

CITY OF CHARLOTTESVILLE

"A World Class City"

Human Rights Commission

P.O. Box 911 · Charlottesville, Virginia 22902

Telephone 434-970-3023

humanrights@charlottesville.gov

www.charlottesville.gov/963/Human-Rights-Commission



April 20, 2021

Statement Of The Charlottesville Human Rights Commission On The Most Recent Killings By Police

Mary Bauer (Chair)

Kathryn Laughon (Vice-Chair)

Jeanette Abi-Nader

Shantell Bingham

Ernest Chambers

Jessica Harris

Wolfgang Keppley

Susan W. Lewis

Tobiah Mundt

Andrew Orban

Alex Oxford

Lyndele Von Schill

The Charlottesville Human Rights Commission stands in solidarity with the victims of police violence in Virginia and throughout the nation. We also call upon our own City to commit to transformational change of our own law enforcement efforts. The Human Rights Commission strongly believes that the disparate treatment of Black and brown residents in Charlottesville is an urgent human rights issue.

The Commission stands unequivocally with the Black and brown victims of police violence throughout the nation. In the past several weeks alone we have witnessed multiple instances of racist violence by law enforcement: the trial of the police officer who killed George Floyd by standing on his neck for more than nine minutes; the violent assault of U.S. Army medic Lieutenant Caron Nazario in Windsor, Virginia; and the killing of Daunte Wright during a traffic stop by a police officer who stated that she mistook a gun for a taser (in an incident in which even the use of a taser appeared excessive). We also saw shocking video footage of the killing of a thirteen-year-old boy named Adam Toledo by Chicago police. Indeed, we could list hundreds of names of those killed without justification by the police in our nation in recent years. Each of those deaths involved someone's child, spouse, sibling, friend, or parent. Every day the news brings new heartbreak; it must also lead us to call for introspection and reform in our own City.

It is impossible to overstate the trauma that Black and brown community members are forced to endure as each new incident of police violence comes to light. We must act now to ensure that further incidents do not happen in our own City.

Any of these horrific incidents could have happened in Charlottesville. For example, the appalling and violent treatment of LaQuinn Gilmore involved a shocking abuse of force by police in our City, but easily could have ended even more terribly. And Charlottesville resident Xzavier D. Hill, age 18, was killed by the Virginia State Police earlier this year while driving in nearby Goochland County.

Several studies and data analyses have shown that African Americans in Charlottesville are arrested and incarcerated at rates wildly disproportionate to their percentage of the population. In 2019, a review of police data found that African Americans were nearly five times more likely to be arrested than any other race in the City based on their population.¹ The 2019 data found that “African Americans made up more than half of arrests in Charlottesville over the past five years for mostly petty crimes typically associated with drugs, recidivism and socioeconomic status.”² A 2020 study found that Black people are incarcerated at disproportionately high rates, and there are disparities at virtually every point in the criminal justice system.³

While this disproportionate minority contact with the City's Police Department (“CPD”) erodes community trust in the systems intended to ensure safety for all residents, our City has been slow to take action. For example, in 2019 the Human Rights Commission's Policing sub-committee responded to requests from Chief Brackney to review the CPD's biased-based policing, use of force, and constitutional policies. The Commission reviewed the policies and attempted to meet with representatives from the police department to discuss proposed changes to the policy.⁴ The Commission made numerous attempts to meet with CPD staff without success. CPD continues to operate using an outdated bias-based policy.⁵ These are the same procedures in effect during the alt-right rallies of August 2017 giving CPD the authority to police in an "aggressive" manner.⁶

A review of available national data shows that police spend the overwhelming percentage of their time in dealing with matters that could be handled by others, including mental health professionals and social workers.⁷ Nationally, only 4% of police time is spent dealing with violent crime.

We are heartened that the City schools have committed to replacing police officers in the schools with personnel who are not law enforcement officers and who have developmentally appropriate expertise. It is far past time to ask what other functions currently performed by the police would be better, and more safely, performed by people other than law enforcement officers.

