

*VISION*

*To be one community filled with opportunity*

*MISSION*

*We provide services that promote equity and an excellent quality of life in our community*

THE JUNE 2020 REPORT

PCRB Executive Director's  
Report to City Council



Hansel A. Aguilar, Executive Director  
City of Charlottesville  
Police Civilian Review Board

*Quis custodiet ipsos custodes?*



THE JUNE 2020 REPORT

PCRB Executive Director's Report to City Council

Submission Date: November 26, 2021



**City Council**

Honorable Nikuyah Walker, Mayor  
Sena Magill, Vice Mayor  
Heather Hill, City Councilor  
Michael Payne, City Councilor  
Lloyd Snook, City Councilor

**Deputy City Managers**

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## Letter from the Executive Director

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Honorable Mayor Walker and City Council Members,

There is no doubt that the City of Charlottesville has seen significant challenges over the past few years. The social issues at the base of many of these challenges, however, are not issues that occurred over the past few years but are deep-rooted. This means the implementation of solutions to remedy these problems will take time. Since the establishment of a civilian oversight entity in 2017, the City has undertaken the commitment of improving police-community relations in a meaningful way. Civilian oversight, however, is not a panacea for solving all policing issues. To tackle the systemic issues in policing, we need a multi-faceted, evidence-based, and trauma informed approach that includes all sectors of society.

The hiring and appointment of the first PCRB Executive Director represents a significant step in the evolution of civilian oversight in the City of Charlottesville. Through the functional and administrative support provided to the Police Civilian Review Board, civilian oversight in the City of Charlottesville can become a viable option for community members. Through effective community outreach opportunities, the PCRB can impact the community by holding topical community forums where open discussion on pressing issues in policing and criminal justice reforms can occur. Through collaborative work with key departments within the City as well as community-focused nonprofits, the Board can also work to ensure that members of the community from youth to seniors can learn about not only their rights in police encounters but also how they can participate in the complaints process. The PCRB and its members truly have the capacity to influence how our community considers the role of law enforcement; to ensure that members of the community have the opportunity to hear their concerns and negative interactions in a meaningful way; and to become a template for other small localities to engage in their own PCRB creation successfully.

One way to continue the positive movement of the PCRB is to engage in using the audit function of civilian oversight boards to take a deep dive into the past that can positively impact the future. This report discusses and recommends engaging in such an audit of Charlottesville's Police Department in a systematic way. The audit could uncover data on areas of success in our force's treatment of community members, but also can display challenges and clear areas of increment that can then be baked into training and future policy revisions. Currently, wide-ranging reform efforts are already taking place at the local, statewide, and national levels. In crafting this document, various considerations were taken, not only the time and context of when the City Council passed the resolution authorizing the report (2019), but the events that transpired up to the submission of the report. In that fashion, the purpose of the report is to provide a tool to guide the City Council as it continues to engage in the discussion of police and criminal justice reform efforts.

Sincerely,



Hansel A. Aguilar, Executive Director  
Police Civilian Review Board

## Report Background

On November 4, 2019, after years of community engagement and advocacy<sup>1</sup>, the Charlottesville City Council ( ‘Council’) adopted an ordinance adding *Article XVI- Police Civilian Review Board to Chapter 2 (Administration)*<sup>2</sup> to the City Code. In summary, the ordinance established the Police Civilian Review Board (hereafter ‘PCRB’) with the enumerated powers and duties to: (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. To aid the Board in accomplishing its duties, the City Council created the role of PCRB Executive Director (‘Executive Director’). Among many of the duties within the purview of the Executive Director, are the responsibilities to: provide leadership and functional support to the PCRB; ensure that the PCRB successfully fulfills its duties as established in the enabling ordinance and bylaws; support the PCRB’s efforts to promote transparency and to foster community relationships with the Charlottesville Police Department, etc.

Along with the new Ordinance establishing the PCRB, the Council (by way of Resolution<sup>3</sup>) authorized the Executive Director to issue a report to the Council in *June 2020*<sup>4</sup>. Specifically, in the resolution the Council sought recommendations from the Executive Director as to whether the Council should appropriate funds for an Auditor position to serve the Police Civilian Review Board; and whether the Auditor should be a full-time or part-time position or if the Executive Director recommends contracting with a firm for audit services. Additionally, Council sought to understand (through the report) which, if any, aspects of the Charlottesville Police Department’s operations should be audited, and which forms and types of Charlottesville Police Department data should be made available for an Auditor position to analyze. Lastly, the Council’s resolution sought a recommendation from the Executive Director as to whether the Executive Director and the Charlottesville Chief of Police should enter a formal

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<sup>1</sup> The impetus for this ordinance was the result of relentless advocacy from various stakeholders and community members who sought to establish an entity charged with providing police accountability within the City of Charlottesville. Among the many efforts crucial to the adoption of this ordinance, was the July 2, 2019 [REPORT](#) submitted to City Council by members of the Initial Police Civilian Review Board.

