



**Human Rights Commission
Regular Meeting
June 17, 2021
Virtual/Electronic Meeting
6:30pm**

Agenda Packet Attachments

1. Agenda
2. 05-20-2021 HRC Regular Meeting Minutes
3. HRC statement regarding police violence (04-20-2021)
4. HRC Police Constitutional Procedures policy review notes (07-15-2019)
5. HRC Proposed Changes to Biased-Based Policing Policy (10-14-2019)
6. HRC General Police Policy Recommendations (11-XX-2019)
7. OHR Staff Report

Attachment 1



**Human Rights Commission
AGENDA
Regular Meeting
June 17, 2021
Virtual/Electronic Meeting
6:30pm**

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.

Link to Human Rights Commission shared Box folder: <https://app.box.com/s/xty3wnn2s1tj8h7trkknvd79bipyxezy>

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. 05-20-2021 HRC Regular Meeting Minutes*

4. BUSINESS MATTERS

- a. Dialogue with Mayor Walker and Chief Brackney
- b. CHAIR UPDATE
- c. OHR STAFF REPORT

5. WORK SESSION

- a. Ad hoc committee reports
 - i. Accessibility Committee report
 - ii. Community Engagement Committee report
 - iii. Housing Committee report
 - iv. Legal Representation Committee report

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. 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
May 20, 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 6:35 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. Alex Oxford
 - 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 May 6, 2021
 - i. Vote
 1. In favor: 9
 2. Can live with: 0
 3. Opposed: 0
 4. Abstained: 0
 - ii.

4. BUSINESS MATTERS

- a. OHR Staff report
 - i. Staff reviews key points on written staff report from agenda packet.
 - ii. Chair requests update on Director hiring process
 1. Staff notes that the City Manager has offered the Commission a

- chance to be a part of the hiring process
- iii. Ashley Reynolds Marshall, Deputy City Manager for REDI provides an update regarding hiring process
 1. Has not yet seen applicants yet
 2. Process is in Human Resources' hands currently
 3. Confirms that City Manager would like HRC involved in process
 - iv. Chair asks Ashley how HRC should engage in hiring process
 1. Ashley reports that the City Manager will contact HRC and OHR regarding involvement in the hiring process
 - v. Commissioner asks if application period for the Director has closed
 1. Ashley confirms that it has closed
 2. Notes that Human Resources will likely share a jump drive with all candidate information soon
 - a. This was the process for the PCRB Director hiring
 - vi. Chair expresses need to think about HRC official action between regular meetings regarding the hiring process, as this would require public notice if more than one Commissioner were to participate
 1. OHR staff reads the email below from the City Manager, which offers several options for HRC participation:
 - a. *"The Commission will definitely be included in the initial round of the hiring process as well as will be asked as the Commission for the consent to hire a recommended Director. There are two ways the Commission may participate. Up to two members of the Commission may participate in interviews as panel members, or the whole Commission may meet within an approved closed meeting and interview a short list of candidates and make a recommendation to the City Manager. City Manager would in turn at a later meeting make a recommendation back to the Commission for their consent. I am OK with either. The meeting as a whole may add some time to the process (a little) because a special meeting may have to be added. I would welcome your input on your preferred participation."*
 - vii. Chair suggests that HRC participate, as a whole, in the interview process
 1. Commissioners express general support for this option
 2. Concern expressed that, due to scheduling, some Commissioners may not be able to participate
 - viii. Chair asks about the potential for HRC in-person meetings
 1. OHR staff reports that City Space is still closed to the public with no definite re-opening date
 2. OHR staff notes that office will open when two interns start in June
 - a. Will open to in-person appointments and follow mask

