



CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD MEETING

MINUTES

Date: March 10, 2022

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Bellamy Brown, Nancy Carpenter, Jeff Fracher, Deidra Gilmore, Chair William Mendez, Vice Chair James Watson,

Board Members Not Attending:

Staff: Remy Trail (communication), Hansel Aguilar (E.D.)

Guests: CRB Counsel Cynthia Hudson

Call to Order: Chair Mendez called the meeting to order at 6:30 p.m.

Announcements

ED Aguilar announced training opportunities to the Board including NACOLE proposals for the annual conference. He informed the Board members he is happy to provide support if anyone wants to submit a proposal.

The Center for Evidence Based Crime Policy symposium is Monday June 27th in Arlington and includes research on mental health in policing, science in policing, criminal justice reform, and mitigating racial disparities in policing.

The Office of Human Rights is also having a town hall on March 24th at 6:30pm and encouraged members to attend in order to have a better grasped on forums.

Approval of Minutes

Member Fracher motioned to approve the minutes.

Vice Chair Watson seconded the motion.

The minutes were approved unanimously.

Approval of agenda

Chair Mendez states during Item 7, Discussion of Operating Procedures, the floor will be opened up for questions or comments.

Member Brown motioned to approve the agenda.

Vice Chair Watson Seconded the motion.

The agenda was approved unanimously.

Public Comments (I)

There were no hands raised for public comments.

*****Executive Director's Report*****

E.D. states he has been assisting in the drafting of the Operating Procedures, doing community outreach, finalizing discussions with the retreat coordinator

E.D. states there will be no spring interns, but there maybe some for the summer

Budget Updates

- There are slight changes from last month
- ED is in the process of securing laptops which will give more access and security to Board members, IT training will come with that
- The Board's budget was not changed
 - Board members may make suggestions to city council about the Board and Police Department budget
 - City Council is in an open period for budget suggestions
- Member Brown questions if the current allocation is a sufficient amount for the new goals of the board
 - E.D. suggests the Board having special budget session or committee to discuss the City Council's proposed budget for the Board
 - E.D. provided the Council with budget needs projections to see if the current allocations are enough for the Board's operations

Status of Complaints

- a. INITIAL COMPLAINTS (0): NONE RECEIVED SINCE LAST MEETING
- b. REVIEW REQUEST (0): NONE RECEIVED SINCE LAST MEETING
- c. CLOSURE LETTERS (0):
- d. PENDING INQUIRIES (2):
 - i. ED Attempting to contact complaint

Member Fracher asks what the status is on the Board's case that has rolled over.

E.D. Aguilar states it is on the docket and there are no scheduled hearings as of right now, and that the first case is a use of force case, so more training is needed before it can be taken

Budget Discussion

Member Brown questions how much the legal expenses and budget have been, and states we should ask for more capital because there is not enough to execute operating procedures

- Chair Mendez agrees and states a budget or financial committee would be helpful.
- Brown says that \$500,000 is a sufficient goal

ED Aguilar has provided the City Council with the projected budget needs

These Projections are shared with the Board, and then discussed

- Member Watson states an auditor or full-time city employee auditor may be needed
- The high and low end of the budget projections given by ED are discussed

- The projected budget need is \$364,000 at the low end and \$586,000 at the high end
- This projection is based on an average of 30 cases per year in the last calendar years, and the assumption that the Board does not exceed the number of cases investigated by Internal Affairs.
- Member Brown states that the higher needed budget projection of \$586,000 should be sought after so that more money can be allocated to outreach.

The Auditing Process is further discussed, as it pertains to the budget

- E.D. recommends waiting to hire a full-time auditor until the fiscal year 2023
- E.D. also states there is one-time funding (about \$100,000), separate from the operating budget. The Board can access the funds for an audit. This one-time allocation is does not have an expiration date, but E.D. will double-check.
- Once the City Council formally approves the auditing powers of the board, this allocation can be used to do an audit by the E.D. or contracted help
- E.D. suggests one initial audit should be done with this allocation, and then determine from there if a full-time auditor is needed.

Training Curriculum

E.D. is working on the format of Board training to make it comprehensive and hybrid, between in-person and virtual

E.D. states the training should take 1-2 days and should be held in April.

Board Member Stipends

E.D. gives an update that the process for obtaining stipend states that the Board must put forth a recommendation to City Council to approve because Board Stipends are not in the ordinance.

*****End of Executive Directors Report*****

Operating Procedures Timeline

Chair Mendez announces that on Monday, March 7th, the proposed Operating Procedures were posted to the website.

Chair Mendez also acknowledges everyone involved in the process of creating these Procedures.

Chair Mendez proposes having a preliminary discussion on the Operating Procedures today, continuing this discussion via email throughout the week, and then resolving all comments by the end of the month.

- Objective: get the approved board recommendations on the City Council agenda on April 4 .
- To get the recommendations on the City Council Agenda, the document must be posted by March 24th.
- Additionally, this means community and stakeholder input on Operating Procedures must be heard promptly

Member Brown makes a motion to have a Special Meeting on March 23rd at 6:30 pm to finalize the Operating Procedures Document.

Member Fracher seconded the motion.

The motion is approved unanimously.

Operating Procedures Discussion

Member Brown states the outreach budget should be increased:

- The Chair states this could be handled by a finance committee and in Article 4 of the proposed Operating Procedures, ways to form a committee are specified
- The Chair states that these committees must be made up of Board members
 - Member Brown asks the Chair and Vice-chair to put pressure on City Council to add to the board.
 - Member Brown says he can take the lead on the number aspect of the finance committee.