<sup>2</sup> See [POLICE CIVILIAN REVIEW BOARD ORDINANCE](#)

<sup>3</sup> See [RESOLUTION AUTHORIZING POLICE CIVILIAN REVIEW BOARD EXECUTIVE DIRECTOR TO PREPARE A JUNE 2020 REPORT TO CITY COUNCIL](#)

<sup>4</sup> Alternatively, if the Executive Director was not appointed by April 30, 2020, the resolution sought the report within sixty days of the Executive Director’s appointment by Council. The current Executive Director (author of the report) was not formally appointed until September 27, 2021. Notwithstanding, considering the historical importance of the summer of 2020 as it relates to racial relations and criminal justice reform discussions in America, the Executive Director chose to refer to this report as ***The June 2020 Report***.

Memorandum of Understanding; and what topics, functions, and information should be included with a Memorandum of Understanding between the Charlottesville Chief of Police and the Executive Director.

This report would be incomplete without acknowledgement of the significant events, incidents, and controversies that have occurred from the period since the passage of the PCRB ordinance to the submission date of this report (Nov. 4, 2019- Nov. 26, 2021). Specifically, since the adoption of the ordinance and resolution, the City of Charlottesville: has experienced significant turnover in City Hall leadership; experienced significant turnover in the Police Department; struggled through a global pandemic; witnessed the collective trauma from witnessing the murder of George Floyd (and other high-profile police related killings); continues to be impacted by the lingering effects of the Summer of Hate (to include the re-traumatization caused by the 2021 civil trial) and other historical City injustices; and has been subjected to various political and social controversies involving different levels of City governance. This context is important to consider the methodology and analysis utilized to produce this report and provide the Council the recommendations it sought in the November 4, 2019 resolution.

### Scope and limitations of Review

This report was produced after the review of various public records (i.e. meetings, documents, annual reports, etc.), formal and informal discussions with various community stakeholders, departmental leadership, City Council members, City Hall staff, and preliminary review of statistical CPD data concerning police interactions from September 2016- September 2021. This is by no means an exhaustive review of all available data and outreach to the community. The report is not intended to be read as a definitive recommendatory report on all possible audits and areas to explore in the Charlottesville Police Department, instead it should be read and used as a snapshot in time reflecting the current auditing needs that will empower the PCRB and the Council to accomplish the mission of enhancing transparency and trust, promoting fair and effective policing, and protecting the civil and constitutional rights of the people of the City of Charlottesville.

As the PCRB evolves and garners credibility within the community, its operations will enable a better pulse on additional areas for review and auditing. Additionally, the changes of leadership that occurred during the period since the appointment of the Executive Director has shifted the City's priorities across all departments which also impacts the execution and scope of the report. In the 2019 Resolution, Council directed the City Manager, in consultation with the Executive Director, to recommend a sufficient appropriation to the Council to employ a consultant to assist the Executive Director in composing their report. Considering the events taking place in the City of Charlottesville at the time of appointment of the Executive Director, this step was not feasible. Additionally, a 60-day period to prepare this report from

the date of appointment does not afford an incoming employee the sufficient time to onboard, learn City protocols and engage in a procurement of a consultant. A longer period of analysis under different circumstances would yield a different report and potentially different recommendations. Notwithstanding this compression, the Executive Director has attempted to honor and respect the spirit of the Council's November 4, 2019 resolution and provide the recommendations and guidance it seeks.

## Methodology

To guide the preparation of the report and the task at hand, a mixed-methods approach was utilized to collect information and evidence to produce a wholistic report. Specifically, the following methods of data collection were employed:

- 25 total unstructured interviews with community members with lived experience, activists, elected officials, and other stakeholders.
- 2 informal focus groups with community organizations
- Ethnography/field visits: community ride-a-longs with community members, ride-a-longs with CPD officers, independent community drive-throughs and geography familiarization, GDC court visit, regional police academy visit
- Quantitative review (descriptive analysis) of CPD arrest and crime data between 2016-2021

## Findings

Consistent with national trends<sup>5</sup>, the City of Charlottesville is experiencing a decline<sup>6</sup> in the positive outlook community members have towards the police department. While a more thorough scientific survey should be employed to find out current trends (the NCS covers 2012-2018), the latest data collected indicates that 66%<sup>7</sup> of community members rate CPD positively. Additionally, considering the stratified nature of our society, it is understood that the experiences and perceptions of community members toward an institution like the police, will vary by race, gender, social status, education, income, etc. An updated survey of local police perceptions should seek to ensure there is a representative sample of Charlottesville city residents that accounts for the diverse lived experiences.