- protocol when members of the public are present
3. Commissioner expresses support for continuation of virtual meetings noting the accessibility of virtual meetings
 - a. Suggests that virtual might be the default unless in-person is needed or that if in-person becomes the standard that a virtual option remain available
 4. OHR staff notes that the HRC may still have the opportunity for televised broadcast of in-person meetings
- ix. Commissioner asks about the OHR Departmental Scorecard – Do other departments have this and how much time does it take to maintain it?
1. OHR staff provides an overview of the scorecard system
 - a. Notes that the scorecard serves as a foundation for the OHR/HRC annual report
 - b. Notes that satisfaction and participation survey results are limited due to insufficient staffing to complete the work
 - i. Intent to conduct individual services satisfaction surveys with support of summer interns

b. Chair Update

- i. Notes that Shantell Bingham has left Charlottesville and is no longer a member of the Commission
 1. Suggests that HRC should consider appointing a new member to the Housing Committee to continue its work
 - ii. Raises the question of follow-up regarding HRC statement on police violence and City budget transparency
 1. Commissioner asks if there was a response from Council
 - a. Chair notes that there was no response
 2. Commissioner suggests requesting a response from Council
 3. Commissioner suggests a request for response by email prior to attending a Council meeting
 - a. Commissioner suggests presenting a specific request as to what the HRC would expect to see in the budget
 4. Commissioner asks if Ashley has seen the letter
 - a. Ashley has not read it yet, but acknowledges that it is in the HRC agenda packet
 5. **Mary will send an email follow-up to City Manager and City Council regarding the statement on police violence ahead of potentially raising the issue at a future Council meeting**
 - a. Commission shows general consensus to this action
- c. Time for Commissioner and Deputy City Manager introductions

5. WORK SESSION

a. Committee Reports

- i. Accessibility Committee (Committee Chair – Wolfgang)
 1. Did not meet since last HRC regular meeting
 2. Committee Chair is looking into language accessibility plans from other Commissions and cities
 3. Commissioner notes that one concern it would like to address is that ADA Coordinator is under NDS
 4. HRC Chair asks if City has an accessibility plan

- a. Committee Chair notes that ADA Transition Plan was last updated in 2013
 - b. HRC formerly had representation on the ADA Advisory Committee which assists the ADA Coordinator in drafting the ADA Transition Plan
 - c. HRC has not been invited to provide input this time yet
 5. HRC Chair asks if the ADA Transition Plan addresses language issues or only ADA issues
 - a. Committee Chair notes that the Plan only addresses disability issues as relate to the ADA
 6. HRC Chair asks if the City has a language access plan for non-English speakers
 - a. None known
 7. Accessibility Committee next steps
 - a. Schedule a committee meeting before the next HRC regular meeting in June
 - b. Research City's current language accessibility plans, if any, and discuss possibility of further action if none exists
 - c. Continue dialogue with ADA Advisory Committee and ADA Coordinator regarding updates to the ADA Transition Plan
- ii. Community Engagement (Committee Chair – Jessica)
 1. Committee Chair provided a summary of the previous committee meeting
 2. OHR staff follow-up
 - a. In discussion with City Manager, Deputy City Manager for REDI, and Communications Director about the key points raised in the last committee meeting regarding social media and communications generally.
 - b. Notes that draft resolution regarding HRC actions between meetings is included in agenda packet as a potential template for the committee to use as a communications plan resolution
 3. Deputy City Manager for REDI follow-up
 - a. Confirms the ability to create City emails for all Commissioners
 - i. Allows easier archive and FOIA
 - b. Online posting of HRC work
 - i. OHR staff can create links to HRC work and documents from OHR website
 - ii. Once Commissioners have City emails can move from Box to One Drive
 - c. Facebook
 - i. No other boards and commissions have Facebook
 - ii. Some City departments use for "breaking news" announcements, ex. utility or public works updates

