



**Human Rights Commission  
Regular Meeting  
May 20, 2021  
Virtual/Electronic Meeting  
6:30 pm**

**Agenda Packet Attachments**

1. Agenda
2. 04-15-2021 HRC Regular Meeting Minutes
3. OHR staff report
4. HRC Statement on Police Killings (Original)
5. HRC Statement on Police Killings (ADA Accessible)
6. 05-06-2021 DRAFT HRC Community Engagement Committee Meeting Minutes
7. DRAFT HRC Resolution A21-1
8. 05-06-2021 DRAFT HRC Legal Representation Committee Meeting Minutes
9. DRAFT HRC Resolution HR21-1

# Attachment 1



**Human Rights Commission  
AGENDA  
Regular Meeting  
May 20, 2021  
Virtual/Electronic Meeting  
6:30 pm**

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. For the purpose of addressing issues during the quarantine, this virtual meeting will be a limited public forum to discuss the agenda items designated under Section 5 below and to ensure the continuity of services provided by the Commission. The Commission Chair may limit public comments or discussion points that are unrelated to agenda items under Section 5 or that pertain to topics outside the scope of this Agenda. Members of the public are limited to three minutes of comment time per person related to the Agenda below. A maximum of sixteen public comment time slots are allotted per meeting. This will be a virtual/electronic meeting open to the public and registration information is available at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

**Link to Human Rights Commission shared Box folder:** <https://app.box.com/s/xyt3w3nn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
- b. ROLL CALL
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

**2. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT (Webinar attendees use the "raise hand" function, phone attendees use \*9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

**3. MINUTES**

- a. HRC Regular Meeting 04-15-2021\*

**4. BUSINESS MATTERS**

- a. OHR STAFF REPORT
- b. CHAIR UPDATE

**5. WORK SESSION**

- a. AD-HOC COMMITTEE UPDATES
  - i. Accessibility Committee
  - ii. Community Engagement Committee
  - iii. Housing Committee
  - iv. Legal Representation Committee

**6. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT (Webinar attendees use the "raise hand" function, phone attendees use \*9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

**7. COMMISSIONER UPDATES**

**8. NEXT STEPS & ADJOURN**

\* ACTION NEEDED

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

# Attachment 2



**Human Rights Commission  
Meeting Minutes  
Regular Meeting  
April 15, 2021  
Virtual/Electronic Meeting  
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
  - i. Chair, Mary Bauer, called the meeting to order at 6:05 pm
- b. ROLL CALL
  - i. Mary Bauer
  - ii. Kathryn Laughon
  - iii. Jeanette Abi-Nader
  - iv. Ernest Chambers
  - v. Jessica Harris
  - vi. Wolfgang Keppley
  - vii. Sue Lewis
  - viii. Tobiah Mundt
  - ix. Andrew Orban
  - x. Lyndele von Schill
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

**2. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT
  - i. None.
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. None.

**3. MINUTES**

- a. Review of minutes from March 18, 2021 Regular Meeting
  - i. Motion to approve as written
    1. Wolfgang
  - ii. Second
    1. Lyndele
  - iii. Vote
    1. In favor: All
    2. Can live with: 0
    3. Opposed: 0
    4. Abstained: 0

**4. BUSINESS MATTERS**

- a. Chair update

- i. City Manager was extremely receptive to HRC recommendations for HRC Director Position
  - 1. Agreed to rename as Director of the Human Rights Commission
  - 2. Agreed to re-set the compensation to be comparable to that of the Executive Director of the Police Civilian Review Board
- ii. Success with moving right to counsel proposal
  - 1. Will save for Housing Committee update
- b. OHR Staff report
  - i. Written report attached to agenda packet
    - 1. 2021 data is not entered electronically yet
    - 2. 2020 data compiled and being prepared for annual report
  - ii. Facilitation and leadership outreach update
    - 1. Equity in outdoor spaces discussion
      - a. Next meeting
        - i. Tuesday, April 20, 3pm to 4pm, at Botanical Garden of the Piedmont site
      - b. Commissioner suggestions
        - i. Downtown Mall public seating has been reduced due to privatization of mall space
        - ii. Explore the reduction and reasons
          - 1. Suspicion is that it was to reduce use by people without stable housing
          - 2. Restaurants have taken more of the outdoor space
        - iii. Benches may be concentrated toward the City Hall and Post Office end of the Mall
        - iv. Move2Health Initiative has a mobility sub-committee
          - 1. Staff notes that Diana Webb has been a participant in the discussion group
      - c. OHR staff will send details of outdoor equity meeting to Jeanette
  - iii. Chair asks for updates regarding hiring of Director of Human Rights Commission
    - 1. Todd not aware if revised position is currently posted
      - a. Notes that archived description had been updated with increased compensation amount
      - b. Commissioner notes that the application deadline is May 14
    - 2. Commissioner notes that two Commissioners were involved in the hiring process for the last Director
      - a. Chair suggests that Commission advocate for ability to participate
      - b. OHR staff will email Chip and copy Mary on a request for Commissioner participation in the hiring process
    - 3. Chair asks about staff proposal to consider a program for attorney representation for complainants
      - a. OHR staff provides a summary of concept
        - i. Complainants are always individuals, often with

- limited financial resources
- ii. Respondents are often business or corporations with existing legal counsel or the resources to procure it quickly
- iii. Staff proposes exploring a City-funded program similar to the eviction right-to-counsel program
- iv. Staff notes that even in situations where complaints are mediated, the Complainant would benefit from legal counsel
- v. Staff solicits help from Commissioners in researching and developing the concept and a proposal to Council
- b. Chair suggests creating an HRC ad hoc committee to address this issue
  - i. Commissioners offer to serve
    - 1. Jessica
    - 2. Kathryn
    - 3. Lyndele
  - ii. OHR staff will work with Communications and Commissioners to schedule an ad hoc Complainant legal representation committee meeting
- c. Commissioner asks if OHR staff was able to acquire a City staffing and organizational chart
  - i. OHR staff shares the draft organizational chart provided by the City Manager
    - 1. The chart is also provided as an attachment to the minutes
    - 2. OHR staff emphasizes that the chart presented is a draft
  - ii. Commissioner observations
    - 1. Clerk of Council, City Manager, City Attorney, and Finance Director appear to be under direct supervision of City Council
    - 2. Parks & Rec. is overseen by Deputy City Manager for REDI
    - 3. ADA Office is still under NDS, which is not overseen by the Deputy City Manager for REDI

## 5. WORK SESSION

- a. Accessibility Committee Report
  - i. Met two weeks ago and Allyson Finchum, ADA Coordinator, attended
    - 1. Discussed how the HRC and ADA Coordinator can work together
    - 2. ADA Advisory Committee is in the process of revising the ADA Transition Plan
    - 3. Historically HRC Commissioners and the HRC Director have sat on the ADA Advisory Committee