As noted earlier, Charlottesville is not isolated from other communities across the country who are experiencing issues of (dis/mis)trust between the community and the police. Like other communities across the country, Charlottesville is undergoing various reform and research efforts to address issues in

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<sup>5</sup> See [NYT: CONFIDENCE IN POLICE IS AT RECORD LOW, GALLUP SURVEY FINDS](#)

<sup>6</sup> See [THE NATIONAL CITIZEN SURVEY, CHARLOTTESVILLE, VA](#)

<sup>7</sup> IBID, pg. 5

the administration of justice not only by the police, but by the broader local criminal justice system. Since the passing of the 2019 Resolution, national, statewide, and local efforts aimed at addressing systemic issues in the justice system have intensified. Specifically, as it relates to civilian oversight in the Commonwealth, during the 2020 General Assembly SPECIAL SESSION I<sup>8</sup>, localities in the Commonwealth were authorized to establish law-enforcement civilian oversight bodies with wide ranging set of accountability measures to include investigatory powers, review authority, disciplinary authority, and auditing functions. As of the submission of this report, the Council is undergoing revisions to amend the 2019 ordinance to provide the PCRB more ‘tools’ to complete its oversight mandate and has engaged in discussions concerning mental health initiatives, prosecutorial changes, and reforms in other entry points into the justice system.

As it relates to the CPD, efforts begun under the guidance of Chief Brackney<sup>9</sup> include: the publication of all general orders<sup>10</sup> online which was aimed at providing greater transparency of CPD policies; the introduction of a “comfort<sup>11</sup>” or “therapy” k-9 aimed at providing stress relieving services to officers, children and victims of crimes who have gone through a traumatic event; removing CPD from participation in the Jefferson Area Drug Enforcement (JADE) taskforce to mitigate racial disparities seen in drug enforcement; dissolution of the Special Weapons and Tactics (SWAT) team in response to police misconduct<sup>12</sup>; the staff addition of a Fourth Amendment Analyst to ensure CPD officer’s were complying with Constitutional provisions; publishing statistics regarding CPD’s encounters and detentions; posting summaries, outcomes and corrective actions associated with all Internal Affairs Investigations; re-operationalizing *Use of Force to Response to Resistance* and publishing each “Response to Resistance” incident in which force was utilized online for public consumption. Despite these efforts, there are still opportunities to continue to implement meaningful change and improvement in CPD practices, procedures, policies, and culture. In order to do this appropriately, the Council requires systematic collection and revision (i.e. auditing) of specific areas of CPD operations.

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<sup>8</sup> See [§ 9.1-601. LAW-ENFORCEMENT CIVILIAN OVERSIGHT BODIES.](#)

<sup>9</sup> “Chief Brackney was tasked with updating and reforming how police services are provided within the City of Charlottesville, as well as working to bridge a divide between the city’s citizens, especially African American residents, and law enforcement.” See [AUGUST 20, 2021 PRESS RELEASE](#)

<sup>10</sup> A limited number of the City of Charlottesville Police Department General Orders have been redacted. The redactions ensure that that Police Department’s operational and tactical responses are withheld for community and Officer Safety (e.g., bank alarm response, response to an active threat, and Tactical Operations).

<sup>11</sup> See [CPD COMFORT CANINE](#)

<sup>12</sup> See [AUGUST 20, 2021 PRESS RELEASE](#)

## Recommendations

The auditing recommendations presented in this report were guided, categorized, and aligned with the six pillars from the Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing: Pillar One: Building Trust and Legitimacy; Pillar Two: Policy and Oversight; Pillar Three: Technology & Social Media; Pillar Four: Community Policing & Crime Reduction; Pillar Five: Training & Education; and Pillar Six: Officer Wellness & Safety (a summary of these pillars can be found in Table 1). Additionally, the report considered the current efforts and values expressed by the Council in the Strategic Plan- Goal 1: An Inclusive Community of Self-sufficient Residents (i.e. *1.5 Intentionally address issues of race and equity*). In that fashion, the recommendations can be read as a convergence of national ideals concerning 21<sup>st</sup> Century Policing and local values from the community. Considering the significant events that have transpired in the community and on a national level from 2016 (the last year in office of the nation’s first Black president) to our present calendar year (the last year in office of the City’s first Black female chief of police), this appears to be an ideal period of review to assess the progress (or lack thereof), changes, and different policing activities.

Table 1 21st Century Policing Pillars

Pillars	Summary
Pillar One: Building Trust and Legitimacy	Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve.
Pillar Two: Policy and Oversight	Pillar two emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values.
Pillar Three: Technology & Social Media	The use of technology can improve policing practices and build community trust and legitimacy, but its implementation must be built on a defined policy framework with its purposes and goals clearly delineated.
Pillar Four: Community Policing & Crime Reduction	Pillar four focuses on the importance of community policing as a guiding philosophy for all stakeholders. Community policing emphasizes working with neighborhood residents to coproduce public safety.
Pillar Five: Training & Education	As our nation becomes more pluralistic and the scope of law enforcement’s responsibilities expands, the need for expanded and more effective training has become critical. Today’s line officers and leaders must be trained and capable to address a wide variety of challenges including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and a growing mental health crisis.
Pillar Six: Officer Wellness & Safety	The wellness and safety of law enforcement officers is critical not only for the officers, their colleagues, and their agencies but also to public safety. Pillar six emphasizes the support and proper implementation of officer wellness and safety as a multi-partner effort.

