

Human Right Commission Minutes Regular Meeting

DATE: July 18, 2019

Shantell Bingham called the meeting to order at 7:08 PM.

ROLL CALL (names of members present):

Idil Aktan, Shantell Bingham, Pheobe Brown, Ernest Chambers, Kathryn Laughon, Oliva Gabbay, Catherine Spear, Melvin Grady, Ann Smith, Sue Lewis, Lyndele Von Schill (arrived after roll call), Andy Orban (arrived after roll call)

OHR Staff Present: Charlene Green, Todd Niemeier

Note-taker: Todd Niemeier

**Please note, the summarized notes presented below are recorded in real time and are not concise quotes from the correlated speaker. Please review the posted audio recording for specific language. The HRC intends to get word-for-word transcript meeting notes for accessibility purposes in the future.*

ANNOUCEMENTS

None.

MATTERS BY THE PUBLIC (Include names of people who spoke and their concern or comment)

None.

COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

None.

REVIEW OF May and June MINUTES

- Motion to accept (Commissioner name): Kathryn Laughon
 - Motion to accept meeting minutes for both May and June 2019.
- Seconded by (Commissioner name): Sue Lewis
- Discussion:
 - Ernest: He and Andy Orban arrived late for the May meeting and are not in the roll call.
- Vote Record: Approval with additions to roll call to the May minutes.
 - # In favor: 7
 - # Opposed: 0
 - # Abstained: 2

ACTION: Amend May minutes to reflect attendance of Ernest Chambers and Andy Orban.

BUSSINESS MATTERS

1. Staff Reports

- a. Todd staff report

- i. Data summary for May 2019 (numbers revised to reflect additional data added after meeting)
 - 1. Total contacts: 207
 - 2. Total external contacts: 171
 - 3. Average external contact per day: 6
 - 4. Total staff follow-ups (within total contacts): 35
 - 5. Total new inquiries: 7
 - 6. Total new complaints: 0
 - 7. Inquiries from within Charlottesville: 3
- ii. Housing remains the primary issue people raise at the OHR.
- b. Shantell: Are there any open investigations?
 - i. Todd: One open investigation under public accommodation.
- c. Pheobe: Can the OHR help with tenants who are having non-discriminatory issues with landlords, i.e. landlords not responding to maintenance issues?
 - i. Charlene: Yes. OHR does not investigate housing discrimination. We can make referrals to NDS for inspections in the City, and to the similar office in the County. Housing discrimination investigations are referred to the Virginia Fair Housing Office

2. Charlene staff report

- a. Two open investigations within public accommodation with regard to race
 - i. Idil: What falls under public accommodation?
 - 1. Charlene: Anyone being denied access to a publicly accessible space, even if privately-owned, on the basis of one of the 8 protected classes can seek assistance from our office.
- b. Review of 2019 Municipal Equality Index (MEI) Scorecard for the Human Rights Campaign. There are two ways the City can improve its score. First, the City must designate a liaison in the City Manager's Office. Charlene will serve in this role. Second, the police department must designate a liaison. Both liaisons must be listed on the websites of each department. The Human Rights Campaign defines the responsibilities of the liaison.
 - i. Melvin: Is this the first time this is being done?
 - 1. Charlene: No. Citys participate voluntarily. Charlottesville is about 3rd or 4th in the state as a gay-friendly city. Notes that the state of VA does not protect gender identity, sexual orientation, or transgender status.
 - ii. Olivia: (To Charlene) As a liaison, what will this role entail for you?
 - 1. Charlene: It is just part of the work and there is no one else in the City Manager's Office with the connection to the issue. She is already doing this work, so it would not be much of an additional responsibility.
 - iii. Ann: The City fell in points last year. Can you tell us why?
 - 1. Charlene: A few of the requirements changed around youth and the City does not have a City-sponsored youth group and the standards for transgender health benefits for City employees were also not met.
 - iv. Shantell: Under the law enforcement section is the 2017 reported hate crimes a statistic from the FBI reflecting federal hate crimes?
 - 1. Charlene: Yes. That is correct.
- c. OHR is hosting VAHR meeting on September 28th, in City Space. HRC members are welcome to help coordinate this effort. We need to collaborate with the other HRCs on what the meeting will look like. The topic will be hate crimes and weapons. The idea is to invite state delegates

and senators to discuss how we might go about lobbying at the general assembly for the addition of gender, gender identity, sexual orientation, and disability to the definition of hate crimes. Charlene presents some of the slides from the hate crime presentation at the VAHR conference in VA Beach. There is some discussion about how hate crime data is collected and the requirements of the state to report to the FBI.