- a. May offer an opportunity for HRC input into ADA Transition Plan
  4. Also raised potential collaboration around improving access to City services and outreach and engagement with residents who might benefit from more accessible services
  5. Committee is also getting good feedback from a member of the public who has been very active with regard to ADA and accessibility issue in the City
  6. Also discussed the advantages of moving the ADA Coordinator position out of NDS and under a more person-centered department
- ii. Chair asks if language access issues also fall under ADA Coordinator
  1. Language access is outside the ADA Coordinator purview
  2. The Accessibility Committee is still interested in working on improving access to City resources for non-English speakers
  3. OHR staff explains current understanding of language supports
    - a. City website appears to have no language other than English on the home page
    - b. Search results on the City webpage for "Spanish" yield documents translated by different offices
    - c. Search results on the City webpage for "Español" yield no results
    - d. OHR staff will add some content in Spanish directly to the OHR web page to see how this affects City web page search results
    - e. Not aware of any City directory of Spanish-speaking or other language-speaking staff
    - f. OHR staff will contact Human Resources to see if they have a record of staff that speak other languages or a language access plan
  4. Discussion as to whether language access should be held by the Accessibility Committee in addition to ADA concerns
    - a. Accessibility Committee's focus is citizen access to the City
    - b. Level of work of the committee does not feel too overwhelming to also include language access
    - c. If the City does have a language access plan and the committee felt like it needed major revision then it could explore a sub-committee to do that work
- b. Housing Committee Report
  - i. Coordinated with multiple organizations to advocate for right to counsel program with City Council
  - ii. Calculated the estimated costs of a right to counsel program based on local eviction data
  - iii. HRC Chair wrote a letter and shared it with local partners for feedback
  - iv. HRC Chair and Committee Chair (Shantell) spoke to media and presented during public comment at City Council
  - v. Council verbally committed to a right to counsel program and may use Cares Act funding to support it



- vi. Legal Aid Justice Center is negotiating with the City Manager regarding funding for attorneys for two consecutive years
- vii. Councilors suggested extending this idea to the County Board of Supervisors
- viii. Commissioner discussion
  - 1. Concern raised about a two-year program that relies on temporary funds
  - 2. Other cities have passed ordinances/laws that state that right to counsel programs must be funded and continued
  - 3. Charlottesville could demonstrate efficacy through a two-year program that influences the General Assembly to pass laws that make it more permanent
  - 4. Data collection will be key to demonstrating efficacy
    - a. Data related to the court outcomes
    - b. Qualitative data from tenants regarding what it means to them to have avoided eviction
    - c. UVA Equity Center is focused on equity data collection
      - i. Potential for UVA student involvement
  - 5. City often relies on non-profits to do innovative programs (ex. Food Equity Initiative) which places the funding burden on the non-profits
    - a. State-level advocacy might change that
  - 6. Assumed start date is after the new budget goes into effect
    - a. It will take time to hire the people to carry out the program
  - 7. The HRC could write a letter to the County Board of Supervisors to encourage a similar program
  - 8. Chip Boyles has discussed the terms under which Legal Aid Justice Center might participate in this program
    - a. LAJC emphasized the need for an organizer as part of the program in addition to lawyers
    - b. Organizer could also coordinate data collection
- ix. Councilor Michael Payne speaks as an attendee
  - 1. Funding coming from American ARP
    - a. First half of funding comes in May
    - b. Second half comes a year later
  - 2. First half of money will be used to fulfill the request starting in May
    - a. The two-year cycle will start once the ARP money comes in and the first hire is made
    - b. It is not tied to the budget cycle like the stimulus money
  - 3. Agrees that this program is a long-term need that extends beyond the initial two-year funding
  - 4. Suggests that Commissioners could contact the County Board of Supervisors and individual citizens
    - a. County will also receive stimulus money and could also support a similar program
- x. Commissioners encouraged to join the housing committee to support Shantell and Tobiah

1. Suggestion to reinvigorate the Engagement Committee to support community awareness of housing committee work
  - a. Commissioner notes that Engagement Committee used to handle the Bridge Builders Award
  - b. Pre-COVID OHR staff and Commissioners attended many community events
  - c. Engagement Committee volunteers
    - i. Jeanette
    - ii. Jessica
  - d. May be overlap with Accessibility Committee
    - i. Identifying gaps in City information access
    - ii. Disability Awareness PSA project
- c. Commissioners discuss potential HRC action regarding police violence
  - i. Engagement Committee could consider ways the HRC can make statements and on what platforms
    1. Explore social media as a medium for expression
  - ii. City schools ended MOU with CPD and have proposed a police-free model
    1. HRC could support presentation to school board
    2. Will be on the next school board meeting agenda
    3. Model uses additional non-police adult support staff in place of security and police personnel – based on similar model in Toronto
    4. City Schools released a video discussing the model
      - a. <https://www.youtube.com/watch?v=ajUXN4W1iTM>
  - iii. Commissioner notes desire to issue a statement similar to the statement the Mayor made over the summer
  - iv. Commissioner asks about the parameters for what is allowable regarding the HRC's use of social media for advocacy
    1. Suggestion to include as a discussion point during the June 5, 2021 VAHR conference
      - a. Potential to explore what other HRC's are doing
  - v. OHR staff notes that the HRC could show support for the work of the B.U.C.K. Squad
    1. Community members volunteer to diffuse situations that might otherwise escalate with police involvement
  - vi. Commissioner notes that police brutality often involves traffic stops and other interactions where police are stopping Black citizens
    1. Commissioner makes a statement of support and recognition for all that continue to go about daily life, despite the fear of unexpected and violent interactions with police
    2. The HRC could advocate for policy change to reduce these events
  - vii. Commissioner suggests advocacy on multiple fronts
    1. Public statements
    2. Partnership with other efforts
      - a. Including health care to deal with racial trauma
    3. Policy change
    4. Holding space for acknowledgement of events

- viii. Allies are needed on the front lines
  - 1. Commissioner notes that Black men are not recognized or seen in the same way that White allies are
- ix. Policy suggestion
  - 1. Work with groups to defund or reduce police funding
    - a. Example of removing police in parking garages
- x. Commissioner asks what action the CPRB is taking
- xi. Suggestion to start with a public statement of values and putting it in the context of the current situation
  - 1. Commissioners felt the HRC should make the statement prior to seeking permission to do so
- xii. Potential next steps
  - 1. Create written statement
  - 2. Potential formation of a committee to explore longer-term action
    - a. Policy recommendations
    - b. Support of other movements
- xiii. Commissioners show general support for committee formation
  - 1. Could merge with Community Engagement initially
  - 2. Volunteers
    - a. Jessica
    - b. Lyndele
    - c. Wolfgang
    - d. Jeanette
    - e. Andy
- xiv. Commissioner suggests advocating for emergency funding for mental health around racial trauma
  - 1. Could include this in the initial statement
- xv. Commissioners discuss the frequency of statements
  - 1. May need to make regular statements
- xvi. **HRC Chair will draft an initial statement for HRC review**
  - 1. Will draft on Sunday
  - 2. Suggestion to include multiple voices on draft
  - 3. Commissioner suggestions are encouraged

## **6. MATTERS BY THE PUBLIC**

### **a. PUBLIC COMMENT**

#### **i. Molly Conger**

- 1. Thanks Commissioners for intention to act before seeking permission to issue a statement

#### **ii. Don Gathers**

- 1. Suggests that statements should be made anytime and every time one of these incidents occurs
- 2. The Commission should step to the forefront on issues of racism and take the lead
- 3. The statement should be blunt
- 4. People will support the Commission but the Commission should lead

### **b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC**

- i. Chair expresses appreciation for the comments for both members of the public

1. Acknowledges the need to act before seeking permission
- ii. Commissioner affirms the need to make a statement and make repeated statements
  1. Agrees that this work is the charge of the HRC