- iii. Suggest adding OHR staff and other key City staff to existing Facebook account that Charlene can access
 - iv. A Communications team member will be included as an admin. for auto-archiving
 - v. Once Director is in place, will discuss whether Director or other OHR staff will manage site
 - vi. If HRC has other events or community announcements can share with Communications for publication on City media accounts
- d. City email distribution list
- i. Can move subscribers from Mail Chimp to this system
 - ii. Subscribers can choose the types of City information they would like to receive
 - iii. Would likely increase number of people who sign up for information as Human Rights will be included on the list
- e. Other public engagement tools
- i. Townhall-type tools for community surveys and other engagement
 - ii. May offer other times for people to engage outside of live meeting times
 - iii. Improves accessibility
- f. Proposal for hybrid live/ virtual meetings
- i. Confirms that this will be offered for 8 boards and commissions
 - ii. Brian has suggested that HRC be one of the 8
 - iii. Would include TV broadcast, Boxcast, and other archive options
4. Committee Chair asks for confirmation that HRC statements can be posted on City website and Facebook
- a. Deputy City Manager confirms
 - b. Cannot go on homepage banner of City website
 - i. Not a City statement
5. Committee Chair asks if HRC can provide the content for OHR staff to post on Facebook
- a. Deputy City Manager confirms
 - b. City staff will be on the admin. for
 - i. Technical assistance
 - ii. Legal questions
 - iii. Responses to offensive public comments
 - iv. Archiving
 - v. Will not micro-manage page
 - vi. May also hire a social media expert to assist
 - c. Deputy City Manager suggests not using Twitter
 - i. Requires constant management
 - ii. Facebook is a more functional platform for the

purposes of the HRC

6. Committee Chair notes that for some Twitter is the primary platform and suggests that it might be worth still considering
7. Commissioner raises idea of virtual Commissioner participation in future meetings as a means of furthering accessibility
 - a. Notes specifically that night driving can be difficult for individuals with visual impairments and thus an in-person meeting requirement is a barrier
8. Chair asks if the hybrid meeting approach will included continued virtual participation by Commissioners
 - a. Deputy City Manager response
 - i. References potential regulation that prohibits continued virtual meetings following the lifting of emergency order by Governor
 - b. Deputy City Attorney response
 - i. Under FOIA laws, after the state of emergency executive orders are repealed, Commissioners must resume in-person meetings
 - ii. HRC has some provisions in its bylaws that allow limited remote participation
 - iii. Members of the public can still participate remotely through the hybrid approach, but Commissioners must be physically present
 - iv. City Council has authority to continue its state of emergency for an additional six months beyond the repeal of the Governor's order
9. Chair asks about timeframe for City re-opening
 - a. Deputy City Attorney response
 - i. Current understanding is that by the time school starts in the fall of 2021 the City will back to full, in-person operations
10. Commissioner asks if some Commissioners can participate virtually if there is an in-person quorum
 - a. Deputy City Manager response
 - i. Under FOIA laws, Commissioners must be present to vote
 - ii. Bylaws allow limited remote participation, pursuant to state FOIA law
11. Commissioner suggests that this could be a matter to raise in the HRC's General Assembly legislative agenda recommendations to Council
12. Chair asks what actions the HRC needs to take to verify its interest in pursuing hybrid meetings in the future
 - a. Deputy City Manager response
 - i. Asks that the HRC record in the minutes if there is consensus regarding
 1. City emails for Commissioners
 2. Desire for hybrid meetings, post-pandemic

13. OHR staff asks if state FOIA law allows for reasonable accommodation on the basis of disability for remote meeting participation
 - a. Deputy City Attorney response
 - i. State law addresses illness or need to care for a family member
 14. Chair asks Commission if there is general consensus regarding the adoption of City emails for Commissioners
 - a. All in favor
 15. Chair asks Commission if there is general consensus regarding the desire for hybridized meetings once the state of emergency is lifted
 - a. All in favor
- b. Housing Committee (Committee Co-Chair – Tobiah)
 - i. Committee did not meet since last HRC regular meeting
 - ii. Request for additional members
 1. Kathryn Laughon volunteers
 2. Sue Lewis volunteers
 - iii. Chair notes recent activity regarding zoning and the desire by CLIHC and other groups to respond from the standpoint of racial equity
 - iv. Committee will schedule a meeting
 - c. Legal Representation Committee
 - i. Jessica provides a summary of the previous meeting
 - ii. Draft resolution under consideration
 - iii. Committee will plan to meet again before next HRC regular meeting
 - d. OHR staff requests volunteer note-takers for committee meetings
 - i. General consensus that committees can handle note-taking
- 6. MATTERS BY THE PUBLIC**
- a. PUBLIC COMMENT
 - i. None.
 - b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. None.
- 7. COMMISSIONER UPDATES**
- a. Sue
 - i. VAHR update
 1. All HRC members are on roster
 2. VAHR annual meeting: June 5, 2021
 - ii. Commissioner asks if there is any prep work before VAHR meeting
 1. Sue notes that there is no prep work
 2. Focus may be on Commission best practices
 - b. Jeanette
 - i. Cville Plans Together taking input on
 1. Comprehensive Plan
 2. Land Use Plan
 3. Affordable Housing Plan
 - ii. Link to public input site
 1. <https://cvilleplanstogether.com/>
 - iii. CLIHC has a sign-on regarding the Affordable Housing Plan
 - iv. Cultivate Charlottesville has a sign-on regarding Food Equity