Source: [DOJ COPS Office](#)

### Funds for an Auditor position

In its Report to Council, the Initial PCRB included a memo<sup>13</sup> that was *“intended to describe the need for a full-time independent auditor to work alongside (and sometimes in collaboration with) a Civilian*

<sup>13</sup> See [REPORT](#), pg. 11

*Review Board, as both entities strive to provide effective oversight over the Charlottesville Police Department.”* This hybrid model of civilian oversight of law enforcement enhances the capacity of meaningful accountability. The auditor, monitor, and hybrid models of civilian oversight have been in existence for a few decades<sup>14</sup> in the United States. Further, the memo noted the auditor *“will analyze not only internal affairs’ handling of civilian complaints but also raw data on instances of stop and frisk, use of force, officer-involved death, and other matters of pressing public concerns noted, since the report, significant events have occurred in the City and the country that have guided the ongoing discussions of police reform.”* First, it should be noted that the premise and justification behind police auditing is a well-established feature of civilian oversight that enhances police legitimacy and transparency. Second, the recommendation must be examined from the context and point in history by which it was produced (i.e. community’s response to Summer of Hate events).

The efforts underway in the City focused on policing, including the current amendment process of the PCRB Ordinance, could precipitate a delay in the securing of a full-time auditor as it may be difficult to justify the full time position as well as secure the funding for that staff member. However, it is recommended that Council may wish to consider engaging in and empowering the Executive Director to monitor various activities of the CPD (to be described later). In addition, the Council may also wish to consider revisiting the question of a permanent independent auditor in FY 24 or FY25’s budgeting process. This delay will allow the Council and the City’s Budget team to have more data about the auditing needs of our police department through the continual development and operations of the revamped PCRB and the ability of the organization to have appropriate revenue and expenditure projections in a post-COVID world.

#### Employment Status of Auditor: Full-Time Employee vs Independent Contract Employee vs a Contracting Firm

Consistent with the above recommendation to delay the decision of the hiring of a full-time independent auditor until a later time, the following information will provide Council and the City Manager with the data needed to weigh the expense of different models of auditing. Table 2 provides the market rate pay range for a full-time police auditor position. In the current City of Charlottesville class specifications, this role will most closely match the scope of the responsibilities and experience of CPD’s 4<sup>th</sup> Amendment Investigative Analyst. If this model of auditing is chosen, Council should empower the Executive Director to work with the City Manager and the Director of Human Resources to develop a position description that matches the needs of the ongoing auditing of the CPD to be completed by the

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<sup>14</sup> See [CIVILIAN OVERSIGHT OF LAW ENFORCEMENT: A REVIEW OF THE STRENGTHS AND WEAKNESSES OF VARIOUS MODELS](#)

Executive Director. It is important to reiterate that the recommendation of this report is not that the City does not or will not ever need a full-time auditor, but rather that at this time, this option should be revisited when there is more data to support the addition of this staff member.

**Full Time Auditor**

*Table 2 Full-Time Auditor*

Estimated Salary	\$47,191.51 - \$89,043.75 Annually
Benefits Calculations	\$46,214
Total Salary + Benefits Cost	\$93,405.51-\$135,257.75

A part-time auditor may also be a viable option soon, once there is a better pulse on ongoing auditing needs. Table 3 illustrates the potential hourly range, commensurate with experience, that should be considered to attract qualified candidates for this position. The Council may also consider exploring whether the Executive Director would best meet the needs of ongoing auditing by developing a pool of qualified auditors that will be activated for special auditing projects or tasks. Depending on how many auditing objectives are identified through the work of the Executive Director, this contract pool model may best serve the auditing needs. It is important to note, however, that without having concrete auditing projects in mind, an annual allocation for a pool may be difficult to predict at this point.

**Part- Time/Contract [Pool] Auditor**

*Table 3 Part-Time/Pool*

Hourly Allocation	\$22.69-\$42.81/hr
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Lastly, Table 4 provides the budget Council should consider allocating to the Executive Director to secure an auditing firm to execute the auditing objectives and tasks detailed in the *What to Audit* (pg. 12) section of this report. This approach of farming out the auditing of the CPD activities will serve the sentiment expressed by the initial PCRB (i.e. the importance of independent auditing) and will similarly serve as a last stage before the Council takes on the question whether to create a permanent position of an independent auditor. Considering the appointment of an Executive Director for the PCRB and some drafts of the amended ordinance that have provisions for accomplishing some of the goals of an independent auditor, this approach will also present an opportunity for the Executive Director, the PCRB, the City Manager, and Council to better assess the needs of the Organization. It is important to note that these cost estimates were created by looking to current market trends for this work, the expertise

required to complete the work, and the current organization classifications that could be comparable to this role.