## 7. COMMISSIONER UPDATES

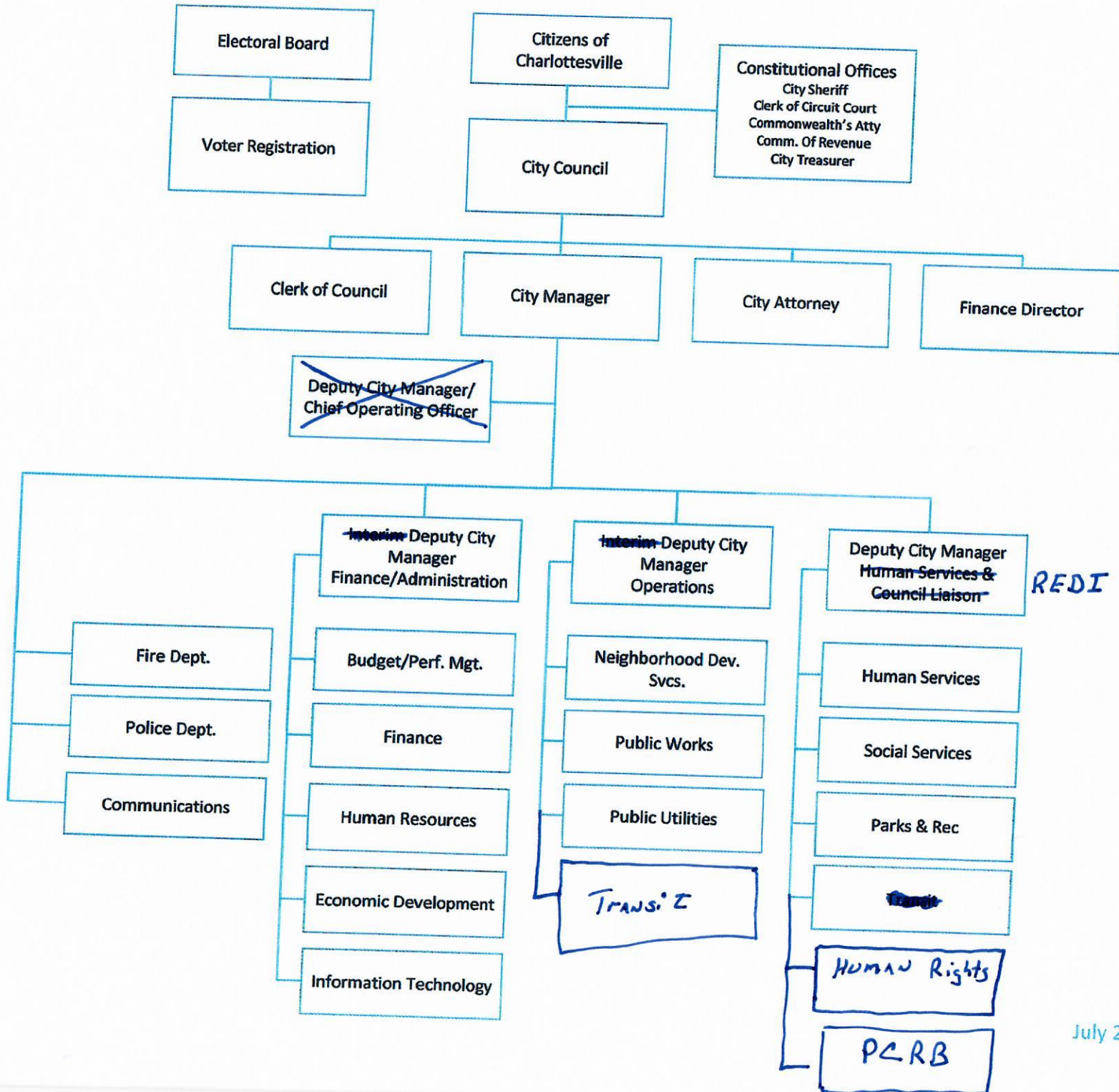
- a. Sue
  - i. VAHR annual meeting on Saturday, June 5, 2021
    1. Virtual meeting
  - ii. Notes that all Commissioners are in the VAHR system
  - iii. Will ensure that all Commissioners received communication from VAHR
- b. Jeanette
  - i. Cultivate Charlottesville is working with Council on the Food Equity Initiative
    1. Looks at how food is represented in the City's planning and actions
  - ii. Notes that food is currently not mentioned in the City's comprehensive plan
    1. Cultivate is working with Council to integrate food language into the plans by viewing food as a human right
  - iii. Food Equity Initiative Policy Platform
    1. Will present to Council on May 17th
    2. Six planks of the platform
      - a. Each plank speaks to an area that affects food equity
      - b. Within each plan are action recommendations
        - i. Recommendations emerged from community conversations and dialogue with City departments
    3. Community Roundtable on April 29
      - a. Shantell will introduce the platform to the public
    4. Commissioners encouraged to sign on to the Food Equity Initiative Policy Platform
      - a. <https://cultivatecharlottesville.org/what-is-food-equity/take-action/>
- c. Mary
  - i. Acknowledges the beginning of the month of Ramadan
  - ii. Wishes happy Ramadan to Muslim community members

## 8. NEXT STEPS

- a. OHR staff will send details of outdoor equity meeting to Jeanette
- b. OHR staff will email Chip and copy Mary on a request for Commissioner participation in the hiring process
- c. OHR staff will work with Commissioners to schedule an ad hoc Complainant legal representation committee meeting
  - i. Commissioners: Jessica, Kathryn, Lyndeale
- d. OHR staff will add some content in Spanish directly to the OHR web page to see how this affects City web page search results
- e. OHR staff will add some content in Spanish directly to the OHR web page to see how this affects search results
- f. OHR staff will contact Human Resources to see if they have a record of staff that speak other languages or a language access plan

- g. OHR staff will reach out to Engagement Committee members to schedule a meeting (add committee report to May meeting)
    - i. Commissioners: Jessica, Lyndele, Wolfgang, Jeanette, Andy
  - h. HRC Chair will draft an initial statement for HRC to review
- 9. ADJOURN**
- a. Meeting adjourned at 8:18 pm.

Pending HRC Approval



REDI

# Attachment 3

**Office of Human Rights**  
**Todd Niemeier Monthly Staff Report**  
**May 2021**

**Service Provision Data:**

- No data entered into the system for 2021.
  - Individual service provision has been the predominant activity in the OHR
  - Data entry lags as active investigations, new inquiries, and follow-ups continue to take priority
- Revisiting a secure web-based customized case management system with IT
  - This is an ongoing effort to move from an Excel-based system to a customized system that would standardize data entry and allow for easier use by multiple staff
  - To-date the system remains glitchy and so I continue to partner with IT staff to debug the system before implementation

**Administrative and Reporting:**

- 2020 Departmental Scorecard update completed
  - Link to Scorecard: [Human Rights \(clearpointstrategy.com\)](https://clearpointstrategy.com)
  - Intent to pursue service provision satisfaction surveys using intern support in June and July
    - This data will be included in the updated Departmental Scorecard
- 2020 Annual Report in progress
  - Will use Departmental Scorecard as basis for the annual report
  - No requests from Council yet for annual or quarterly reports
- Amendments to Charlottesville Human Rights Ordinance for FHAP substantial equivalence in progress
- No new work on FEPA agreement, as FHAP process take precedence

**Active Investigations:**

- Case 2019-1
  - Public accommodation discrimination on the basis of race
    - Determination of probable cause served on 11/12/2020 by Acting City Manager John Blair
    - Complainant seeks facilitated settlement through mediator
    - Respondent refused mediation services offered by the OHR
    - Local attorney may be willing to serve as liaison with Respondent to negotiate conciliation
- Case 2020-2
  - Housing discrimination on the basis of race
    - Investigation in progress
    - All interviews completed
    - All requested supplemental information received
    - Awaiting Complainant's rebuttal to Respondent

**Active Fact-finding Inquiries:**

- All Fact-finding Inquiries have shifted to Offers of Mediation

**Active Offers of Mediation:**

- Case 2021-1
  - Employment discrimination on the basis of race
    - Awaiting Complainant and Respondent replies to mediation offer.
- Case 2021-3
  - Public Accommodation discrimination on the basis of sex and disability
    - Awaiting Complainant and Respondent replies to mediation offer.