- v. Notes that at the last Planning Commission Steering Committee meeting there was public resistance to density increases
 - 1. Encourages HRC to view this as an equity issue
- vi. Commissioner notes that the land-use survey is daunting and that skimming through the first pages may be helpful to get to the actual survey
- vii. Public comment is due on May 31st
 - 1. It will likely be extended, as there is interest in a longer comment period
- viii. OHR staff response
 - 1. Notes that Liz Russell, Planning Commissioner, reached out regarding equity concerns
 - 2. Asks if HRC would like a representative from the Planning Commission to attend and present concerns to the HRC
- ix. Chair asks if this should be a Housing Committee or full Commission issue
 - 1. General consensus that the full Commission would like to engage
 - 2. May still be valuable even if public comment period is closed
- x. **Next steps regarding Comprehensive Plan advocacy**
 - 1. Jeanette will reach out to Cville Plans Together about participation in the next HRC regular meeting
 - 2. OHR staff will reach out to Liz Russel about participation in the next HRC regular meeting

8. NEXT STEPS

- a. OHR staff will work with committees to schedule meetings before the June HRC regular meeting
- b. Mary will send an email follow-up to City Manager and City Council regarding the statement on police violence ahead of potentially raising the issue at a future Council meeting
- c. **Next steps regarding Comprehensive Plan advocacy**
 - i. Jeanette will reach out to Cville Plans Together about participation in the next HRC regular meeting
 - ii. OHR staff will reach out to Liz Russel about participation in the next HRC regular meeting

9. ADJOURN

- a. Meeting adjourned at 8:10pm.

Attachment 3

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.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.”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.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.⁴ The Commission made numerous attempts to meet with CPD staff without success. CPD continues to operate using an outdated bias-based policy.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.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.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.

¹ 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.

² *Id.*

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

⁴ https://docs.google.com/document/d/1FwXxeq7C0H-pVcrhA5AjXG2FgaPBpb8_eKU44twnuCW/edit

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

⁶ https://drive.google.com/file/d/15XmrGKLWzNJzPxRWFLQwgV-mrng_VSgQ/view

⁷ <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.”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.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.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.

⁸ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3702680

⁹ https://dailyprogress.com/news/local/govt-and-politics/proposed-charlottesville-police-budget-causes-concerns-complaints/article_416bc74a-93fc-11eb-a155-ef5642ee0058.html

¹⁰ <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 4

Human Rights Commission Policy Review Checklist Questions

*Notes on Constitutional Procedures policy from Ad Hoc Committee Meeting, July 15, 2019

The purpose of this checklist is to assist the Human Rights Commission in conducting a review of the City of Charlottesville policies as outlined in the Charlottesville Human Rights Ordinance. Not every question below will apply to every policy.

REVIEW QUESTION	COMMENTS
Who benefits from this policy?	<p>Should be for the public and law enforcement (to provide guidance), but seems to be written more to protect law enforcement.</p> <p>Given all the issues, this is important to have, so that those in command can pull these procedures that address people's constitutional rights.</p>
What undue barriers are created that disproportionately affect certain communities?	Undue barriers are created by legalese and lack of clarity in what is being communicated.
Does the policy allow for cultural expression in following the procedure?	Nothing in procedures to address different identity groups (such as youth, disability, culture, language, etc.). Only mentions those who have hearing impairments in one section.
<p>Is there data pointing to the policy creating disparities in access or disproportionality in outcomes?</p> <p>Is the data in another part of the document?</p>	<p>No data is attached to the document/procedures, such as disproportionate impact on certain groups for stop and frisk (disability, race, etc.). We are aware such data exists and shows a disproportionate impact, for example, on blacks with respect to stop and frisk.</p> <p>https://www.baconsrebellion.com/wp/wow-that-stop-and-frisk-policy-sure-looks-suspicious-lets-stop-and-frisk-it/</p>

