10 (26%) of cases were initiated internally, the remainder (28, 74%) were undertaken in response to citizen complaints. In 2021, 9 of 44 (21%) were initiated internally, and one of the four complaints reported in the first quarter of 2022 was internal.

The numbers of allegations<sup>1</sup> grew from 61 in 2019 to 100 in 2021; across the three full years with data, the average number of allegations per complaint rose from 1.2 in 2019 to 2.3. The proportion of complaints in which one or more allegation was sustained also increased during the three years with complete data from 9/50 (18%) in 2019 to 24 of 44 in 2021 (55%.) The proportion of individual allegations sustained rose from 18% in 2019 to 36% in 2020 to 43% in 2021. There was a substantial decrease in the proportion of allegations that were deemed to be unfounded over the same period, from 61% in 2019 to 33% in 2021.

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<sup>1</sup> The number of allegations shown in the tables generally represent the total number of findings that were reported in the IA reports that were linked to specific violations of policy. In some cases, the number of allegations present in the table differs from the number of allegations made in the complaint.

**Table 1. Internal Affairs Results for 1019, 2020 and the First Quarter of 2021**

Period	2019	2020	2021	Q1 2022
Total Complaints	50	38	44	4
Citizen Complaints	*	28	35	3
Internal Complaints	*	10	9	1
Complaints with One or More Sustained Allegations	9	14	24	1
Total Allegations	61	74	100	11
Allegations per Complaint	1.2	1.9	2.3	2.8
Unfounded	37	33	33	0
Exonerated	6	9	12	0
Sustained	11	27	43	2
Administratively Closed	2	2	2	0
Not Resolved	5	3	8	2
Pending	0	0	0	7
Unfounded	61%	45%	33%	0%
Exonerated	10%	12%	12%	0%
Sustained	18%	36%	43%	18%
Administratively Closed	3%	3%	2%	0%
Not Resolved	8%	4%	8%	18%
Pending	0%	0%	0%	64%

Table 2 shows the most commonly reported allegations for each year.<sup>2</sup> Again, there are clear trends in the nature of allegations that were investigated. While complaints related to courtesy and demeanor were the most common type in 2019, the numbers remained stable or dropped slightly in the following years. In contrast, allegations related to performance of duties and code of conduct/unprofessional conduct rose substantially. In 2021, the most frequent allegation related to performance of duties (23), followed by code of conduct/unprofessional conduct (21), and courtesy/demeanor (11).

**Table 2. Most Common Allegations**

Period	2019	2020	2021	Q1 2022
Total Allegations	61	74	100	
Performance of Duties	9	9	23	2
Code of Conduct/Unprofessional Conduct	6	14	21	
Courtesy/Demeanor	13	10	11	
Force Outside of Policy/Response to Resistance	6	2	7*	
Biased-Based Policing	2	6	6	
Truthfulness	6	3	6	1
Conformance to Laws	3	2	0	

<sup>2</sup> Allegations are included if more than five were reported in any full year.

Constitutional Violation	2	2	5	
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\*One Force Outside of Guidance, six Response to Resistance

Based on the above data, it clear that the nature of the allegations and their disposition has changed substantially over the last three years. As discussed above, both the nature of allegations and the proportion sustained have changed, with an increase in the number of allegations related to performance and conduct/demeanor, and an increase in the proportion of allegations that are sustained. While a detailed analysis of the pattern of Internal Affairs outcomes must await a formal audit, there is one issue that deserves mention in light of community concerns about racially disproportionate policing. Over the three full years with data, allegations of bias-based policing have been raised 14 times (twice in 2019 and six times each in 2020 and 2021.) Despite the increasing frequency, no allegation of bias-based policing has been sustained. This is not the full picture, since in some of the complaints, other allegations were sustained and disciplinary action was taken, but it does reflect the difficulties involved in proving allegations of racial bias in policing. As discussed in Section 14 below, the Board believes that it would be worth revisiting the current bias-based policing policy to see if it has been effective in deterring disproportionate policing.