## Outreach:

- Service Provision
  - OHR and Fair Housing brochures revised
  - Plan underway for door-to-door outreach in partnership with other organizations
    - May 18, 2021
      - Michie Drive community
    - May 20, 2021
      - Riverside Avenue community
      - Madison Avenue community
      - South First Street community
    - May 24, 2021
      - Friendship Court community
    - May 26, 2021
      - Westhaven community
- Education & Awareness
  - No new activities
- Facilitation & Leadership
  - Outdoor Equity
    - Beginning work on a developing a version of Charlene's Racial & Ethnic History of Charlottesville presentation that focuses on land and outdoor recreational space use
    - Potential for a collaborative public presentation in July
  - Public Housing Association of Residents – Residents for Respectful Research (RRR)
    - MOUs with UVA completed
    - Interviews completed for RRR Coordinator
  - Affordable Housing
    - Thomas Jefferson Planning District Commission (TJPDC) applying for Virginia Eviction Reduction Pilot (VERP) planning grant
      - OHR staff asked to serve on VERP advisory committee, as the alternative dispute resolution representative, to provide guidance regarding program development
  - CRHA Resident Services Committee – Neighborhood Crisis Intervention sub committee
    - OHR staff participating in discussions around coordination of efforts across multiple sectors to address conflict intervention involving residents of public and subsidized housing

# Attachment 4

# CITY OF CHARLOTTESVILLE

*"A World Class City"*

## Human Rights Commission

P.O. Box 911 · Charlottesville, Virginia 22902

Telephone 434-970-3023

humanrights@charlottesville.gov

www.charlottesville.gov/963/Human-Rights-Commission



April 20, 2021

### **Statement Of The Charlottesville Human Rights Commission On The Most Recent Killings By Police**

*Mary Bauer (Chair)*

*Kathryn Laughon (Vice-Chair)*

*Jeanette Abi-Nader*

*Shantell Bingham*

*Ernest Chambers*

*Jessica Harris*

*Wolfgang Keppley*

*Susan W. Lewis*

*Tobiah Mundt*

*Andrew Orban*

*Alex Oxford*

*Lyndele Von Schill*

The Charlottesville Human Rights Commission stands in solidarity with the victims of police violence in Virginia and throughout the nation. We also call upon our own City to commit to transformational change of our own law enforcement efforts. The Human Rights Commission strongly believes that the disparate treatment of Black and brown residents in Charlottesville is an urgent human rights issue.

The Commission stands unequivocally with the Black and brown victims of police violence throughout the nation. In the past several weeks alone we have witnessed multiple instances of racist violence by law enforcement: the trial of the police officer who killed George Floyd by standing on his neck for more than nine minutes; the violent assault of U.S. Army medic Lieutenant Caron Nazario in Windsor, Virginia; and the killing of Daunte Wright during a traffic stop by a police officer who stated that she mistook a gun for a taser (in an incident in which even the use of a taser appeared excessive). We also saw shocking video footage of the killing of a thirteen-year-old boy named Adam Toledo by Chicago police. Indeed, we could list hundreds of names of those killed without justification by the police in our nation in recent years. Each of those deaths involved someone's child, spouse, sibling, friend, or parent. Every day the news brings new heartbreak; it must also lead us to call for introspection and reform in our own City.

It is impossible to overstate the trauma that Black and brown community members are forced to endure as each new incident of police violence comes to light. We must act now to ensure that further incidents do not happen in our own City.

Any of these horrific incidents could have happened in Charlottesville. For example, the appalling and violent treatment of LaQuinn Gilmore involved a shocking abuse of force by police in our City, but easily could have ended even more terribly. And Charlottesville resident Xzavier D. Hill, age 18, was killed by the Virginia State Police earlier this year while driving in nearby Goochland County.

Several studies and data analyses have shown that African Americans in Charlottesville are arrested and incarcerated at rates wildly disproportionate to their percentage of the population. In 2019, a review of police data found that African Americans were nearly five times more likely to be arrested than any other race in the City based on their population.<sup>1</sup> The 2019 data found that “African Americans made up more than half of arrests in Charlottesville over the past five years for mostly petty crimes typically associated with drugs, recidivism and socioeconomic status.”<sup>2</sup> A 2020 study found that Black people are incarcerated at disproportionately high rates, and there are disparities at virtually every point in the criminal justice system.<sup>3</sup>

While this disproportionate minority contact with the City's Police Department (“CPD”) erodes community trust in the systems intended to ensure safety for all residents, our City has been slow to take action. For example, in 2019 the Human Rights Commission's Policing sub-committee responded to requests from Chief Brackney to review the CPD's biased-based policing, use of force, and constitutional policies. The Commission reviewed the policies and attempted to meet with representatives from the police department to discuss proposed changes to the policy.<sup>4</sup> The Commission made numerous attempts to meet with CPD staff without success. CPD continues to operate using an outdated bias-based policy.<sup>5</sup> These are the same procedures in effect during the alt-right rallies of August 2017 giving CPD the authority to police in an "aggressive" manner.<sup>6</sup>

A review of available national data shows that police spend the overwhelming percentage of their time in dealing with matters that could be handled by others, including mental health professionals and social workers.<sup>7</sup> Nationally, only 4% of police time is spent dealing with violent crime.

We are heartened that the City schools have committed to replacing police officers in the schools with personnel who are not law enforcement officers and who have developmentally appropriate expertise. It is far past time to ask what other functions currently performed by the police would be better, and more safely, performed by people other than law enforcement officers.

Our City Council recently approved a police budget of close to \$19,000,000. That represents about 10% of our budget for our city of 47,000. Notably, the police budget lacked sufficient detail for community members to actually understand what they would be paying for. This raises significant questions for the Commission and the community.

A budget should reflect the deeply held values of a community, and thus we believe that it is time to demand answers to the most fundamental questions about the police force in Charlottesville.

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<sup>1</sup> [https://dailyprogress.com/news/local/charlottesville-arrest-data-show-racial-imbalance/article\\_4463e6aa-5d8d-11e9-bb98-b39346844778.html#:~:text=Between%20March%2030%2C%202014%2C%20and,estimated%2019%20percent%20black%20population.](https://dailyprogress.com/news/local/charlottesville-arrest-data-show-racial-imbalance/article_4463e6aa-5d8d-11e9-bb98-b39346844778.html#:~:text=Between%20March%2030%2C%202014%2C%20and,estimated%2019%20percent%20black%20population.)

<sup>2</sup> *Id.*

<sup>3</sup> [https://dailyprogress.com/news/local/report-finds-racial-disparity-at-almost-every-level-of-local-criminal-justice-system/article\\_8c1dad70-7e3a-565b-a98c-f9bc4a189862.html](https://dailyprogress.com/news/local/report-finds-racial-disparity-at-almost-every-level-of-local-criminal-justice-system/article_8c1dad70-7e3a-565b-a98c-f9bc4a189862.html)

<sup>4</sup> [https://docs.google.com/document/d/1FwXxeq7C0H-pVcrhA5AjXG2FgaPBpb8\\_eKU44twnuCW/edit](https://docs.google.com/document/d/1FwXxeq7C0H-pVcrhA5AjXG2FgaPBpb8_eKU44twnuCW/edit)

<sup>5</sup> <https://www.charlottesville.gov/DocumentCenter/View/708/400-05---Biased-Based-Policing-PDF>

<sup>6</sup> [https://drive.google.com/file/d/15XmrGKLWzNJzPxRWFLQwgV-mrng\\_VSgQ/view](https://drive.google.com/file/d/15XmrGKLWzNJzPxRWFLQwgV-mrng_VSgQ/view)

<sup>7</sup> <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>

Specifically, we need to know in detail at least the following:

- what functions are currently performed by the police;
- how much does each of these functions cost; and
- which of those functions could be better performed by people or entities who are not law enforcement carrying weapons?