The Chair states that at the next meeting, the Board should create a list of core committees needed.

The Chair calls to attention and summarizes Articles of the Operating Procedures and states a draft has been sent to the City Attorney, City Manager and Mayor.

Member Fracher asks for a status update on his proposed Ride-A-long Policy

- The Chair states there has not been any movement on it yet
- A Ride-A-long provision is not in the ordinance.

Status Report of Operating Procedures from Ms. Hudson

Ms. Hudson states that in some provisions there is a lack of consistency with the ordinance, and the measures go beyond what the ordinance allows.

She also states that there are occurrences of restating and paraphrasing of the ordinance.

These issues will be commented on by her and the legal review before the special meeting on March 23rd

Final Comments on Operating Procedures

Member Brown asks for clarification on Article 35:

- The Chair states that the legal team should suggest changes to it.

The Chair states comments should be made on the operating procedures as soon as possible

Public Comments (II)

There were no hands raised for public comments.

Adjournment

Member Brown motioned for adjournment which was seconded by Vice Chair Watson.

The meeting was adjourned at 7:52 PM unanimously.

Next Meeting: March 23rd, 6:30 PM.



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Board Members Not Attending: Nancy Carpenter

Staff: Remy Trail (communication), Hansel Aguilar (E.D.)

Guests: CRB Counsel Cynthia Hudson

Call to Order: Chair Mendez called the meeting to order at 6:30 p.m.

Approval of agenda

Chair Mendez provides an overview of the recent history of the agenda.

Member Brown motioned to approve the agenda. Vice-Chair Watson Seconded the motion.

The agenda was approved unanimously.

Discussion of Proposed Operating Procedures

Chair Mendez provided an outline of the major topics for consideration:

Substantive Revisions to Proposed Operating Procedures as of March 23, 2022

Article	Revision
1	Old "Authority" folded into new Section 1 (Powers and Duties)
2	<u>Powers and Duties.</u> List of powers taken out, instead we just cite the ordinance
3	<u>Membership.</u> New list of grounds for removal (F)
5	<u>Executive Director.</u> City Attorney suggested less detail (not changed)
7	<u>Standing to File Complaints.</u> Clause added allowing anyone with material evidence of police misconduct to file a complaint (A)(v)
8	<u>Filing Complaints.</u> Removed list of issues the Board cannot investigate, instead just cite ordinance
9*	<u>Initial Review.</u> Adds consultative role for Board in decision not to investigate complaints
11	<u>Referral to Commonwealth Attorney.</u> Added language in (D) clarifying parallel investigations are possible even if some allegations relate to criminal behavior
13	<u>Investigations – General.</u> Minor additions to (B) clarifying required content of Auditing, Investigations, and Monitoring Manual. Added language in (D) clarifying that lack of power to compel statements from city employees does not preclude the Board from requesting voluntary cooperation.

14	<u>Investigations of Complaints.</u> Addition in (B) allowing the ED to continue investigation if the complainant does not wish to cooperate, as long as the investigation can be fair and complete; Board must be consulted.
16	<u>Investigations of Policies, etc.</u> Change to (B) specifying that the ED reports the results of investigations to the Board “for review and approval.”
18	<u>Subpoenas.</u> Board must approve ED’s recommendation to request a subpoena by 2/3 majority; Subpoenas will be served according to Sheriff’s Department protocols.
22	<u>Factfinding Hearings.</u> (B) and (C) language clarifies standard of evidence (preponderance) and rules of evidence (“evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs”), with the Hearing Examiner being the final arbiter of admissibility. In (G), questions submitted by parties are limited to those that “clarify” issues raised in the record or hearing statements.
23*	<u>Review Hearings.</u> IA investigation is summarized by the IA representative, not the ED
26	<u>Mediation.</u> Added language in (A) that the PCOB cannot “resolve” complaints against city employees, and in (C) that participation must be voluntary by both parties. Added language in later sections (and in “Definitions”) that mediation is an informal process intended to help the parties resolve differences, and not a way to settle civil or other legal claims. Changes to (M) allow the ED discretion whether to continue investigation if the complainant is not satisfied.
28	<u>Peaceable Assembly Monitoring.</u> New text influenced by City Attorney concerns. The section now affirms the right of individual Board members to engage in Assembly Monitoring, but it is not specified as a Board function.
29	<u>Review of Annual Police Expenditures.</u> New more detailed language provided by the City Attorney prescribing coordination between the Board, the Budget Office, and the City Council
30	<u>Community Engagement.</u> More detailed language on listening sessions, training, and community events.
32	<u>Definitions.</u> New section (thanks, Hansel)
34*	<u>Complaints Against Board Members.</u> (Two versions; new language proposed by the City Attorney under consideration.)

Board members discussed the proposed changes and voted to approve the operating procedures as amended in the Special Meeting. Chair Mendez momentarily relinquished his role as Chair to motion to amend the operating procedures. Vice-Chair Watson became the Chair momentarily during this process. The following friendly amendments were made:

- Amendment: add a clause to ensure Board approves the recommendation of the E.D. to decline an investigation
- Amendment: adopt the Complaints Against Board Members as drafted by the City Attorney’s Office.

Public Comments (I)

There were no hands raised for public comments.

Adjournment

Member Brown motioned for adjournment which was seconded by Vice Chair Watson.

The meeting was adjourned at 7:27 PM unanimously.

Next Meeting: April 14, 6:30 PM.