## 9. Disciplinary/Corrective Action

Beginning in 2021, the CPD began including summaries of corrective actions associated with sustained complaints; twenty reports of corrective action were provided in that year. Five officers were terminated for serious misconduct. Two officers were terminated for multiple sustained allegations in a single internally initiated investigation (allegations included: Conduct Unbecoming; Neglect of Duty; Unsatisfactory Performance; Statements/ Appearance; Courtesy; Truthfulness; Respect; Use of Department Equipment; Duty to Inform; Code of Silence; Nonfeasance of Duty; Images/ Text (Offensive); Mobile Phone while in Vehicle; Mirrored Sunglasses; Name Plates.) Allegations relating to unprofessional conduct and offensive images and texts were sustained against three other officers in the same investigation. One officer received a 5-day suspension with loss of vacation and a letter of reprimand, one officer received a letter of reprimand, and the other counseling.

Another officer was terminated for use of force outside of policy, unlawful seizure/detention, and challenging of law enforcement authority, arising from a citizen complaint. Another officer was terminated for failure to use a personal recording device, unsatisfactory performance, and lack of truthfulness. Finally, an officer was terminated, after counseling, for failure to perform their duties in accordance with departmental policies and procedures.

Other less severe corrective actions were also reported. One officer received a letter of reprimand after a sustained allegation of unbecoming conduct related to offensive images and texts. In nine instances, officers were verbally counseled as a result of less serious sustained allegations. Five officers received additional training, usually in combination with verbal counseling. One counseled officer also received a letter of reprimand for failure to adhere to administrative practices.

## 10. Review Requests

The Board has received one request for review of an Internal Affairs investigation (complaint 2020-015-C). The Complainant's representative has requested that the Board review findings of "exonerated" and "unfounded" for allegations of excessive force and biased policing, respectively. The Board has begun preparing for a hearing related to this review request in accordance with the 2019 ordinance which was in effect when the request was made. Chair Brown prepared draft interim hearing procedures for the review, which were discussed with the Board, stakeholders, and presented to the City Council at the October 26 joint work session with the City Council. The interim procedures were placed on the Agenda of the November 1 City Council meeting and passed unanimously; the sole amendment being that a requirement that suitably qualified Hearing Examiner preside at the hearing.

In preparation for the hearing on the outstanding review request, the Board's Executive Director organized a mock hearing, based on a closed Charlottesville Internal Affairs Investigation. The Charlottesville Police Department provided the Board members with confidential access to the IA file and a supporting body camera video. This was the first time that any oversight body had been allowed such access from the CPD, and the Board expresses its thanks to Chief Durette and Lieutenant Michael Gore for their support of the mock hearing. The mock hearing was held and broadcast via Zoom on January 27, 2022. A debrief on Board member impressions and concerns was held during the Board's February meeting. Lessons learned from the mock hearing are being incorporated by the Executive Director into an expanded training curriculum that focuses on the areas of concern expressed by Board members, the CPD, and the Board's independent Counsel.

## **11. Revision of Enabling Documents**

### **A. Ordinance**

In November 2020, Gov. Northam signed into law a statute (VA Code 9.1-601) that allows municipalities to grant greater powers to police oversight organizations. The law allows municipalities to grant oversight organizations authority to "receive, investigate, and make findings on civilian complaints", "to investigate and issue findings on [specified types of serious] incidents", "to make binding disciplinary determinations in cases that involve serious breaches of departmental and professional standards", "to investigate policies, practices, and procedures" [of law enforcement agencies], "to review all investigations conducted internally", "to make budgetary recommendations" [for law enforcement agencies], "to make public reports" of its activities, "to apply to the circuit court of the locality for a subpoena" when information necessary for its functions could not be obtained through good faith efforts, and to "undertake any other duties as reasonably necessary to effectuate its lawful purpose." All powers of any oversight organization must be granted by "the governing body of the locality."