Traffic stops are the most common interaction between police and civilians today. Studies show that Black and brown motorists are disproportionately stopped by police for traffic violations. They are also disproportionately questioned, frisked, searched, cited, and arrested during traffic stops. One potential solution would be to remove traffic and parking control from the purview of the police and instead have those matters handled by an entirely new traffic agency.”<sup>8</sup>

Currently, people in Charlottesville routinely call the police for matters such as mental health crises because, in most cases, they simply don’t know anyone else to call. This forces Black and brown families to decide whether to seek necessary help for someone in crisis or risk being the victim of violence if they do call law enforcement. Charlottesville families should never have to make such a choice. While the mental health task force created by Councilor Snook and Councilor Magill is a step in the right direction, it has yet to fully realize or implement a mental health crisis response program that could save lives.<sup>9</sup>

We call on Charlottesville to become a national leader in police reform. That includes a robust and empowered Police Civilian Review Board, but it also includes diverting significant money from the police budget to providing other essential services that can more effectively and safely address community issues. We also call on the City to enact as one of its legislative priorities in the next General Assembly session the abolition of qualified immunity so that all government officials who break the law can be held accountable for those actions.

Change should begin now—with far greater transparency about the police budget, training, polices, and data about stops traffic and other stops. Attorneys should not need to file Freedom of Records Acts requests and litigate those requests in order to obtain data that the community is entitled to know.<sup>10</sup>

As we all know, throughout the nation, the word “Charlottesville” has become synonymous with one terrible weekend in August of 2017. Instead, we believe the city should work to become known nationally as a locality focused on racial justice—one that has addressed head on the issue of police violence by re-allocating substantial law enforcement funds to other human services that are designed to support and help people instead of incarcerating them.

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<sup>8</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3702680](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3702680)

<sup>9</sup> [https://dailyprogress.com/news/local/govt-and-politics/proposed-charlottesville-police-budget-causes-concerns-complaints/article\\_416bc74a-93fc-11eb-a155-ef5642ee0058.html](https://dailyprogress.com/news/local/govt-and-politics/proposed-charlottesville-police-budget-causes-concerns-complaints/article_416bc74a-93fc-11eb-a155-ef5642ee0058.html)

<sup>10</sup> <https://www.c-ville.com/naacp-phar-file-foia-suit-stop-frisk-records/>

We believe that Charlottesville should become an incubator of progressive ideas to demonstrate to other localities within the Commonwealth and beyond that real change is possible. As part of those efforts, we must create a safer and more vibrant City by investing in services other than law enforcement.

Our budget and our City's actions should hold racial justice, equity, and inclusion as its core goals. That calls for hard questions and real change. But we cannot wait. Every day that we wait in bringing about real change in our City means another day in which we must fear for our beloved Black and brown community members.

The time is now for change. While we hold the victims of police violence and their families in our hearts, the Human Rights Commission believes that we serve those victims and family members best by demanding real change in our community and beyond.

# Attachment 5

Statement Of The Charlottesville Human Rights Commission On  
The Most Recent Killings By Police

April 20, 2021

Human Rights Commissioners:

Mary Bauer (Chair)

Kathryn Laughon (Vice Chair)

Jeanette Abi-Nader

Shantell Bingham

Ernest Chambers

Jessica Harris

Wolfgang Keppley

Susan W. Lewis

Tobiah Mundt

Andrew Orban

Alex Oxford

Lyndele von Schill

The Charlottesville Human Rights Commission stands in solidarity with the victims of police violence in Virginia and throughout the nation. We also call upon our own City to commit to transformational change of our own law enforcement efforts. The Human Rights Commission strongly believes that the disparate treatment of Black and brown residents in Charlottesville is an urgent human rights issue.

The Commission stands unequivocally with the Black and brown victims of police violence throughout the nation. In the past several weeks alone we have witnessed multiple instances of racist violence by law enforcement: the trial of the police officer who killed George Floyd by standing on his neck for more than nine minutes; the violent assault of U.S. Army medic Lieutenant Caron Nazario in Windsor, Virginia; and the killing of Daunte Wright during a traffic stop by a police officer who stated that she mistook a gun for a taser (in an incident in which even the use of a taser appeared excessive). We also saw shocking video footage of the killing of a thirteen-year-old boy named Adam Toledo by Chicago police. Indeed, we could list hundreds of names of those killed without justification by the police in our nation in recent years. Each of those deaths involved someone's child, spouse, sibling, friend, or parent. Every day the news brings new heartbreak; it must also lead us to call for introspection and reform in our own City.

It is impossible to overstate the trauma that Black and brown community members are forced to endure as each new incident of police violence comes to light. We must act now to ensure that further incidents do not happen in our own City.

Any of these horrific incidents could have happened in Charlottesville. For example, the appalling and violent treatment of LaQuinn Gilmore involved a shocking abuse of force by police in our City, but easily could have ended even more terribly. And Charlottesville resident



Xzavier D. Hill, age 18, was killed by the Virginia State Police earlier this year while driving in nearby Goochland County.

Several studies and data analyses have shown that African Americans in Charlottesville are arrested and incarcerated at rates wildly disproportionate to their percentage of the population. In 2019, a review of police data found that African Americans were nearly five times more likely to be arrested than any other race in the City based on their population (Citation 1).

The 2019 data found that “African Americans made up more than half of arrests in Charlottesville over the past five years for mostly petty crimes typically associated with drugs, recidivism and socioeconomic status” (Citation 2). A 2020 study found that Black people are incarcerated at disproportionately high rates, and there are disparities at virtually every point in the criminal justice system (Citation 3).

While this disproportionate minority contact with the City's Police Department (“CPD”) erodes community trust in the systems intended to ensure safety for all residents, our City has been slow to take action. For example, in 2019 the Human Rights Commission's Policing sub-committee responded to requests from Chief Brackney to review the CPD's biased-based policing, use of force, and constitutional policies. The Commission reviewed the policies and attempted to meet with representatives from the police department to discuss proposed changes to the policy (Citation 4).

The Commission made numerous attempts to meet with CPD staff without success. CPD continues to operate using an outdated bias-based policy (Citation 5). These are the same procedures in effect during the alt-right rallies of August 2017 giving CPD the authority to police in an "aggressive" manner (Citation 6).

A review of available national data shows that police spend the overwhelming percentage of their time in dealing with matters that could be handled by others, including mental health professionals and social workers (Citation 7). Nationally, only 4% of police time is spent dealing with violent crime.

We are heartened that the City schools have committed to replacing police officers in the schools with personnel who are not law enforcement officers and who have developmentally appropriate expertise. It is far past time to ask what other functions currently performed by the police would be better, and more safely, performed by people other than law enforcement officers.

Our City Council recently approved a police budget of close to \$19,000,000. That represents about 10% of our budget for our city of 47,000. Notably, the police budget lacked sufficient detail for community members to actually understand what they would be paying for. This raises significant questions for the Commission and the community.

A budget should reflect the deeply held values of a community, and thus we believe that it is time to demand answers to the most fundamental questions about the police force in Charlottesville.