- d. Charlene provides an overview of what is required for Fair Employment Practices Agency (FEPA) status and some of the OHR's limitations without FEPA status. Charlene presents a list of the requirements for a municipal office to become a FEPA.
 - i. Olivia: What is the current status of the application for FEPA status?
 - 1. Charlene: OHR's application was submitted in March of 2019. We are awaiting a response from the EEOC. They must determine if the OHR is capable of handling the caseload.
 - ii. Melvin: If the OHR hired two more people, would that make the OHR capable of being a FEPA?
 - 1. Charlene: A full-time administrative assistant and one or two more staff.
 - iii. Olivia: Can the HRC advocate for additional staff?
 - 1. Charlene: Yes, having more people in the office would be helpful but it depends on the number of charges in employment, as to whether we can justify the additional taxpayer expense. Charges are only a fraction of what we do in the OHR. There are many other problem-solving activities that the OHR does with people who come to the office for assistance. This includes re-entry work. We also do a lot of outreach.
- e. The African American Cultural Arts Festival is on July 27th, at Washington Park. Commissioners are invited to schedule an hour to attend.
 - i. Catherine: Should we create a schedule so that we aren't all there at the same time.
 - 1. Charlene: Yes. We can create a schedule.

3. Shantell presents a report on the HRC progress to-date (uses a Powerpoint Presentation)

- a. Overview of roles and responsibilities from the ordinance (broken into 4 categories)
 - i. Review City policies and practices and provide recommendations
 - ii. Collaborate with public and private groups to raise awareness and eliminate discrimination city-wide
 - iii. Assist individuals who believe they are victims of discrimination in the City of Charlottesville
 - iv. Make recommendations to Council regarding annual legislative program and budgeting process
- b. Overview of the work done in 2019
 - i. Resolutions
 - 1. Continuation, expansion, and review of the Charlottesville Supplemental Rental Assistance Program (CSRAP)
 - ii. Endorsements
 - 1. Tax-increase for affordable housing (Charlottesville Low-income Housing Coalition)
 - 2. May 5th, Rally in support for Belmont Apartments Residents (Charlottesville Low-income Housing Coalition)
 - 3. Charlottesville Open Streets (Piedmont Environmental Council)
 - 4. Monacan Indian Nation

5. Public statement objecting to ICE raids
- iii. Policy Review
 1. Biased-based policing
 2. Constitutional procedures
- iv. Other recommendations
 1. Street renaming procedures
- c. Overview of the work done over the past three years with regard to roles and responsibilities.
 - i. Notes that there may be activities or categories from past years that are not reflected
 1. Charlene notes several things that could be included
 - a. Activities from previous years can be added from annual reports
 - b. 2019 community engagement ad hoc committee to work with the IRC on disability awareness
 - c. VAHR participation – especially focus on legislative agenda
 - ii. Shantell asks:
 1. Does this feel representative of the HRC activities?
 2. Anything that needs to be removed?
 3. What type of work were we expecting to get involved in?
 4. Where are we falling short as it relates to our roles.
 - a. Ann: We should be cautious about approving requests for endorsements too quickly.
 - b. Charlene: That could be challenging given some of the time limits. The HRC will need to trust the Chair and Vice Chair to speak for the HRC when things happen between meetings.
 - c. Sue: It is still important that the full commission knows what is being talked about before action is taken. Especially if it is an issue that people want to weigh in on. Respects that quick action is sometimes necessary.
 - iii. Shantell: There are other activities that have not be categorized, including events that individual commissioners have attended.
 1. Kathryn: Does many activist activities around human rights, but not always sure when to represent HRC. For example, there is sometimes the potential to be arrested.
 2. Shantell: Personally, does not feel it is a problem if someone gets arrested while representing the HRC. Notes the importance of commissioners showing up at public events and representing the HRC. Being active in the community is important. Especially to support events that we have already endorsed.
 3. Melvin: Agrees. Notes attendance at the John Henry James event. He will be intentional about wearing his HRC badge.
 4. Shantell: Requests that commissioners report back to the group about events they attend.

