

CITY COUNCIL JOINT MEETING
with POLICE CIVILIAN REVIEW BOARD
October 26, 2021
Virtual/electronic meeting via ZOOM

5:00 PM JOINT WORK SESSION

The Charlottesville City Council met electronically on Tuesday, October 26, 2021, at 5:00 p.m. in accordance with a local ordinance amended and re-enacted on October 4, 2021 to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Walker called the meeting to order at 5:04 p.m. Clerk of Council Kyna Thomas called the roll, noting the following members in attendance: Mayor Walker, Vice Mayor Magill, Councilor Hill and Councilor Payne. Mayor Walker advised that Councilor Snook would join the meeting shortly.

Police Civilian Review Board (PCRB) Chair Bellamy Brown called the PCRB to order with the following members present: Bellamy Brown, Nancy Carpenter, Jeffrey Fracher, William Mendez and James Watson. Ms. Deirdre Gilmore was not present due to family emergency.

Mayor Walker opened the floor for public comment.

- Tanesha Hudson expressed that she wanted to see the meeting address current events in Charlottesville including the recent termination of the police chief, actions by PCRB Chair Brown, involvement of the Police Benevolence Association.

Mayor Walker turned the meeting over to the PCRB. Mr. William Mendez summarized the proposed agenda:

1. PCRB Interim Operating Procedures
2. PCRB Proposed Ordinance

He added that Executive Director Hansel Aguilar has been reviewing tracking software for complaints.

Councilor Snook joined the meeting at 5:13 p.m.

Councilor Hill suggested that Council could vote at this meeting.

PCRB Executive Director Hansel Aguilar advised that in consultation with City Attorney Lisa

Robertson, she suggested an existing process for hearing officer procedures, and Ms. Robertson shared that the Supreme Court of Virginia manages a list of hearing officers.

Further discussion involved the potential budget, selection of hearing officers, the use of the term examiner versus officer, steps in the hearing process, and the opportunity for cross-examination.

PCRB legal consultant Cynthia Hudson provided clarification about the provision of the written record from the Police Department to the PCRB as a continuation of an investigation and also subject to confidentiality. She also advised that the records would most likely be a personnel record and accessible to an extent to the individual. Ms. Hudson explained the various ways that a complaint could come before the PCRB and the procedures related to the PCRB investigation under the current ordinance versus the proposed ordinance.

Mr. Aguilar answered several questions regarding procedures in Fairfax and Washington, D.C. He shared that as disposition letters became more transparent, review requests decreased.

Council agreed to include the hearing procedures as amended on the November 1, 2021 City Council meeting Consent Agenda. The procedures would apply under the current ordinance. Ms. Robertson advised that she would work with Ms. Hudson and Mr. Aguilar to finalize wording.

Regarding the proposed ordinance, Mr. Mendez provided a summary and opened the floor for Council to ask questions.

Discussion included:

- Procedures and conditions under which the Board would do investigations
- Who gets to see complaints
- Who has access to disciplinary records
- Who has standing to file a complaint
- What constitutes a serious allegation
- Parameters for filling vacant seats on the PCRB
- Parameters for inclusion of university police

Chair Brown recognized Delegate Sally Hudson, who affirmed that it was the intent of the legislature to consider campus police in this process and that she would work to clarify that language in the upcoming General Assembly.

Mr. Snook addressed Delegate Hudson, expressing that the Virginia Freedom of Information Act would need to address oversight body deliberations to confirm which parts of the process would be handled publicly versus in closed meetings.

Ms. Robertson emphasized the need to have a good working relationship between parties, as the

custodian of records has the opportunity to exercise discretion with Freedom of Information Act exemptions.

Mr. Aguilar shared the benefits of having open and transparent deliberations and expressed concerns about having a city employee involved in deliberations.

The Council-PCRB Workgroup agreed to move forward with making draft revisions. Mayor Walker suggested that the marked-up documents be made available to the public as well as an opportunity for public input.

Mr. Fracher requested that Council move quickly to approve the ordinance. Chair Brown turned the meeting back over to Mayor Walker.

PUBLIC COMMENT

Mayor Walker opened the floor for public comment and the following people spoke:

- Delegate Sally Hudson
- Tanesha Hudson
- Katrina Turner
- Rosia Parker
- Abby Guskind
- Ang Conn
- Teresa Hepler

CLOSING REMARKS

Mayor Walker responded to public comments regarding Chair Brown's recent comments and actions which have caused concern regarding public perception of PCRB fairness.

Councilor Hill summarized next steps. Mayor Walker expressed that she is not certain that those who would have authority to exercise power in investigations have a full understanding of their role.

The meeting adjourned at 8:23 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council