Specifically, we need to know in detail at least the following:

- what functions are currently performed by the police;
- how much does each of these functions cost; and
- which of those functions could be better performed by people or entities who are not law enforcement carrying weapons?

Traffic stops are the most common interaction between police and civilians today. Studies show

that Black and brown motorists are disproportionately stopped by police for traffic violations. They are also disproportionately questioned, frisked, searched, cited, and arrested during traffic stops. One potential solution would be to remove traffic and parking control from the purview of the police and instead have those matters handled by an entirely new traffic agency” (Citation 8).

Currently, people in Charlottesville routinely call the police for matters such as mental health crises because, in most cases, they simply don’t know anyone else to call. This forces Black and brown families to decide whether to seek necessary help for someone in crisis or risk being the victim of violence if they do call law enforcement. Charlottesville families should never have to make such a choice. While the mental health task force created by Councilor Snook and Councilor Magill is a step in the right direction, it has yet to fully realize or implement a mental health crisis response program that could save lives (Citation 9).

We call on Charlottesville to become a national leader in police reform. That includes a robust and empowered Police Civilian Review Board, but it also includes diverting significant money from the police budget to providing other essential services that can more effectively and safely address community issues. We also call on the City to enact as one of its legislative priorities in the next General Assembly session the abolition of qualified immunity so that all government officials who break the law can be held accountable for those actions.

Change should begin now—with far greater transparency about the police budget, training, polices, and data about stops traffic and other stops. Attorneys should not need to file Freedom of Records Acts requests and litigate those requests in order to obtain data that the community is entitled to know (Citation 10).

As we all know, throughout the nation, the word “Charlottesville” has become synonymous with one terrible weekend in August of 2017. Instead, we believe the city should work to become known nationally as a locality focused on racial justice—one that has addressed head on the issue of police violence by re-allocating substantial law enforcement funds to other human services that are designed to support and help people instead of incarcerating them.

We believe that Charlottesville should become an incubator of progressive ideas to demonstrate to other localities within the Commonwealth and beyond that real change is possible. As part of those efforts, we must create a safer and more vibrant City by investing in services other than law enforcement.

Our budget and our City’s actions should hold racial justice, equity, and inclusion as its core goals. That calls for hard questions and real change. But we cannot wait. Every day that we wait in bringing about real change in our City means another day in which we must fear for our beloved Black and brown community members.

The time is now for change. While we hold the victims of police violence and their families in our hearts, the Human Rights Commission believes that we serve those victims and family members best by demanding real change in our community and beyond.

Works Cited:

Citation 1: [https://dailyprogress.com/news/local/charlottesville-arrest-data-show-racial-imbalance/article\\_4463e6aa-5d8d-11e9-bb98-](https://dailyprogress.com/news/local/charlottesville-arrest-data-show-racial-imbalance/article_4463e6aa-5d8d-11e9-bb98-)

Citation 2: [https://dailyprogress.com/news/local/charlottesville-arrest-data-show-racial-imbalance/article\\_4463e6aa-5d8d-11e9-bb98-](https://dailyprogress.com/news/local/charlottesville-arrest-data-show-racial-imbalance/article_4463e6aa-5d8d-11e9-bb98-)

Citation 3: [https://dailyprogress.com/news/local/report-finds-racial-disparity-at-almost-every-level-of-local-criminal-justice-system/article\\_8c1dad70-7e3a-565b-a98c-f9bc4a189862.html](https://dailyprogress.com/news/local/report-finds-racial-disparity-at-almost-every-level-of-local-criminal-justice-system/article_8c1dad70-7e3a-565b-a98c-f9bc4a189862.html)

Citation 4: [https://docs.google.com/document/d/1FwXxeq7C0H-pVcrhA5AjXG2FgaPBpb8\\_eKU44twnuCw/edit](https://docs.google.com/document/d/1FwXxeq7C0H-pVcrhA5AjXG2FgaPBpb8_eKU44twnuCw/edit)

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Citation 6: [https://drive.google.com/file/d/15XmrGKLWzNJzPxRWFLQwgV-mrng\\_VSgQ/view](https://drive.google.com/file/d/15XmrGKLWzNJzPxRWFLQwgV-mrng_VSgQ/view)

Citation 7: <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>

Citation 8: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3702680](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3702680)

Citation 9: [https://dailyprogress.com/news/local/govt-and-politics/proposed-charlottesville-police-budget-causes-concerns-complaints/article\\_416bc74a-93fc-11eb-a155-ef5642ee0058.html](https://dailyprogress.com/news/local/govt-and-politics/proposed-charlottesville-police-budget-causes-concerns-complaints/article_416bc74a-93fc-11eb-a155-ef5642ee0058.html)

Citation 10: <https://www.c-ville.com/naacp-phar-file-foia-suit-stop-frisk-records/>

# Attachment 6



**Human Rights Commission  
Meeting Minutes  
Community Engagement Committee  
May 6, 2021  
Virtual/Electronic Meeting  
1:00 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
  - i. OHR staff called the meeting to order at 1:02 pm
  - ii. Jessica Harris volunteered to Chair the Committee
- b. ROLL CALL
  - i. Jessica Harris
  - ii. Andrew Orban
  - iii. Jeanette Abi-Nader
  - iv. Lyndele von Schill
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

**2. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT
  - i. Molly Conger
    1. Notes the live transcript option on Zoom and supports its continued use
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. Zoom is providing a new live transcript service
  - ii. It provides automated live captioning during webinars
  - iii. Currently being provided at no cost

**3. WORK SESSION**

- a. Discussion of priorities
  - i. Recap of recent discussions
    1. Previously this committee worked on the disability PSA project
    2. Recently shifted focus to advocacy regarding police violence
  - ii. Recap of previous community engagement committee focus
    1. Formed to support events organized by the OHR
    2. Focused on service provision outreach
    3. Pheobe and Melvin work on the disability PSA project
      - a. This followed a suggestion by a member of the public speaking during public comment at a regular meeting in 2019
  - iii. Commissioner notes that the HRC was interested in exploring the potential use of social media and asks OHR staff for any updates

1. No boards and commission currently have independent social media accounts
2. HRC does have a legacy Facebook page
  - a. Charlene Green established this page
    - i. Charlene is the only one who can edit it
    - ii. OHR staff has talked with Charlene about the transfer of administrative permissions
      1. Awaiting response for next steps
  - b. Charlene used it for announcing events
  - c. It was not used for statements of position or advocacy
3. HRC has a web page on the City web site
  - a. Administered by the Clerk's Office
  - b. Contains a list of Commissioners
  - c. Contains a very brief description of the Commission and how to apply
4. OHR has a web page on the City web site
  - a. OHR staff administers
  - b. OHR staff has asked City Manager about posting HRC statements and information
    - i. Awaiting definitive response as to what is allowed
    - ii. OHR staff does not have the final authority to decide on web page content
    - iii. Any proposed content is reviewed by IT Department before publishing
5. Generally, using the City's media platforms to issue public statements from a single board or commission is challenging
  - a. Problems arise if a statement from a board or commission conflicts with messaging from the City as a whole or with a specific department
- iv. Commissioner discussion regarding public statements
  1. Request to add a link on the City website using the OHR web page to public statements already made by the HRC
  2. Suggestion to create a Facebook page for the HRC and post information prior to seeking permission
- v. OHR staff response
  1. Previous request made for permission to take the suggested actions above and no permission received
  2. All HRC documents, including the recent statement on police violence, are posted in the HRC's Box.com folder
    - a. This is a publicly accessible folder
    - b. The link is at the top of all HRC agendas
  3. Most recent statement will also be included in HRC meeting documentation
    - a. It will likely be part of the agenda packet for the next HRC regular meeting
- vi. Commissioner discussion regarding social media
  1. 500+ people currently follow the old HRC Facebook page
  2. Box.com can be difficult for people to use