4. Review of Human Rights ordinance section pertaining to HRC membership

- a. Shantell reads the ordinance excerpt from section 243-2.
- b. Charlene provides context:
 - i. There has been a FIOA request by a citizen who wanted to know the term limits of people on the commission.
 - ii. Based on the wording of the request, there was concern of the length of terms of long-time members.

- iii. The OHR worked with the Clerk's office to review the information.
- iv. After the terms were aligned, the issue was raised as to whether members of boards and commissions have to be City residents.
 - 1. City Attorney responded that the HRC is one of 5 boards and commissions that can only be made up of City residents.
 - 2. Catherine Spear is the only current member who is not a City resident.
 - a. Based on the City attorney's interpretation she would have to leave the HRC.
- c. Catherine: Does not expect the HRC to lobby Council for an ordinance change.
- d. Pheobe: Feels a strong argument could be made that county residents should be on the HRC.
- e. Charlene: There was an assumption from the beginning that there would be a mix of City and County residents, as people in the County have an interest in what goes on in the City. Since 2013 there have been County residents on the HRC.
- f. Andy: Is this something we have to vote on to update?
 - i. Charlene: It does have to be approved by Council.
- g. Melvin: What if someone from Nelson Co. worked in Charlottesville, could they be on the HRC? What other boards have this requirement?
 - i. Charlene: There are four others boards/commission that have this requirement. HRC could create an ad hoc committee to review the ordinance language and bylaws to address anything that needs to be amended. Council does not have to approve bylaws, but they do have to approve the changes to the ordinance.

MOTION

- Motion being considered: Form an ad hoc committee to review the language [of the ordinance] to make it more inclusive.
- Motion to accept (Commissioner name): Pheobe
- Seconded by (Commissioner name): Olivia
- Discussion:
 - Olivia: Can we vote on this now without having to form an ad hoc committee?
 - Charlene: An ad hoc would provide some ability to draft language and a memo to the City Attorney.
 - Pheobe: Happy to coordinate the Ad Hoc.
- Vote Record:
 - # In favor: 10
 - # Opposed: 0
 - # Abstained: 1
- Post-vote discussion:
 - Pheobe offers to organize the Ad Hoc.
 - Shantell asks for commissioners interested (Shantell, Melvin, Ernest, Sue committed)
 - Todd will send out Doodle poll with dates from Pheobe.
 - Shantell: Can Catherine still sit on the HRC?
 - Catherine: Will be gone for the August meeting
 - Charlene: Catherine is still a member. Council has to remove members.
 - General consensus that Catherine's presence is valuable on the HRC.
 - Catherine: Notes that she is flexible and will continue to work with HRC in whatever capacity she is able.

ACTIONS:

- Pheobe to send Todd dates for a Human Rights Ordinance Review Ad Hoc meeting.
- Todd to send out Doodle poll with the dates from Pheobe.
- Todd to post public notice of the meeting.

WORK SESSION

1. Ad Hoc Committee Updates

- a. Pheobe updates regarding Community Engagement Ad Hoc
 - i. IRC willing to work with HRC
 - ii. Will send out more information as things develop
- b. Catherine updates on Police Policies Ad Hoc
 - i. At most recent meeting reviewed Constitutional Policy
 - ii. Idea is to present overarching recommendations along with specifics on each policy reviewed
 - iii. Used policy review checklist as a group to review Constitutional Policy
 - iv. Not clear what the origin of this policy is
 - v. Not common among municipalities based on online research
 - vi. Could be broken down into separate policies or dispense with it all together
 - vii. Policies not easy to find for public
 - viii. Not clear if these policies are also included in police manual
 - ix. Needs a table of contents or some way make it more digestible
 - x. Not clear what the purpose of the policy is
 - xi. Even if it were accessible to public, not clear who would read it
 1. What about a smaller summary document?
 2. Could it be tied to civics lessons in schools?
 - xii. Seemed focused on protecting law enforcement rather than public
 - xiii. No clear accountability measures for officer actions
 - xiv. Should contain info about language diversity
 - xv. Did not seem data-based/guided
 - xvi. Also outdated (2015 was last update)
- c. General discussion about Police Policies
 - i. Shantell: If there are so many changes that need to be made, would it be better to look for a model policy?
 1. Kathryn: Did not find any equivalent models when searching. There were examples of bias-based policing policies. Having an attorney review and write seems important.
 - ii. Shantell: Gut reaction is that the legalese seems intentionally confusing. Not that CPD did that on purpose, but it should be easier for the public to understand.
 - iii. Catherine: The question remains if CPD has stand-alone policies that might cover the topics in the constitutional policy.
 - iv. Olivia: Policy reads more like the legal backing for the things that they do.
 - v. Kathryn: Police might look at it as a document that shows the limitations of their actions.
 - vi. Catherine: The way that it is packaged does make it hard to digest. The purpose and audience is unclear.