In December 2020, the CRB recruited a work group of stakeholders to develop proposals for revising the Board's ordinance and bylaws to incorporate additional powers and provide for stronger police oversight. The work group included representative from local citizen groups (the People's Coalition, PHAR), the Legal Aid Justice Center, members of the initial CRB, and other citizens who volunteered to participate. Comments on oversight issues were sought from community members; the work group also took advantage of NACOLE teaching materials and training sessions, and the extensive preliminary research undertaken by the initial CRB which

was preserved in its archives. A literature search was also performed to identify police oversight documents (statutes, bylaws, and policy reviews) available in public databases.

The work group held several meetings and discussed options for improving police oversight and revising the Board’s enabling documents. A preliminary draft ordinance incorporating these elements was developed, using a template provided by the Assistant City Attorney. The draft was subsequently circulated to the work group, the Board, stakeholders, and the City Council. A joint work session with the City Council was held on April 27, 2021, during which a preliminary proposal for an oversight model was presented. The major elements included the Board’s authority to receive all citizen complaints, to initiate investigations of serious misconduct and incidents, to review Internal Affairs investigations, to hold hearings during which the Board could exercise subpoena power, conduct periodic audits of CPD policies, practices and outcomes, and to conduct a wide range of community outreach activities.

During May and early June 2021, the ordinance work group then held a series of 2:2 meetings with all members of the City Council and Mayor Walker, and a conference call with the Chief of Police. Councilors Snook and Payne agreed to be the major points of contact with the CRB on issues related to police oversight, and extensive discussions were held to clarify areas of concern and disagreements. Major issues included practical and legal issues associated with the Board’s investigative power and the exact nature of the authority the Board might exercise during the disciplinary process. The contractual scope of work for the Board’s independent counsel was expanded to allow involvement in revisions of the draft ordinance and development of operating procedures for Board Activities. In addition, the Board and Council both noted the need for procedures to address the single outstanding review request filed under the 2019 ordinance.

Based on comments received from the Board members, stakeholders, Councilor Snook, and the Board’s independent counsel, a revised draft ordinance was developed by the work group. The revised ordinance was discussed at the Board’s regular meeting on August 12, 2021 and a by unanimous vote, forwarded to the City Council for their consideration. The Board and City Council held a final joint work session to discuss the ordinance on October 26. The ordinance, with minor revisions, was placed on the City Council Agenda for their December 20 meeting and passed unanimously. A summary of the major provisions of the ordinance is provided in Table 3. It is the Board’s hope that this ordinance will serve as a model for other jurisdiction in Virginia.

**Table 3. Summary of Civilian Oversight Board Enabling Ordinance**

Ordinance Section	Summary
Sec. 2-450.-Title	<ul style="list-style-type: none"> <li>• Changes name to Police Civilian <u>Oversight</u> Board to convey a broader focus than solely complaint review</li> </ul>
Sec. 2-451.-Police Civilian Oversight Board Established; Immunities.	<ul style="list-style-type: none"> <li>• Modifies mission statement from 2019 Bylaws reflecting new oversight functions</li> <li>• Board has immunity from civil suits “as provided by Virginia statutory and common law”</li> </ul>
Sec. 2-452.-Powers and Duties of the Police Civilian Oversight Board	<ul style="list-style-type: none"> <li>• Enumerates general powers from VA 9.1-601 (investigation, complaint review, audit, policy recommendations, subpoena power, budgetary review, disciplinary recommendations)</li> </ul>