### Professional Contract for Auditing Services

Table 4 Auditing Contract

Allocation for Initial Auditing Contract	\$80,000
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#### What to Audit

The question of what to audit revolves around the need to ensure that the policies, practices, procedures, and spending of the CPD reflect the values of the City of Charlottesville. As such, the specific tasks to complete in a systematic audit should be intentional and purposive so they can inform the Council, CPD, and the community at large what areas of the police department are performing in a manner consistent with the values and where there are areas for improvement. Likewise, the scope of the audit should be clearly delineated to ensure that it addresses the concerns appropriately. In summary, 10 specific audit recommendations have been identified. These reflect the ongoing community discussions and concerns from the various community stakeholders. These topical areas can be placed in the following five categories: patrolling operations; special teams' operations; response to resistance (a.k.a. use of force); use of technology; officer wellness (to include recruitment/retention). Five of the audit tasks can be resolved internally with the coordination of the Executive Director while the other five audit recommendations should be completed by an external audit firm or contractual auditor.

For external reviews, it is recommended that the Council should allocate the funds projected for the work and empower the Executive Director to select a firm or contract auditor in compliance with the City's procurement process. The Executive Director will prioritize existing relationships that have been formed and honor the work that is already being done in these areas. For example, the Executive Director will consider continuing working with Office of Human Rights, Partners for Mental Health, Center for Policing Equity, Squire Patton Boggs Foundation- Sustained Impact Racial Justice Fellowship and the Thomas Jefferson Area Criminal Justice Board to name a few.

The category of patrolling operations is a broad topic that covers areas ranging from: daily activities of patrol officers, to decision making (i.e. officer discretion), to specific interactions with communities of interest (i.e. mental health<sup>15</sup> and communities of color), etc. One special task to highlight

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<sup>15</sup> The provision of care for individuals experiencing mental health issues and policing nexus continue to be an area of broad community concern. In the Commonwealth, the Marcus-David Peters Act : "aims to provide a behavioral

under this broad category is the auditing of officer discretion. This work is already taking place in some capacity. As Chief Brackney noted in the September 28, 2021 Council Virtual Work Session<sup>16</sup>, “One of the most powerful tools that an officer possesses is discretion.” In that spirit, the Chief and her legal intern Ms. Nancy Amin<sup>17</sup> conducted a study to assess the application of police discretion at CPD. In her presentation titled, *The Power and Impact of Discretion*<sup>18</sup>, Ms. Amin discussed the preliminary findings from a 2-year period review of police discretion. The findings of the study will be an invaluable data point for the Council and the CPD, but from a PCRB point of view it would be recommended that the area of auditing should be expanded to include the range recommended earlier (2016-2021) in this report.

For obvious reasons, special teams auditing will be an essential part of CPD review. Namely, the activities conducted by any existing special teams should receive a systematic review including assessing what policies, practices, procedures were in place for prior special teams and what policies, practices, and procedures would be helpful for any future special teams if created.

As history and current events continue to demonstrate, technology can be society’s best friend or worst enemy. As it relates to policing, the implications for the misuse and misapplication of technologies can have dire consequences for the community. Body-worn cameras (BWCs) can be an excellent tool for enhancing transparency, memorializing police interactions in an objective manner, and continued monitoring of policing activities. These same tools, however, can be mis-utilized whether intentionally or unintentionally and result in the growing dis/mis trust of the law enforcement profession. Likely, social media to communicate with the community has the possibility of being a positive feature and can be an excellent force multiplier. Also, like BWCs, social media can be mis-utilized by individual officers and departments. A review of the policies and practices surrounding these tools will ensure that they are deployed in a fashion consistent with the vision and mission of the City.

Officer wellness, recruitment and retention are topics that deserve attention for a variety of reasons. For one, law enforcement officers are human beings just like the community members they serve. An officer wellness perspective is an extension of a community wellness approach to public

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health response to behavioral health emergencies... and reduce adverse outcomes involving the “use of force” in law enforcement interactions when experiencing a behavioral health crisis related to mental health, substance use, or developmental disability ” was also passed in the 2020 SPECIAL SESSION I. The implementation of the key legislation is currently under review as noted in the September 28, 2021 Council Virtual Work Session. The work can only be enhanced by a targeted audit of CPD interactions with individuals experiencing mental illness. Some community partners and stakeholders are and have been engaged in this discussion and it would be beneficial for the Council to engage with them to further define the auditing plan.

<sup>16</sup> [COMMUNITY DISCUSSION - IMAGINING A JUST CVILLE AND MARCUS ALERT WORKING GROUPS](#)

<sup>17</sup> Nancy Amin is a J.D. Candidate at the University of Texas School of Law. She is also the Texas International Law Journal Editor in Chief at the University of Texas School of Law. She assisted CPD with the discretion study as a Sustained Impact Racial Justice Fellow with the Squire Patton Boggs Foundation.