Human Rights Commission Policy Review Checklist Questions

*Notes on Constitutional Procedures policy from Ad Hoc Committee Meeting, July 15, 2019

<p>Was there community participation/input in the creation or on the last update of this policy? (provide info ahead of time)</p>	<p>We do not know if there was community input – there was a Board in 2015 when last updated. This would be helpful information to know as it might illuminate the purpose underlying these procedures, which is not at all clear.</p>
<p>Does this policy increase or decrease access to services?</p>	<p>Not clear – should be designed to ensure equitable services and humane treatment.</p>
<p>Is there a financial burden placed on certain individuals complying with policy procedures?</p>	<p>Not in a good position to assess.</p>
<p>Is the outreach to the community diverse in its distribution of information and does it reach a diverse audience?</p>	<p>Perhaps take what’s important and, for outreach, create condensed talking points. Clear and not legalese. Could be helpful for average citizen to have this information.</p> <p>One question is whether a pamphlet already exists or, if not, could be created such as “What are your constitutional rights?”</p>

Human Rights Commission Policy Review Checklist Questions

*Notes on Constitutional Procedures policy from Ad Hoc Committee Meeting, July 15, 2019

<p>*Is the policy written in a way that makes it too difficult to understand; legal language or ambiguous language?</p>	<p>Consensus—very legalistic.</p> <p>Is there too much information in there, such as strip searches. This is one concern — i.e., whether the varying level of detail in this document has any intentionality?</p> <p>Definitions at the beginning, but then lots of information in this 24-page document, and other key terms not defined.</p>
<p>* Who is responsible (accountability) for the implementation of this policy?</p>	<p>No clear accountability measures built in. States stop and frisks should be recorded by body cam, but not clear who reviews those recordings and when—is there an established protocol for periodic review, even when no complaint has been made (i.e., quality/customer service assurance).</p> <p>Should consider whether there should be cross-references to other policies and procedures for enforceability, such as Biased-Based Policing Policies or any other policies that talk about accountability measures. Or, would that be confusing?</p>

*additional questions from the 2019 retreat

General Feedback:

Kathryn L. – this is a lengthy, cumbersome document that co-mingles procedures with definitions. In benchmarking, other state law enforcement manuals do not appear to even have this type of policy. So, is this necessary? Should our recommendation be to dissect and recommend where some information might be elsewhere or a standalone procedure (e.g., a stop and frisk procedure). Seems to be unwieldy and hard to use.

Human Rights Commission Policy Review Checklist Questions

*Notes on Constitutional Procedures policy from Ad Hoc Committee Meeting, July 15, 2019

Rob: Outdated – supposed to be updated annually. Rob met with one of the Commonwealth’s Attorney, who agreed this is pretty legalistic. Maybe better for a training manual.

Ann: Whose to say not already in the training manual? We do not know.

Others: Should not just be in a training manual.

GENERAL RECOMMENDATIONS:

1. Some support the creation of a City of Charlottesville pamphlet, possibly created and distributed by HRC – i.e., a summary of citizen’s constitutional rights, while others thought that ACLU and other organizations already cover the know your rights issues.
2. Separate out some sections to make cleaner and clearer – this document seems to be trying to do too much as one standalone document. Also, important to have separate specific policies for certain topics, if they do not already exist as policies separate and apart from the manual, for example:
 - a. Interviews and Interrogations Policy
 - b. Searches and Seizures Policy
 - c. Stop and Frisk Policy
 - d. Enter into a Home Policy . . .
3. Alternative to #2 would be to keep in one document, but reorganize it to make more clear by having distinct sections, common definitions, a table of contents, accountability measures, etc.
4. Alternatives to #2-3 would be to eliminate the policy/procedures altogether.
5. Suggest policies designed to serve and help the public should be published on the City website in a policy repository where they are easy to find -- promote transparency.
6. Whatever document(s) are determined, establish a process to review and update annually, or more frequently as necessary, tied to data gathering and analysis, etc.
7. Establish and/or explore community partnerships between police and K-12 public schools to teach students about these rights, tie to instruction in the schools. Something similar to the D.A.R.E program. Such as civics and government classes. Perhaps HRC members, attorneys, etc. could be guest speakers.