	<ul style="list-style-type: none"> <li>• Specifies Board shall have broad access to evidence and documents necessary to conduct its business</li> <li>• Board will not function under new ordinance until Operating Procedures are approved by City Council</li> </ul>
Sec. 2-453.- Police Civilian Oversight Board Membership Appointment, and Terms.	<ul style="list-style-type: none"> <li>• Establishes three-year terms for Board members</li> <li>• Members are appointed by City Council; members may be removed for cause (procedures will reference code of ethics and rules for Board members)</li> <li>• Residential and demographic requirements</li> </ul>
Sec. 2-454. – Public Meetings.	<ul style="list-style-type: none"> <li>• Requires monthly public meetings</li> </ul>
Sec. 2-455.-Police Civilian Oversight Board Executive Director	<ul style="list-style-type: none"> <li>• Executive Director (ED) to be appointed by City Manager with Council approval</li> <li>• Defines ED administrative duties; (s)he may recommend hiring of independent investigator or auditor</li> <li>• Board has input to ED interview process, performance evaluation</li> </ul>
Sec. 2-456.-Police Civilian Oversight Board Legal Counsel.	<ul style="list-style-type: none"> <li>• Board may hire (with the approval of the City Manager) legal counsel to advise them on any legal matters before the Board</li> </ul>
Sec. 2-457. – Receipt and Investigation of Complaints – Authority and Complaint Intake	<ul style="list-style-type: none"> <li>• Board’s Operating Procedures will include procedures for receiving complaints from the public</li> <li>• Board and CPD will forward complaints to each other promptly</li> <li>• Procedures for receiving complaints will be publicized</li> <li>• MOU related to CPD-Board information sharing to be issued within 45 days of approval</li> </ul>
Sec. 2- 458. – Review of Police Department Internal Investigations	<ul style="list-style-type: none"> <li>• The Board may select completed IA investigations for review of thoroughness, completeness, accuracy, objectivity, and impartiality (criteria for selecting complaints to be established in the Operating Procedures)</li> <li>• Board must review all complaints where a review request is received from the complainant</li> <li>• Board may not review IA investigations that are subject of pending civil or criminal investigations</li> <li>• Review hearings to be conducted per Sec. 2-463 and Operating Procedures</li> <li>• Board may (1) concur with IA findings, (2) find that IA results are not supported by the available facts, or (3) that the investigation is incomplete or defective</li> </ul>
Sec. 2- 459. - Independent Civilian Oversight Board Investigation	<ul style="list-style-type: none"> <li>• Specifies grounds for initiating investigations: (1) the Board concludes an incident of misconduct warrants investigation, (2) the IA investigation not completed in timely fashion, or (3) when Board finds IA investigation was defective under Sec. 2-458</li> </ul>

	<ul style="list-style-type: none"> <li>• Investigation must comply with federal, state, and local laws</li> <li>• ED notifies City Manager, who engages independent investigator</li> <li>• Investigator qualifications to be specified in the Operating Procedures (draft operating procedures allow ED to conduct investigations with approval of the Board)</li> <li>• Investigator files a report and Board holds hearing (per Operating Procedures)</li> <li>• Board may (1) dismiss allegations if they are found to be unsupported by evidence, (2) make disciplinary recommendations for sustained serious allegations, or (3) refer allegations of illegal conduct to Commonwealth’s Attorney for further investigation</li> </ul>
<p>Sec. 2-460. - Disciplinary Recommendations</p>	<ul style="list-style-type: none"> <li>• Investigator identifies potential “serious” breaches of conduct; Board holds hearing to discuss independent investigator’s report</li> <li>• Subject officer and other parties to be notified in advance of nature of allegations; subject officer may be represented by Counsel</li> <li>• Officer’s testimony may not be compelled</li> <li>• Board will assign sustained serious allegations to disciplinary categories in the CPD Disciplinary Matrix, and make disciplinary recommendation</li> <li>• Board will consult Supervisor or Commander of subject officer when considering disciplinary recommendations</li> <li>• Forward recommendation to Chief for final disciplinary action</li> <li>• Unsupported or non-serious allegations referred to Chief</li> <li>• Right for Officers to file grievance affirmed</li> </ul>
<p>Sec. 2- 461. - Board Review of Law Enforcement Policies, Practices and Procedures</p>	<ul style="list-style-type: none"> <li>• Board may make written recommendations regarding CPD policies, practices, and procedures</li> <li>• CPD may accept recommendation within 30 days or provide written justification for not doing so</li> <li>• The Board may require the ED to conduct audits of Internal Affairs investigations, arrest and detention patterns, and other public-police interactions</li> </ul>
<p>Sec. 2- 462. - Request Annual Reports of Police Expenditures</p>	<ul style="list-style-type: none"> <li>• Board will be provided with annual CPD budgetary expenditures and projections</li> <li>• Board may make expenditure recommendations to the City Manager and City Council</li> </ul>
<p>Sec. 2- 463. Authority to Hold Hearings and Issue Subpoenas</p>	<ul style="list-style-type: none"> <li>• Establishes Board authority to hold hearings for (1) complaint review, (2) in support of independent investigations of complaints or incidents (3) related to other issues when the Board wishes to gather information</li> </ul>