<sup>18</sup> See [COMMUNITY DISCUSSION - IMAGINING A JUST CVILLE AND MARCUS ALERT WORKING GROUPS](#)

administration and governance. The social psychology of individuals in this profession has a significant impact on the community. Ensuring that officer wellness is measured and monitored systematically makes officers safer and in turn makes the community safer. Recruitment and retention are important areas to examine because they have a somewhat obvious relationship with community policing<sup>19</sup>. Communities cannot expect to have the policing they appreciate if the recruitment and retention efforts are not aligned with the values of the community. Lastly, these areas have a nexus with financial considerations because they impact the budgeting which is contributed by the local taxpayer.

Lastly, the findings of the City’s DMC studies (for adults and youth) are necessarily a guiding force in the auditing tasks for the department. As you will see in the audit recommendations, race is a key variable in many of the auditing tasks. Looking at “race” in specific policing activities will allow for a more accurate picture of patterns rather than just looking at how “race” plays a role in policing in general. A complete articulation of the audit recommendations is provided in Table 2. Please note that these audit recommendations can and should be further defined prior to engaging in a Request for Proposal (RFP) process or a similar procurement process.

Table 2 Recommendations about what activities to Audit

Recommendation	Activity to Audit/ Scope of Audit	Purpose	Data Sources	Reason	Review Period	Potential Auditor
R1	Daily routine activities of patrol officers: a) Community policing activities b) Traffic enforcement c) Crime Prevention d) Criminal Investigations e) Field Contacts	To review compliance with CPD patrolling policies; explore patterns of patrolling activities based on officer race, gender, age and community members’ race, gender, age.	Any data points concerning the activities of patrol officers to include (but not limited to): written officer reports; video documentation (i.e. BWC, dash cameras), database entries (i.e. CAD)	<i>21<sup>st</sup> Century Policing Pillar IV</i>  Considering the DMC study, it is important to further understand what daily patrolling activities can be revisited to mitigate DMC at various CJ entry points	2016-2021	External- Council should consider putting out a RFP to solicit proposals from an auditing firm with experience and resources to conduct audit. Should consider collaborating with Criminal Justice Planner Neal Goodloe
R2	Officer discretion related to charging offense, consensual v. nonconsensual encounters a) Race (officer v. civilian) b) Gender (officer v. civilian) c) Location d) Time of day e) Prior encounters	To continue legal intern Nancy Amin’s project of reviewing the application of CPD officers’ discretion	Any data points concerning the activities of patrol officers to include (but not limited to): written officer reports; video documentation (i.e. BWC, dash cameras), database entries (i.e. CAD)	<i>21<sup>st</sup> Century Policing Pillar II</i>  Considering, Ms. Amin’s analysis on officer discretion, there is support for deeper understanding of this matter	2016-2021	External- Collaboration with UVA Law may be of benefit and exploring possibilities of expanding existing study

<sup>19</sup> [POLICE RECRUITMENT AND RETENTION FOR THE NEW MILLENNIUM THE STATE OF KNOWLEDGE](#)