Commissioners Present: Robert Woodside, Olivia Gabbay (Patton), Kathryn Laughon, Catherine Spear (facilitator/notetaker), and Ann Smith.

Human Rights Commission Policy Review Checklist Questions

*Notes on Constitutional Procedures policy from Ad Hoc Committee Meeting, July 15, 2019

No members of public present.

Meeting was recorded by Charlene Green, Office of Human Rights.

Attachment 5

**PROPOSED CHANGES TO EXISTING POLICY
(WORKING DRAFT FOR DISCUSSION PURPOSES 10-14-19)**

Type of Directive: GENERAL ORDER **BIASED**

BASED POLICING VLEPSC Number:

ADM.02.05, OPR.07.04 Amends: 07/01/02,
07/01/03, 04/15/05, 01/12/15

Number: XX Date: XX
Manual Number: 400.05
Effective Date: XX/XX/20
Review Date : As Needed

Authorization: Chief RaShall M. Brackney

I. POLICY

It is the policy of the Charlottesville Police Department (Department) to provide services and enforce laws in a professional, nondiscriminatory, fair, and equitable manner. The Department recognizes that bias can occur at both an individual and institutional level and is committed to effectively addressing both. The Department's primary objective is to provide equitable police services based upon the needs of the people we encounter and serve.

II. PURPOSE

This policy is intended to increase the Department's effectiveness as a law enforcement agency and to build mutual trust and respect with Charlottesville's diverse groups and communities.

The purpose of this policy is to unequivocally state that biased-based policing in law enforcement is unacceptable. This policy shall provide guidelines for officers to prevent such occurrences.

III. DEFINITION

Bias-based policing is the different treatment of any person by police officers in the line of duty motivated by any characteristic or protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual. These "discernible characteristics" include, but are not necessarily limited to the following characteristics: race, ethnicity, or color; age; disability status; economic

Commented [1]: Recommend change of policy to Bias Free Policing Policy

stats; familial status; gender; gender identity or expression; sexual orientation; homelessness; mental illness; national origin; political ideology; religion; and language.

Commented [2]: For discussion -- limit to only those recognized under the law?

IV. SHARED RESPONSIBILITIES

A. CHIEF OF POLICE:

The Chief of Police will reinforce that bias-based policing is unacceptable through the provision of specific yearly training, periodic updates, and such other means as deemed necessary and appropriate to implement this policy. The foregoing programming and updates will cover topics, such as strategies for interacting with youth, disability, mental illness, cultural diversity, interpersonal communications, and implicit bias.

The Chief of Police or designee retains ultimate authority and responsibility to ensure this policy is in effect and fully implemented.

B. SUPERVISORS (including Commanders, managers, etc.):

Supervisors are responsible for ensuring all personnel in their command are operating in compliance with this policy.

Supervisors have an individual obligation to ensure the timely and complete review and documentation of all alleged violations of this policy that are referred to them or of which they should reasonably be aware.

Supervisors who fail to respond to, document, and review allegations of bias-based policy will be subject to discipline.

C. EMPLOYEES (including officers, administrators, etc.):

1. Prohibited Conduct -- Bias, Discrimination, and Retaliation

Employees shall not make decisions or take actions that are influenced by bias, prejudice, or discriminatory intent. Law enforcement and investigative decisions must be based upon observable behavior or specific trustworthy intelligence.