Our City Council recently approved a police budget of close to \$19,000,000. That represents about 10% of our budget for our city of 47,000. Notably, the police budget lacked sufficient detail for community members to actually understand what they would be paying for. This raises significant questions for the Commission and the community.

A budget should reflect the deeply held values of a community, and thus we believe that it is time to demand answers to the most fundamental questions about the police force in Charlottesville.

¹ https://dailyprogress.com/news/local/charlottesville-arrest-data-show-racial-imbalance/article_4463e6aa-5d8d-11e9-bb98-b39346844778.html#:~:text=Between%20March%2030%2C%202014%2C%20and,estimated%2019%20percent%20black%20population.

² *Id.*

³ https://dailyprogress.com/news/local/report-finds-racial-disparity-at-almost-every-level-of-local-criminal-justice-system/article_8c1dad70-7e3a-565b-a98c-f9bc4a189862.html

⁴ https://docs.google.com/document/d/1FwXxeq7C0H-pVcrhA5AjXG2FgaPBpb8_eKU44twnuCW/edit

⁵ <https://www.charlottesville.gov/DocumentCenter/View/708/400-05---Biased-Based-Policing-PDF>

⁶ https://drive.google.com/file/d/15XmrGKLWzNJzPxRWFLQwgV-mrng_VSgQ/view

⁷ <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>

Specifically, we need to know in detail at least the following:

- what functions are currently performed by the police;
- how much does each of these functions cost; and
- which of those functions could be better performed by people or entities who are not law enforcement carrying weapons?

Traffic stops are the most common interaction between police and civilians today. Studies show that Black and brown motorists are disproportionately stopped by police for traffic violations. They are also disproportionately questioned, frisked, searched, cited, and arrested during traffic stops. One potential solution would be to remove traffic and parking control from the purview of the police and instead have those matters handled by an entirely new traffic agency.”⁸

Currently, people in Charlottesville routinely call the police for matters such as mental health crises because, in most cases, they simply don’t know anyone else to call. This forces Black and brown families to decide whether to seek necessary help for someone in crisis or risk being the victim of violence if they do call law enforcement. Charlottesville families should never have to make such a choice. While the mental health task force created by Councilor Snook and Councilor Magill is a step in the right direction, it has yet to fully realize or implement a mental health crisis response program that could save lives.⁹

We call on Charlottesville to become a national leader in police reform. That includes a robust and empowered Police Civilian Review Board, but it also includes diverting significant money from the police budget to providing other essential services that can more effectively and safely address community issues. We also call on the City to enact as one of its legislative priorities in the next General Assembly session the abolition of qualified immunity so that all government officials who break the law can be held accountable for those actions.

Change should begin now—with far greater transparency about the police budget, training, polices, and data about stops traffic and other stops. Attorneys should not need to file Freedom of Records Acts requests and litigate those requests in order to obtain data that the community is entitled to know.¹⁰

As we all know, throughout the nation, the word “Charlottesville” has become synonymous with one terrible weekend in August of 2017. Instead, we believe the city should work to become known nationally as a locality focused on racial justice—one that has addressed head on the issue of police violence by re-allocating substantial law enforcement funds to other human services that are designed to support and help people instead of incarcerating them.

⁸ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3702680

⁹ https://dailyprogress.com/news/local/govt-and-politics/proposed-charlottesville-police-budget-causes-concerns-complaints/article_416bc74a-93fc-11eb-a155-ef5642ee0058.html

¹⁰ <https://www.c-ville.com/naacp-phar-file-foia-suit-stop-frisk-records/>

We believe that Charlottesville should become an incubator of progressive ideas to demonstrate to other localities within the Commonwealth and beyond that real change is possible. As part of those efforts, we must create a safer and more vibrant City by investing in services other than law enforcement.

Our budget and our City's actions should hold racial justice, equity, and inclusion as its core goals. That calls for hard questions and real change. But we cannot wait. Every day that we wait in bringing about real change in our City means another day in which we must fear for our beloved Black and brown community members.

The time is now for change. While we hold the victims of police violence and their families in our hearts, the Human Rights Commission believes that we serve those victims and family members best by demanding real change in our community and beyond.