	<ul style="list-style-type: none"> <li>Hearings may be held at the request of two or more Board members, may be closed if confidential information is to be discussed</li> <li>Detailed Hearing Procedures will form part of Operating Procedures</li> </ul>
Sec. 2- 464. - Suspension of Complaint Investigations	<ul style="list-style-type: none"> <li>The Board shall suspend an investigation if it becomes aware of an alleged criminal act or offense</li> <li>The Board shall consult with City Attorney and its own legal counsel as to whether a parallel investigation of non-criminal allegations may be conducted</li> </ul>
Sec. 2-465. - Police Civilian Oversight Board Recommendations and Annual Report.	<ul style="list-style-type: none"> <li>Board provides recommendations for City Council to include in legislative program for the General Assembly (annually by August 15)</li> <li>Board shall provide an Annual Report by April 15; section includes a list of required elements</li> </ul>
Sec. 2-466. - Police Civilian Oversight Board Operating Procedures	<ul style="list-style-type: none"> <li>Board shall propose Operating Procedures for approval by the City Council</li> <li>Amendment to the Operating Procedures shall be voted on by the Board and submitted to the City Council for approval</li> </ul>
Section 2-467. - Community Engagement and Community Relations	<ul style="list-style-type: none"> <li>Board must hold quarterly public listening sessions</li> <li>Board may host or participate in public-police community meetings to discuss matters of pressing public concern</li> <li>The Board's outreach activities will be included in the Board's Annual Report</li> </ul>
Section 2-468. - Training	<ul style="list-style-type: none"> <li>Requires all Board members receive at least eight hours of NACOLE-sponsored (or similar) training every two years or within 90 days of Board appointments</li> <li>Every two years, Board members will receive training from the ED, Chief of Police, or other city employee training related to (1) legal and ethical obligations of Board members, (2) police department policies and regulations (3) police department personnel recordkeeping, (4) other city policies, procedures, and systems</li> <li>The City will provide additional training as needed</li> </ul>
Section 2-469. – Commendations for Exceptional Community Service	<ul style="list-style-type: none"> <li>The Board may recognize police officers, managers, or other city personnel for outstanding community service</li> </ul>
Section 2-470. Mediation	<ul style="list-style-type: none"> <li>The Board may propose procedures for mediation or alternative dispute resolution to address civilian complaints</li> </ul>
“And”	Ordinance will take effect March 30, 2022

## **B. Operating Procedures**

In January 2022, the Board reconvened its stakeholder work group to begin work on operating procedures that would implement the powers and responsibilities of the Board contained in the new enabling ordinance. A meeting was held with representative of the People's Coalition, PHAR, and the CPD to discuss stakeholder's concerns related to the procedures. After the meeting, the Board's Chair, the Executive Director, and a representative of the Legal Aid Justice center agreed to work together on a draft version of the operating procedures.

The first draft was circulated to Board members for discussion at the Board's March 14 meeting. Since there had been little time for discussion and review of the procedures, a vote to approve them rescheduled for a special meeting March 23. Several comments were from Board members were incorporated and the text of the operating procedures was approved at that meeting, with the understanding that the City Attorney had asked for substantial reformatting of the document. The reformatting was completed by the Executive Director and forwarded to the Mayor, Council, and City Manager on March 30. At that time the Board requested the procedures be placed on the Council's agenda for approval so that the Board could begin operation under the new ordinance as soon as possible. The procedures were placed on the April 18 agenda "for discussion only"; the Board Chair and Executive Director answered questions from the Council and again requested that the Council move forward with a vote on approval of the procedures; the Council agreed to provide substantive comments within 30 days, and indicated that they would refrain from voting on the procedures until the single outstanding complaint review had been completed.