Officers may not use discernible personal characteristics in determining reasonable suspicion or probable cause, except as part of a suspect description. Specifically, officers only may take into account the discernible personal characteristics of an

individual in establishing reasonable suspicion or probable cause when the characteristic is part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident. Officers must articulate and document specific facts and circumstances that support their use of such characteristics in establishing reasonable suspicion or probable cause.

Employee shall not express -- verbally, in writing, or by any other gesture -- any prejudice or derogatory comments concerning discernible personal characteristics.

No employee shall retaliate against any person who initiates or provides information or testimony related to an investigation, prosecution, complaint, litigation, or hearing related to the Department or Departmental employees, regardless of the context in which the allegation is made, or because of such person's participation in the complaint or other process as a victim, witness, investigator, decision-maker, or reviewer.

2. Duty to Report

Employees who have observed or are aware of others who have engaged in bias-based policing shall specifically report such incidents to a supervisor, providing all information known to them before the end of the shift during which they make the observation or become aware of the incident.

Employees who engage in, ignore, condone, or otherwise enable bias-based policy will be subject to discipline.

3. Important Caveat

This policy does not prevent officers from considering relevant personal characteristics when determining whether to provide services or accommodations designed for the benefit of individuals with those characteristics (e.g., mental illness, addiction, homelessness).

V. COMPLAINT PROCESS

Any person may file a complaint with the Department if they feel they have been stopped, detained, searched, or otherwise subjected to unfair and unwarranted policing based on a discernible personal characteristic. No person shall be discouraged, intimidated or coerced from filing such a complaint or discriminated or retaliated against because they filed such a complaint.

All biased-based policing complaints received by the Department shall be promptly

handled in accordance with General Order 317.01 – Internal Investigations and Citizen Complaints. This complaint procedure is available for your convenience on the City of Charlottesville’s website at: [link to url].

If you are an individual with a disability and need assistance with filing a complaint pursuant to this policy, please contact the ADA Coordinator for the City of Charlottesville at [email and/or phone].

Commented [3]: For discussion -- Seattle's policy (see pp. 6-8) offers a less formal, immediate response by a supervisor and/or Bias Review Team when bias is raised -- should we consider recommending such a process or something else in addition to or in lieu of the standard review under 317.01? Is that feasible/worth that time at this juncture? Possibly wait until later?

VI. RECORDKEEPING

All circumstances of the allegations and steps that were taken to investigate and resolve complaints of violations of this policy will be documented in writing by the Department and maintained electronically in a database. At a minimum this information will identify the name and contact information of who filed the complaint; the specific details of the allegation(s); the names and contact information for all witnesses; all investigative steps taken to determine whether this policy was violated; the analysis and rationale regarding the determination as to whether the policy was violated; and all remedial or corrective action taken in response to the complaint, as applicable.

VII. ANNUAL REPORT

The Department will prepare an annual report that describes and analyzes the year’s bias-based policy allegations (without sharing personally identifiable information) and the status of the Department’s ongoing efforts to prevent bias-based policing, and any disparate (unintended) adverse impacts of policing on those with protected characteristics (protected classes) recognized under federal, state, and/or local law.

The Department is committed to eliminating, wherever possible, eliminating policies and practices that have an unwarranted disparate impact on certain protected classes. It is possible that the long-term impacts of historical inequality and institutional bias could result in disproportionate enforcement, even in the absence of intentional bias. The Department’s goal is to identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement.

As part of the annual review, the Department will analyze data that will assist it in identifying whether certain practices, such as stops, citations, and arrests, have a disparate impact on protected classes in comparison to the general population. This review and analysis will be done in consultation with the City’s legal department.

Should unwarranted disparate impacts be identified and verified, the Department will consult with neighborhoods, businesses, community groups, and others to explore equally effective alternatives that will ensure the safety of the public while having a

less disproportionate impact on only certain groups. Initially, this comprehensive disparate impact analysis will focus on race, color, and national origin.

IMPORTANT CAVEAT: The annual report section of this policy, in particular the disparate impact discussion, is not a basis to impose discipline upon any employee of the Department, nor is it intended to create a private right of action to enforce its terms.

VIII. LANGUAGE DIVERSITY

This policy has been translated into the five identified predominant language groups in the areas served by the Department. Should you need assistance, however, in obtaining the information contained in this policy in another language, please contact the Department at: [email and/or phone].