R3	<p>CPD interactions with individuals experiencing mental illnesses:</p> <ul style="list-style-type: none"> <li>a) Review of all calls classified as service to EDP and or other mental health related crisis classifications</li> <li>b) Review of CIT</li> </ul>	To understand how officers are currently making decisions	Any data points concerning the activities of patrol officers to include (but not limited to): written officer reports; video documentation (i.e. BWC, dash cameras), database entries (i.e. CAD)	<p><i>21<sup>st</sup> Century Policing Pillar V</i></p> <p>Consistent with Council efforts to improve services to individuals experiencing mental illnesses (i.e. Marcus Alert/Imagining Just Cville/Mental Health Taskforce)</p>	2016-2021	External- Partnership with local service providers like Partner for Mental Health , the Women’s Initiative, and Region 10
R4	<p>Review of SWAT Team and other Special Team(s) Activities</p> <ul style="list-style-type: none"> <li>a) Policies</li> <li>b) Training</li> <li>c) Deployment</li> <li>d) Spending</li> </ul>	To investigate policies, practices, trainings, and procedures to make policy recommendations where appropriate	Any data points concerning the activities of these teams.	<i>21<sup>st</sup> Century Policing Pillars II &amp; V</i>	2016-2021	External- RFP to solicit proposals from an auditing firm with experience and resources to conduct audit
R5	<p>Response to resistance (a.k.a Use of Force) Factors:</p> <ul style="list-style-type: none"> <li>Race; Gender; (officer v. civilian)</li> <li>Location; (officer v. civilian)</li> <li>Height/weight (officer v. civilian)</li> </ul> <p>De-escalation Documentation Polices/Procedures</p>	To investigate the influence of civilian race, ethnicity, and other factors on force used by CPD officers. Explore the civilizing effect of the rebranding of UoF	Any data points concerning the activities of patrol officers to include (but not limited to): written officer reports; video documentation (i.e. BWC, dash cameras), database entries (i.e. CAD)	<i>21<sup>st</sup> Century Policing Pillar II</i>	2016-2021	External- RFP to solicit proposals from an auditing firm with experience and resources to conduct audit
R6	<p>Officer Wellness</p> <ul style="list-style-type: none"> <li>a) Practices</li> <li>b) Policies</li> <li>c) Procedures</li> <li>d) Spending</li> </ul>	To investigate policies, practices, trainings, and procedures to make policy recommendations where appropriate	Any data points concerning the activities of these efforts.	<i>21<sup>st</sup> Century Policing Pillar VI</i>	2016-2021	Internal- City Manager may consider adding this task to the Executive Director’s workplan
R7	<p>Retention</p> <ul style="list-style-type: none"> <li>a) Practices</li> <li>b) Policies</li> <li>c) Procedures</li> <li>d) Spending</li> </ul>	To investigate policies, practices, trainings, and procedures to make policy recommendations where appropriate	Any data points concerning the activities of these efforts.	<p><i>21<sup>st</sup> Century Policing Pillar VI</i></p> <p>Officer turnover makes the community more vulnerable and creates challenges for community policing</p>	2016-2021	Internal- City manager may consider adding this task to the Executive Director’s workplan
R8	<p>Recruitment</p> <ul style="list-style-type: none"> <li>a) Efforts</li> <li>b) Polices</li> <li>c) Practices</li> <li>d) Spending</li> </ul>	To investigate policies, practices, trainings, and procedures to make policy recommendations where appropriate	Any data points concerning the activities of these efforts.	<i>21<sup>st</sup> Century Policing Pillar V</i>	2016-2021	Internal- City Manager may consider adding this task to the Executive Director’s workplan
R9	<p>Complaints and Compliments</p> <ul style="list-style-type: none"> <li>a) Policies</li> </ul>	To investigate policies, practices, trainings, and	Any data points concerning the	<i>21<sup>st</sup> Century Policing Pillar I</i>	2016-2021	Internal-City Manager may consider adding

	<ul style="list-style-type: none"> <li>b) Practices</li> <li>c) Procedures</li> <li>d) Accuracy</li> <li>e) Thoroughness</li> <li>f) Completeness</li> <li>g) Impartiality</li> </ul>	procedures to make policy recommendations where appropriate	activities of these efforts.			this task to the Executive Director's workplan
R10	Review of technological resources <ul style="list-style-type: none"> <li>a) Patrolling equipment</li> <li>b) Agency equipment</li> <li>c) Software</li> <li>d) Social media</li> <li>e) Budget</li> </ul> BWC Compliance <ul style="list-style-type: none"> <li>a) Turned on late</li> <li>b) Turned off early</li> <li>c) Obstructed</li> <li>d) Labeling/classifications</li> </ul> Policies <ul style="list-style-type: none"> <li>a) Officer access</li> <li>b) Community member access</li> </ul>	To investigate whether the police department has current technological tools available	Any data points concerning the activities of these efforts.	<i>21<sup>st</sup> Century Policing Pillar III</i>  To ensure the police department has the best technological tools for transparent, ethical, and constitutional policing	2016-2021	Internal- City Manager may consider adding this task to the Executive Director's workplan

### Memorandum of Understanding

Another recommendation in the Initial PCRB's Report was the need for a Memorandum of Understanding (MOU)<sup>20</sup> between the PCRB and the CPD. Specifically, the Report noted, *"The Board and the CPD shall enter into a memorandum of understanding (an "MOU"), defining the terms of their relationship and mutual obligations. The Board is authorized to negotiate the provisions of an MOU, assisted by Oversight Staff and the Board's legal advisor (described below, under "Support"). If a provision of an MOU conflicts with a provision of this enabling ordinance (as described below, under "Right of Access" and other provisions), the provision of the enabling ordinance shall govern."* The sentiment behind this recommendation is to ensure that all stakeholders are on the same page regarding the roles and responsibilities, which is an essential feature of any successful oversight program. It addresses many aspects of the relationship between an oversight agency and the police department. As the Initial PCRB noted<sup>21</sup>, *"An MOU is not an adversarial document or an indication that an adversarial relationship exists. Rather, it is a formal blueprint that lays out the expectations and intentions of each group so that the working relationship can be free of confusion or conflict."* Namely, it: 1) formalizes the mandatory collaboration required for this work to be successful; 2) Creates the processes by which access to

<sup>20</sup> See [REPORT](#), pg. 6

<sup>21</sup> Ibid, pg. 8

information, documents, and other materials will be shared; 3) provides transparency between both agencies and the public; and 4) increases accountability between and for both agencies.

