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MEMORANDUM

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**TO:** WILLIAM “BILL” MENDEZ, PCOB CHAIR  
JAMES WATSON, PCOB VICE CHAIR

**CC:** CYNTHIA HUDSON, INDEPENDENT COUNSEL FOR THE PCOB  
PAMELA “PAM” O’ BERRY, INDEPENDENT COUNSEL FOR THE PCOB

**FROM:** HANSEL AGUILAR, EXECUTIVE DIRECTOR OF THE PCOB

**SUBJECT:** RECOMMENDATION TO CONTINUE HEARING IN RE CIVILIAN COMPLAINT  
BROUGHT BY JEFF FOGEL

**DATE:** THURSDAY, JULY 14, 2022

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**Background:**

On July 11, 2022, the Police Civilian Oversight Board (PCOB) convened a “Prehearing Conference” to discuss preliminary matters related *In Re Civilian Complaint brought by Jeff Fogel*. The meeting was held virtually and attended by the PCOB members<sup>1</sup>, Complainant Jeff Fogel, Charlottesville Police Department Chief Latroy “Tito” Durette, Charlottesville Police Department Internal Affairs Sergeant Gregory Wade, Independent Counsellors for the Board Cynthia Hudson and Pam O’ Berry, and Hearing Examiner Cecil Creasey, Jr. Towards the end of the conference, Mr. Creasey inquired if the parties would be open to alternative dispute resolution as contemplated in the procedures.<sup>2</sup> At the conference, Mr. Fogel indicated that he would be open to speaking with someone about this case and Chief Durette indicated that he would get back to the Board and or the Hearing Examiner about his decision. Since the prehearing conference, I have engaged in follow-up conversations with the parties and the hearing examiner regarding the possibility of informal resolution.

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<sup>1</sup> All members (to include recently appointed Member Dashad Cooper) were in attendance except for Mrs. Deirdre Gilmore.

<sup>2</sup> “6. Informal Resolution. At any time after receiving a Complaint and before issuance of the written findings required at the conclusion of a Hearing, the PCR and any party may propose an informal resolution of the Complaint which may be adopted if all parties and the PCR agree to such a resolution.”

<https://charlottesville.org/DocumentCenter/View/7061/RESOLUTION-passed-November-01-2021-Approving-Hearing-Procedures-for-the-Charlottesville-Police-Civilian-Review-Board-PDF>

The purpose of this memorandum is to communicate to the PCOB that as of 8:41 AM on Thursday, July 14, 2022, the parties *In Re Civilian Complaint brought by Jeff Fogel* have agreed<sup>3</sup> to engage in ADR to be facilitated by Hearing Examiner, Cecil H. Creasey on July 28, 2022 (time and location TBD). It is my recommendation that the Board continues the hearing until receiving notification from the parties about the outcome of the ADR session. The parties have agreed that if no agreement is made, the case will return to the Board for a hearing at the next practicable meeting date.

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<sup>3</sup> The agreement has been memorialized via an email certification from each party and the Hearing Examiner.