Attachment 6

MEMORANDUM

To: Dr. RaShall M. Brackney, Charlottesville Chief of Police

Via: Lisa Robertson, Legal Counsel for CPD

Re: Human Rights Commission (HRC) General Recommendations – Police Policies

Date: November XX, 2019

After careful review of several Charlottesville police policies, including Bias-Based Policing, Constitutional Procedures, and Use of Force, by an HRC ad hoc committee, the HRC submits the following recommendations for consideration in the overall areas of standardization and access, with the goal to ensure consistency, transparency, and clarity among all City of Charlottesville policies that apply to the police to the benefit of the police and all community members:

A. Table of Contents

We recommend adding a Table of Contents to each policy, in particular those that are five or more pages in length, to aid in readability. We also recommend the use of section headers.

B. Roles and Responsibilities

Who is responsible for certain aspects of policies can often be lost in long narrative paragraphs and legalese. We strongly recommend making clear who is responsible for implementing key provisions of a policy and how that responsibility may be shared among various roles in the Department.

C. Definitions

The Commission recommends adding a definitions section of key terms that are used throughout any policy to aid the reader, preferably at the beginning or end of the policy.

D. Language

While the Commission understands that certain language is legally required, the City is encouraged to minimize use of legalese wherever possible and, when it needs to be used, to be mindful of explaining the legal requirements in plain language that will be easily understood by the average community member. In addition, be mindful of the tone of the language used.

E. Complaint Procedures/Accountability Measures

The Commission recommends that all policies clearly explain how community members can report violations of the policy and to whom, who will be responsible for investigating/determining whether the policy has been violated, and who will be responsible for taking any necessary remedial or other responsive actions.

F. Benchmarking

The Commission encourages the City to routinely and actively consult with experts in the field to ensure that City policies meet or exceed national standards and to create and sustain a community of practice with other law enforcement agencies.

G. Periodic Review

The Commission encourages the City to periodically review and update its policies to ensure they reflect current best practices, are effective in meeting the stated purpose/goal of the policy, and are not outdated. [edit, ROB: definitively and at least, each in-coming chief should “sign off on” every policy. Every policy should state when the periodic review should happen (every year, 2-3 years, five years, etc)]

H. Data Collection and Analysis

The Commission encourages the City to collect and analyze data related to its policies to inform its periodic review and updating of policies as appropriate to ensure they are effective.

I. Annual Reporting

The Commission encourages annual reporting of its data analysis and results and sharing of that information with the community to build and sustain community trust, spark dialogue, and inform needed enhancements to policies, practices, and services.

Attachment 7

Office of Human Rights
Todd Niemeier Monthly Staff Report
June 2021

Service Provision Data:

- No data entered into the system for 2021
 - Individual service provision remains the predominant activity in the OHR
 - Data entry lags as the volume of active investigations, new inquiries, and follow-ups continues to outpace current OHR staffing
- 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)
 - Two volunteer interns and one community volunteer are working to complete satisfaction surveys with individuals who contacted the OHR in 2019 and 2020 and whose cases were “closed”
 - 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
 - Awaiting follow-up from Complainant as to the result of conciliation attempt with local attorney
- 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
 - Door-to-door outreach undertaken in multiple communities in partnership with the Community-based Recovery and Support Advisory Group through Region Ten
 - Outreach on hold given staff capacity to address the overwhelming volume of active and incoming inquiries
- 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
 - OHR interns are researching historical land use in open spaces in Charlottesville, Albemarle and the Blue Ridge
 - This information will be condensed into a presentation that parallels the Racial and Ethnic History of Charlottesville Presentation
 - The intent is to present this information publicly to community members attempting to take action to make public outdoor spaces more welcoming
 - Public Housing Association of Residents – Residents for Respectful Research (RRR)
 - MOUs with UVA completed and awaiting final signatures from the IRB
 - Cecilia Barber hired as RRR Coordinator
 - Affordable Housing
 - Thomas Jefferson Planning District Commission (TJPDC) awarded the 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