The Executive Director agrees with the Initial PCRB's 2019 recommendations concerning the need for the expectations and responsibilities between these parties (PCRB and CPD) to be explicitly codified in an agreement. However, in consultation with City Attorney Lisa Robertson, the Executive Director believes the goals of the proposed MOU could be accomplished through the Operating Procedures. While the Executive Director defers to the legal opinion of the City Attorney on the need for an MOU, the Executive Director also concurs with the Initial PCRB on the content to be included in the Operating Procedures. Specifically, in their Memo<sup>22</sup>, the Initial PCRB indicated that a comprehensive and effective MOU should describe the following<sup>23</sup>: *"Scope of information sharing between the oversight board and the Charlottesville Police Department; Parameters of the relationship (and the means of communication) between board; members and police officials; Timelines for compliance with all obligations; Definitions of the respective roles of the various stakeholders."* Consistent with that recommendation, the Operating Procedures should address the following provisions: complaint triage (process/intake); notice of investigations/review; hearings; mediation; trainings; data; policy; and outreach. The specific recommendations provided in the Memo from the Initial PCRB are consistent with best practices and the local needs of the City's oversight body.

While an internal MOU between the PCRB and the CPD will be accomplished via the Operating Procedure, the Council should also empower the City Manager in consultation with the Executive Director and City Attorney to establish MOUs between the City and the Emergency Communications Center (ECC); the Central Shenandoah Criminal Justice Training Academy, the General District Court; the Charlottesville Circuit Court, the Magistrate's Office, the Commonwealth Attorney of the City of Charlottesville, the Office of Public Defender, the City of Charlottesville Sheriff Department, the Albemarle County Sheriff Department, the Albemarle County Police Department, and the UVA Police Department. Establishing a formal relationship with each of these offices and institutions will streamline communications and ensure the thorough execution of the PCRB duties. These MOUs will naturally address other aspects of the civilian oversight work like procedures for requesting and obtaining information related to the PCRB work.

## Conclusions

Council tasked the Executive Director with providing a report on key questions concerning the activities of CPD activities. The present report provides recommendations on whether to secure a full-

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<sup>22</sup> See [REPORT](#), pg. 8

<sup>23</sup> Ibid, pg. 8-9

time auditor, whether it should audit and which activities it should audit. Additionally, the report provided recommendations about when a final decision of selecting an auditor should be made and how much funding to allocate for the auditing activities recommended in the report. The timing of the report coincides with the Council's consideration of expanding the powers and duties of the current PCRB and the report was written with this context in mind. Whatever decision the Council takes, it should make sure to implement police accountability expert, Samuel Walker's core principles<sup>24</sup> of police auditing programs: independence; clearly defined scope of responsibilities; adequate resources; unfettered access; full cooperation; sanctions for failure to cooperate; public reports; no prior censorship by the police department; community involvement; confidentiality / anonymity; access to the police chief; and no retaliation.

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<sup>24</sup> [CORE PRINCIPLES FOR AN EFFECTIVE POLICE AUDITOR'S OFFICE](#)

Appendices

APPENDIX A: RESOLUTION AUTHORIZING POLICE CIVILIAN REVIEW BOARD EXECUTIVE DIRECTOR TO PREPARE A JUNE 2020 REPORT TO CITY COUNCIL

**RESOLUTION AUTHORIZING POLICE CIVILIAN REVIEW BOARD EXECUTIVE DIRECTOR TO PREPARE A JUNE 2020 REPORT TO CITY COUNCIL**

**BE IT RESOLVED**, by the Council of the City of Charlottesville, Virginia that the Police Civilian Review Board's Executive Director shall issue a report to the Charlottesville City Council in June 2020 or within sixty days of the Executive Director's appointment by City Council if the appointment occurs after April 30, 2020 or earlier as determined by the Executive Director; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the City Manager, in consultation with the Executive Director, shall recommend a sufficient appropriation to the Council to employ a consultant to assist the Executive Director in composing their report; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the June 2020 Executive Director's report shall recommend whether the Council should appropriate funds for an Auditor position to serve the Police Civilian Review Board; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall recommend whether the Auditor should be a full-time or part-time position or if the Executive Director recommends contracting with a firm for audit services; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall detail which, if any, aspects of the Charlottesville Police Department's operations should be audited; and

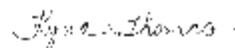
**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall detail which forms and types of Charlottesville Police Department data should be made available for an Auditor position to analyze; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall recommend whether the Executive Director and the Charlottesville Chief of Police should enter into a formal Memorandum of Understanding; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the Executive Director's report shall recommend what topics, functions, and information should be included with a Memorandum of Understanding between the Charlottesville Chief of Police and the Executive Director; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Charlottesville, Virginia that the Council will consider the Executive Director's report and may amend any ordinances, appropriate funds, or enact resolutions to achieve the Executive Director's report's recommendations.

Approved by Council  
November 4, 2019



Kyna Thomas, CMC  
Clerk of Council

APPENDIX B: EVOLUTION OF CIVILIAN OVERSIGHT FROM NACOLE'S "A REVIEW OF THE STRENGTHS AND WEAKNESSES OF VARIOUS MODELS"

Figure 3. Civilian Oversight Evolution