3. Suggestion to create a new Facebook account
  - a. Could like to Charlene's old Facebook page from new one
  - b. Would be a good place to reference events and other resources mentioned in HRC regular meetings
- vii. OHR staff response
  1. Notes that OHR also has a Mail Chimp account with a large recipient list that can be used to share information
  2. Notes that without explicit permission to start an HRC Facebook account, likely cannot do on HRC's behalf as City staff
- viii. Commissioner discussion about further advocacy
  1. Suggestion that HRC can make a list of what it wants and bring to person with authority to grant permission
    - a. Asks who that person would be
  2. Suggestion to use Mail Chimp to send out link to the statement
- ix. OHR staff response
  1. The City Manager is currently OHR staff supervisor until May, 7 2021
  2. The Deputy City Manager for Racial Equity, Diversity, and Inclusion will take that responsibility on May 10, 2021
- x. Commissioner discussion regarding administrative ownership of social media accounts, i.e. OHR staff vs. HRC Chair
  1. Suggestion that HRC Chair should hold the account and pass the administration on to successive Chairpersons
  2. Suggestion that Commissioners could draft a message to be sent by Mail Chimp
- xi. OHR staff response
  1. Can send out something drafted by the HRC on Mail Chimp
  2. OHR Mail Chimp account user is [humanrights@charlottesville.gov](mailto:humanrights@charlottesville.gov)
    - a. Charlene originally created it for use with the Dialogue on Race
- xii. Commissioner discussion regarding HRC's independent control of communication
  1. Suggestion that the HRC create its own Gmail account, which it can use to start an independent HRC Facebook account and Mail Chimp account
  2. This would partition communication coming from HRC vs. OHR
- xiii. City Director of Communications Director response
  1. Notes that Police Civilian Review Board members have been issued City email addresses
    - a. This makes it easier to respond to FOIA requests
  2. Notes that using a separate email system to bypass City restrictions is not permissible for public bodies
    - a. Communicating on behalf of the public body is regarded as public communications
    - b. City's position has been that public communications are handled in a centralized way to avoid problems
      - i. Example, if a public body creates its own

Facebook page:

1. City can potentially lose access
  2. City cannot archive the page for FOIA purposes
  3. City cannot ensure that administrators will not delete content
    - a. HRC could not delete offensive comments from the public, as this would be a legal issue for the City
  3. Suggests having this discussion with the new Deputy City Manager for REDI in order to propose a plan to the City Manager
  4. Notes that there is room to explore new ways of communicating as long as it takes FOIA and records preservation into account
  5. Regarding recent HRC public statement regarding police violence
    - a. City Manager did not feel it was appropriate to publish the statement on the City website
      - i. Notes that this would apply to all of the City's communications channels
    - b. Can be in minutes and agenda packet
      - i. It is an approved action by the Commission and should be shared as such
    - c. Drawing attention to it using City media channels and the website is different
- xiv. Commissioner response
1. Note of appreciation for the need to preserve and access public records
  2. Note that determination of appropriateness appears to be linked to the fact that the statement criticized the way the City operates
  3. Suggests that the HRC webpage should be used to present a publicly accessible archive of HRC documents
- xv. OHR staff response
1. Notes that all HRC documents are stored in a publicly accessible fashion on Box.com
  2. Unclear as to whether posting Box.com links to HRC documents on OHR website crosses the line into promoting the documents vs. making publicly created work available
  3. Notes that this points to the need to determine where other HRC documents should be stored and archived, including resolutions, as they are not as easily accessible by the public as they could be
- xvi. Communications Director response
1. Suggests documenting what tools the HRC believes would be helpful
  2. City Manager, Deputy City Manager for REDI, and Director of the Human Rights Commission (once hired) should discuss
  3. If HRC presents recommendations to the management team



and they approve then Communications Department will act on the approved recommendations

- xvii. Commissioner discussion
  - 1. Concern for access to information in the meantime
  - 2. Offer to assist OHR staff with managing social media if approved
  - 3. Asks Communications Director if HRC will be getting City email addresses
- xviii. Communications Director response
  - 1. Has done for Police Civilian Review Board
  - 2. Available to other boards and commissions upon request
  - 3. City moving in this direction as a best practice for the future
- xix. Commissioner discussion
  - 1. Suggested media access request
    - a. City emails for Commissioners
    - b. HRC Facebook page
    - c. HRC Twitter page
  - 2. Suggestion that HRC should have an independent voice from the OHR
  - 3. Suggestion to create a statement that defines
    - a. The public outreach goals of the HRC
    - b. The requested tools to meet those goals
- xx. Communications Director response
  - 1. Affirms that HRC has its own voice that is separate from the OHR
    - a. It votes on positions and statements
  - 2. Affirms that all Commissioners have their own First Amendment rights to share HRC information
- xxi. Discussion regarding difference between circumventing City restrictions vs. finding a way to create a platform for HRC voice
  - 1. Intent is not to prevent FOIA access or avoid legal constraints but to find a way for the HRC to communicate that does not require the OHR staff to take action
- xxii. Communications Director response
  - 1. City Council does not have these communications channels though some Councilor's have argued they should
- xxiii. Discussion regarding City email accounts
  - 1. General support for City email accounts for Commissioners
  - 2. Assumption that, as long as Commissioners use the HRC group email, those communications are accessible by City staff for FOIA
    - a. Commissioner notes that they avoid communicating with individual commissioners using private email addresses about Commission business
    - b. What is the benefit of City email addresses for Commissioners?
- xxiv. Communications Director response
  - 1. HRC distribution list are only accessible if a City staff person address is part of the distribution list

2. PCRB has a distribution list and it has a separate mailbox that gets copied on all distribution list messages
  3. It is expected that Commissioners might communicate directly to one another on public business items
    - a. The requirement is that if there is a FOIA request, those emails must be findable and released
- b. Next steps
- i. Create a statement that defines HRC communication goals and proposed actions
    1. Committee goals
      - a. Communicate messages of advocacy
      - b. Engage the community in action
      - c. Provide leadership
        - i. Public statements
    2. Proposed actions
      - a. Clarify the media platforms that Committee can use to reach goals
        - i. Ensure that messages are on multiple platforms including social media
      - b. Attending public events
  - ii. OHR staff
    1. Suggests using the Resolution format to draft the above goals and actions
    2. Resolutions create a foundation that the HRC can cite to when taking actions
    3. Chair and Vice Chair have a draft commission regarding advocacy actions which may serve as a starting point for a draft resolution by this Committee
    4. OHR staff will share draft advocacy resolution with Engagement Committee
      - a. Share on Box.com in Working Documents
  - iii. Jeanette will work on creating a draft resolution using framework from the template that OHR staff will post on Box.com
  - iv. Commissioner requests copies of current outreach materials from the OHR
    1. OHR staff will share digital copies of existing outreach materials for HRC feedback
  - v. Jessica will provide ad hoc committee meeting at the next HRC regular meeting

#### 4. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
  - i. None.
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. None.

#### 5. NEXT STEPS

- a. OHR staff will share draft advocacy resolution with Engagement Committee
  - i. Share on Box.com in Working Documents
- b. Jeanette will work on creating a draft resolution using framework from the template that OHR staff will post on Box.com

- c. Jessica will provide ad hoc committee meeting at the next HRC regular meeting
- 6. **ADJOURN**
  - a. Meeting adjourned at 2:00 pm.