- vii. Charlene: Regarding general recommendations, starting with bias-based policing, put together an initial set of recommendations, especially regarding the difficulty of public understanding. Use it as an initial example. Put it in the format of what makes sense as a model for other policies. This could be valuable for other City departments as well.
- viii. Pheobe: Would be nice to include a recommendation for language that people at a lower literacy level (7th grade) can understand.
- ix. Kathryn: This reading level might not be possible for a policy.
- x. Catherine: There is a standard of writing to an 11th grade level. Starting with a draft of the biased-based policy model would be a good starting point. She can work on this for the next ad hoc.
 - 1. Melvin: Agrees. Start with one good policy. Also helps CPD accept the recommendations without feeling threatened.
 - 2. Ann: Agrees. Shows that the HRC is moving forward.
- xi. Kathryn: Should we meet with the Chief or someone else?
 - 1. Charlene: Can look and see who is responsible for policies right now.
- xii. Charlene: Are the notes from the most recent ad hoc meeting on Google docs?
 - 1. Catherine: Yes. The notes are on Google docs.
- xiii. Lyndelle: Can we add comments and edits directly to the Google doc?
 - 1. Catherine: Yes. Add comments and notes directly to the doc.
- xiv. Catherine: Should we focus on developing the recommendations/re-write on biased-based policy in August and September rather than moving onto the next policies?
 - 1. General HRC agreement.
- xv. Catherine offers to form an ad hoc to review the document and push forward in September.
 - 1. Shantell: Is there time for another ad hoc meeting before August?
 - a. Catherine: Yes. Next week before she leaves, but she does not feel she needs to be there. She will draft the document and share for review by the ad hoc.
- xvi. Shantell: Is the intent of policies for public consumption, i.e. is it for citizens to read and know their rights?
 - 1. Charlene: Not sure that was the intent of the policies. Policies in different departments are written for different audiences.
- xvii. Shantell: Knowing the audience seems important in the re-write.
 - 1. Sue: Biased-based policy clearly states that police officers are the audience.
 - 2. Catherine: Clear and concise writing is good for all audiences. Sometimes legalese is required, but you can explain what the legalese means. We need to also consider who is affected by the bias. Address the responsibilities of both the police and citizens.
 - 3. Charlene: This is similar to the Know Your Rights Card. Simplifying the language will be great for understanding on both ends.

OTHER BUSINESS

1. Human Rights Community Survey

- a. Object is to see how the community views the work of the HRC and OHR.

- b. Charlene: The HRC and OHR started with public input. Maybe this is the time for public follow-up.
 - c. Pheobe: Will the survey be distributed by mail or online? Could it be sent in utility bills?
 - d. General discussion – not all people get utility bills
 - e. Charlene: We can discuss later how we do it.
 - f. General agreement about pursuing a survey. Commissioners are invited to submit questions.
 - g. Idil: We should be careful about asking individuals about their personal experiences with bias.
 - h. Charlene and Shantell will work on a draft of the survey and share it with the HRC by email.
- 2. Human Rights Commissioners comment on meetings and other events attended since the last monthly meeting.**
- a. Kathryn: Attended and made comments on equity at a school meeting.

MATTERS BY THE PUBLIC

None.

COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

None.

Meeting adjourned: 8:53 PM.