

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: February 11, 2021

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Bellamy Brown, Nancy Carpenter, Dorenda Johnson, William Mendez, Phillip Seay, and James Watson,

Staff: Brian Wheeler, Maxicelia Robinson

Guests: Incoming City Manager Chip Boyles, Acting City Attorney Lisa Robertson, City Council Member Michael Payne, Cynthia Hudson Esq.

Chair James Watson called the meeting to order at 6:33 p.m.

Agenda Adoption – Member Carpenter requested that Public Comments be moved earlier in the meeting. Chair Watson suggested that Public Comments be received after the introduction of Ms. Hudson and Mr. Boyles. She also suggested that the Election of Officers occurred directly after the public comments. Chair Watson suggested that the Election occur immediately after hearing from Mr. Boyles. The Board agreed to these changes in the agenda.

Adoption of Minutes – Chair Watson asked the Board to approve the minutes two previous meetings. Ms. Robinson indicated that there had not been enough time to circulate the minutes to Board Members and public for review. Therefore, the vote was postponed.

Introduction of Independent Counsel Cynthia Hudson, Esq., Sands Anderson – Ms. Hudson introduced herself and summarized her experience. She had been Commonwealth Chief Deputy Attorney General before joining Sands Anderson. She stressed her public sector, civil rights, and policy experience. She noted that policing reform and CRB matters are a continuing interest for here and that she was involved in the CRB implementation in Hampton VA. Ms. Carpenter asked how Ms. Hudson felt about securing stronger powers for CRBs. Ms. Hudson cited how Attorney General Herring’s opinion on the Charlottesville CRB had helped CRBs to proliferate. She also cited her experience with police procedures and attitudes. Chair Watson then asked the Board members (and Councilor Payne) to introduce themselves to Ms. Hudson.

Introduction to Chip Boyles, New Charlottesville City Manager – (Appointment becomes official February 12.) Mr. Boyles noted that he comes to Charlottesville city government from the Thomas Jefferson Planning District Commission, where he was the Director. His background includes city management in small towns and larger cities throughout the mid-Atlantic and South. He said he is eager to learn more about PRB and will attend as many meetings as possible. He wants to hear about Police oversight and be an effective liaison to City Council and departments. Ms. Carpenter asked about his influence on the city budget. He noted that much work has already

been done but he hopes to have “impact as well as input.” Most of his work so far has been on Capital Improvement Plan but work on the operating budget will begin soon. Ms. Carpenter asked about reallocating Police funds to other community functions. He noted that his job is to implement directions from the City Council, but he is not opposed in principle to shifting funds when all information has been carefully considered. Chair Watson asked about progress on hiring an Executive Director, which he considered to be crucial. Also, he expressed concern about the Board losing budget under COVID pressure. Mr. Boyles responded that there are many high-priority appointments needing to be filled and rapid hiring of the right people, including the Executive Director, is a key goal. Counselor Paine indicated that City Council supports adequate funding the Board, including the salary of the Executive Director. Chair Watson suggested that staff assistance, training, and legal support may also be necessary and require additional funding.

Public Comment Session I

Kate Fraleigh – Identified herself and noted that 11 members of the public were attending the meeting

Gloria Beard – Ms. Beard expressed support for Board and stated that an Executive Director is urgently needed.

Sarah Burke – Ms. Burke also stated the need to hire a suitable Executive Director as quickly as possible. She noted that the Interim CRB had also wanted an auditor/monitor to evaluate and analyze patterns in police activities, but that this had been stripped from the current ordinance. She also asked how community inputs will be taken into account in revising the ordinance.

Board Discussion – Chair Watson agreed that Board needs to connect better with the community in light of COVID. Ms. Carpenter noted that the hearing procedures had been shared with the community and a revised ordinance will soon be drafted for public input. Chair Watson suggested a Facebook Live conversation to explain our capabilities to the communities, citing Dr. Cameron Webb’s weekly program. Ms. Johnson suggested an appearance on radio 101.3 to better explain our mission. Mr. Brown noted that there is an information disconnect, and the public believes we have more power than we do under the current ordinance. Chair Watson noted the lack of investigative authority and the resultant delay of Board involvement in the complaint process. Ms. Johnson agreed that many people don’t know what the Board is and what we can and can’t do. Mr. Seay noted that its difficult to get people to learn and understand the oversight and investigation process; he volunteered to provide information on police procedures and citizen rights.