Pending HRC Approval

# Attachment 7

**RESOLUTION TO ESTABLISH PROCEDURES FOR ADVOCACY AND ACTION**  
**CHARLOTTESVILLE HUMAN RIGHTS COMMISSION**  
**RESOLUTION #: A21-1**

**WHEREAS**, the Charlottesville Human Rights Ordinance, hereinafter “the Ordinance,” states that the role of the Charlottesville Human Rights Commission, hereinafter “the Commission,” is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

**WHEREAS**, the Ordinance states that the Commission will collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide (City code Article XV. Sec. 2-433.b); and

**WHEREAS**, the Ordinance states that the Commission will identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues City code Article XV. Sec. 2-433.c); and

**WHEREAS**, the Ordinance states that the Commission will prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications of operating procedures approved by City Council (City code Article XV. Sec. 2-433.f); and

**WHEREAS**, the Ordinance states that the Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that may not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact or affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability (City code Article XV. Sec. 2-435.a.2); therefore

**BE IT RESOLVED** that the Commission hereby declares its intent to take specific action as a strong advocate for human and civil rights; and

**BE IT FURTHER RESOLVED** that the Commission will undertake specific advocacy action following a majority vote of approval during a publicly-noticed regular meeting of the Commission, except in limited situations between regular meetings of the Commission, when a systemic human or civil rights issue requires prompt action that must occur before the Commission can convene in a publicly noticed meeting, in which case the Commission authorizes the Commission Chair to take advocacy action, on behalf of the whole Commission, without a prior majority vote of approval during a publicly-noticed regular meeting; and

**BE IT FURTHER RESOLVED** that specific advocacy action, proclaiming the Commission’s position on an issue related to human and/or civil rights, may include one or more of the following:

1. Letters to
  - a. City Council
  - b. The City Manager
  - c. Non-profit organizations or other community groups
  - d. State government officials
  - e. Federal government officials
  - f. Local media outlets
2. Online petitions
3. Sign-on letters
4. Public Service Announcements
5. Attendance and participation in public events including but not limited to
  - a. Protests
  - b. Counterprotests
  - c. Rallies
  - d. Marches
  - e. City Council meetings.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2020.

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Mary Bauer, Chair, Human Rights Commission

# Attachment 8



**Human Rights Commission  
Meeting Minutes  
Legal Representation Committee  
May 6, 2021  
Virtual/Electronic Meeting  
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
  - i. Meeting called to order at 2:10 pm
- b. ROLL CALL
  - i. Jessica Harris
  - ii. Kathryn Laughon

**2. WORK SESSION**

- a. OHR staff
  - i. Origin of the idea
    - 1. Complainants typically do not have and cannot afford legal representation
    - 2. Respondents typically have legal representation or the means to get it
    - 3. Commissioners brought up the idea of Complainant legal representation during a committee meeting regarding public hearings
    - 4. Potential to model after the tenant right to counsel program being supported by the HRC and City Council
    - 5. No similar legal representation programs in other municipalities in Virginia that have HRC/OHRs
  - ii. OHR staff has a draft resolution recommending a legal representation program to share with the committee
- b. Commissioner discussion
  - i. Suggestion to seek other potential models in other states
  - ii. Note that intention of program is not to provide additional funds to Respondents who can already afford legal counsel
  - iii. Suggests UVA or other universities that provide counsel assistance in Title IX complaints
    - 1. Kathryn will look into the legal representation model used by the UVA Title IX office
- c. OHR staff
  - i. Notes that income and net worth limits are included in the resolution
    - 1. Some respondents may also qualify

**3. MATTERS BY THE PUBLIC**



- a. PUBLIC COMMENT
  - i. None
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. None
- 4. NEXT STEPS**
  - a. OHR staff will provide access to the draft resolution via Box.com:
    - i. <https://app.box.com/s/htbjbpwbi8tv9o1tjpcsa72kusvcy1md>
  - b. Kathryn will look into the legal representation model used by the UVA Title IX office
  - c. Jessica and Lyndele will review draft resolution
  - d. Jessica will provide the committee update at the next HRC regular meeting
- 5. ADJOURN**
  - a. Meeting adjourned at 2:18 pm

Pending HRC Approval

# Attachment 9

**RESOLUTION TO ESTABLISH A LEGAL REPRESENTATION FUND FOR PARTIES TO A COMPLAINT OF DISCRIMINATION  
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION  
RESOLUTION #: HR21-1**

**WHEREAS**, the role of the Charlottesville Human Rights Commission, hereinafter “the Commission,” is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

**WHEREAS**, the Charlottesville Human Rights Ordinance, hereinafter “the Ordinance,” states that the Commission will assist individuals who believe they are the victim of an act of unlawful discrimination in the City (City code Article XV. Sec. 2-433.b.); and

**WHEREAS**, the Ordinance states that the Commission will prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modification of operating procedures approved by City Council (City code Article XV. Sec. 2-433.f.); and

**WHEREAS**, the Ordinance states that the Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that may not constitute unlawful discriminatory practices but nevertheless produce disparities that adversely impact individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability (City code Article XV. Sec 2-435.a.2.)

**WHEREAS**, the staff of the Office of Human Rights, including the Director of the Human Rights Commission, hereinafter “OHR staff,” are neutral parties to the complaint and cannot provide legal advice to the Complainant or Respondent at any stage before, during, or after the investigation, mediation, determination of cause, appeal, or public hearing of the Commission regarding the complaint;

**BE IT RESOLVED** that the Commission hereby supports the creation of a legal representation fund to provide equitable access to legal services for parties to complaints of discrimination filed with the Charlottesville Office of Human Rights, provided such complaints have been authorized for further action by the Director of the Human Rights Commission.

The HRC recommends that the legal representation fund be available to both Complainants and Respondents who meet the following criteria:

1. The applying party must be the named Complainant or named Respondent in a case that has been authorized by the Director of the Commission for further action. Qualifying actions shall include one or more of the following:
  - a. Mediation
  - b. Investigation
  - c. Public Hearing
2. Individual Complainants shall have a household income of no more than 250% of the federal poverty guidelines.
3. Respondents shall meet one of the following criteria:
  - a. Individual Respondents, representing only themselves and not affiliated with a larger corporate entity, shall have a household income of no more than 250% of the federal poverty guidelines.

- b. Respondents that are entities incorporated with the Virginia State Corporation Commission, shall have a corporate net worth of no more than \$XXX.

The HRC further recommends that the following restrictions apply to the legal representation fund:

1. Funds shall only be used to employ the services of an attorney barred in the Commonwealth of Virginia.
2. Funds shall only be used to employ the services of an attorney for matters directly related to the complaint of discrimination for which the Director of the Commission has authorized further action.
3. The maximum amount of funding awarded to a single qualifying party shall not exceed \$XXX,000.
4. Payment for legal services will be made directly to the designated legal representative of the qualifying party upon provision of documentation detailing the specific legal services provided to the party.

The HRC further recommends that the following exclusions apply to the legal representation fund:

1. Legal services provided to a party to a complaint prior to application for and approval of funding from the legal representation fund shall not be reimbursable.
2. Legal services provided to a party to a complaint after the case has been deemed Dismissed or otherwise Closed shall not qualify for payment.
3. Legal services provided to a party related to the filing or litigation of a private civil suit in General District Court, seeking court-mandated relief related to an active, closed, or dismissed complainant, even if said complaint was previously approved for funding, shall not qualify for payment.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2020.

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Mary Bauer, Chair, Human Rights Commission