### **12. Committees**

Until January 2022, the Board had established only two informal committee, the executive committee, composed of the Board Chair and Vice Chair, and a Finance Committee, whose members include the Chair and Mr. Brown. Prior to the engagement of the Executive Director, the Executive Committee met only on as as-needed basis. Since the hiring of Mr. Aguilar, the executive committee has met monthly with Mr. Aguilar, the Chief of Police, and the head of Internal Affairs to discuss issues of concern and develop training opportunities. The Finance Committee has provided recommendations to the ED related to the purchase of training software.

The new operating procedures will formalize the way the Board may form Standing (permanent) and temporary committees. The approach involves proposal of committees to the full Board by any Board member and formal approval of committee membership, objectives, and activities by vote of the Board. Board members have begun to develop scopes of work for a number of committees (Executive, Finance, Outreach, Training, Policy Review, etc.) in anticipation of the approval of the operating procedures.

### **13. Legislative Proposals**

Section 11(D) of the Board's Bylaws allows the CRB "to make requests to the Charlottesville City Council about specific state legislation that it wishes for the Charlottesville City Council to include

in the Council's annual legislative package..." Under this provision, the CRB makes to following request:

Section 9.1-600(A) of the Code of Virginia now requires law enforcement agencies with ten or more officers to "have procedures..., allowing citizen submission of complaints regarding the conduct of the law-enforcement agency, law-enforcement officers in the agency, or employees of the agency." The section specifies procedures which the law enforcement agencies must have in place to assure citizens know how to submit complaints, to provide aid to citizens in filing complaints, and to assure that adequate records of complaints are maintained.

The CRB recommends an amendment to this section that would allow municipalities to delegate this authority to police oversight bodies established under VA code 9.1-601, as long as the substantive procedural and record keeping requirements of the existing law were met. This would be consistent with the general spirit of the new legislation and clarify that oversight bodies (including Charlottesville's) would have authority to receive all citizen complaints once they have established procedures for doing so.

#### **14. Other Information for the City Council**

The Board would like to bring several issues and recommendations to the attention of the City Council.

- a. The Board continues to wait for the Council to Approve the draft Operating Procedures that have been submitted by the Board for their consideration. The Board will consider any suggestions and respond any questions raised by Council members. Approval of the Operating Procedures is preventing the Board from fulfilling its mission as defined in the 2021 ordinance.
- b. The Council may wish to consult with the Chief of Police regarding the feasibility, desirability, and resource requirements for obtaining and using purpose-built investigation tracking software in the management of citizen complaints. Such software can be used to organize and centrally store documents and evidence, personal recording media, interview recordings and transcripts, and would facilitate better documentation of the fairness, completeness, and consistency of investigations. Should the Chief agree that such a system would be useful, the Council should consider allocating funds for purchase of the software and training of officers to in its use. Such a system would not only support current activities, but having such a system in place would greatly facilitate information sharing in support of independent investigations and complaint review contemplated under the Board's proposed oversight model. The Board is currently adopting its own tracking system based on the Sivil software package, and our experience may be useful if the CPD wishes to develop a unified approach to tracking complaints and investigations with the Board.
- c. Both the 2019 and 2021 ordinances call on the CPD to provide training on police procedures and other subjects to the Board members. It is our understanding that currently no funds have been allocated for police to develop and present such training. The Board recommends that the Council routinely allocate funds in the police budget for training of the Oversight Board.

- d. Assuring racial justice and equal treatment by law enforcement personnel were major concerns driving the formation of the CRB and, consequently, the Civilian Oversight Board. Racial justice also remains a major concern of the citizens of Charlottesville and perceived unequal treatment (even if historical) remains a major cause of community distrust of the CPD. In August 2019, then Chief Brackney issued General Order 06.02 to address Bias-Based Policing. As noted in Section 8 (above), violation of this order has been the subject of 14 allegations over the last three years, but no allegation of bias-based policing has been sustained. The Board recommends that the reasons for the lack sustained complaints be investigated and the General Order itself be examined to see if it is too narrow or difficult to implement.