Election of Officers –

Chair Watson opened the floor to nominations for Chairman. He stated that he is not interested in returning as Chair or Vice Chair. Ms. Johnson nominated Ms. Carpenter for Chair. There being no second, Mr. Mendez then nominated Bellamy Brown; Seconded by Mr. Brown. Mr. Bellamy was elected (Brown, Mendez, and Watson - Yes; Carpenter, Johnson - No.) Mr. Bellamy

nominated Mr. Mendez for Vice Chair; Seconded by Mr. Mendez. Mr. Mendez was elected (Brown, Mendez, and Watson –Yes; Carpenter, Johnson - No.)

Status of Complaints – Chair Bellamy reported that this year the Board has received 13 complaints, and that 10 are closed and three are active. Ms. Carpenter asked when the three unresolved complaints would be resolved. Chair Bellamy stated that the complaints had been filed on different dates, and he would provide the requested information to Ms. Carpenter after the meeting. She asked for assurance that complaints are tracked so complaints are dealt with in a timely manner. Mr. Watson noted that we have a tracking sheet on the Board’s SharePoint site. He noted that the Board had received a complaint from Mr. Gilmore and was following the case closely but noted that we lack investigative power and we cannot yet get formally involved. He noted that revisions to the ordinance would allow for more proactive involvement.

Update on Hearing Procedures – Chair Brown indicated that the draft procedures had been posted to the web, given to the People’s Coalition, and a copy has been sent to our independent counsel. Mr. Watson stated the need for legal review; Chair Brown stated that we expect review from our independent Counsel within a week or so. Vice Chair Mendez suggested that the Board have a physical postal delivery address to receive comments. Ms. Robinson said she would work on that.

Ordinance and Bylaws Work Group Report – Vice Chair Mendez presented a short document on a proposed oversight model. He characterized it as a “wish list” that includes important elements for effective oversight which will be sent out for further review. He then went briefly through the document. Important new powers include:

- Board authority to all review complaints (without a formal review request, and sustained complaints.)
- Independent investigative power of complaints and internally initiated investigations
- Disciplinary recommendations, changing categories in discipline matrix
- Audit/Monitor to evaluate patterns of police misconduct, review policies/procedures
- Clarifies Board ability to issue public findings, recommendations
- Requirements that the CPD provide data to support all Board functions
- Subpoena power when necessary
- Independent counsel enabled to support all board functions
- Define board powers and roles when there is no Executive Director

He proposed that we post the document on our website for public review and engage with City Council and City Attorney concerning the proposed powers. Ms. Carpenter asked if the document embodies the full power of the new legislation. Mr. Mendez responded that it did with the exception that the exercise of disciplinary power remains to be worked out; the current document includes disciplinary recommendations rather than outright power to directly enforce discipline. He stated the proposed structure will require legal review.

Upcoming Training Events – Mr. Watson stated that NACOLE can host a second training session on February 25th at 6:00, and that the training will continue on the third Thursdays of the next three months.

Public Comment Period #2 –

Kate Fraleigh – Asked how many complaints came through the PD and when the complaint form would be fixed to be opt-out rather than opt-in.

Elizabeth Stark – Ms. Stark requested that the Board establish meeting times so that all members can attend.

Sarah Burke – Ms. Burke noted an uncomfortable dynamic on the Board having to do with gender issues and imbalance of power which has led to some members having limited influence on Board actions. She stated that the power dynamics need to be addressed if the Board is to serve the public as it should. More collective decision making is required. She also stated that we should ask for all the powers the Commonwealth offers us, including binding disciplinary authority.

Katrina Turner – Ms. Turner stated that the board was not allowing women on the Board to have a voice. [some remarks lost due to internet interruption] She cited historical lack of appreciation of black women. She asked why men are in charge and objected to the results of the election.

Chair Bellamy promised to send detailed information on the numbers of complaints to Ms. Fraleigh. He denied that there was any intention to deny opportunity or influence to female members of the Board. Approaches for addressing perceived gender inequality on the Board were discussed. It was agreed that the election of officers would be revisited at the next meeting; and Mr. Mendez offered to resign if it would facilitate functioning on the Board.

Chair Brown adjourned the meeting at approximately 8:42 P.M.

Next Meeting: March 11, 2020 at 6:30