



CHARLOTTESVILLE POLICE OVERSIGHT BOARD MEETING

MINUTES

Date: May 12, 2022

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Nancy Carpenter, Jeff Fracher, Chair William “Bill” Mendez, Bellamy Brown

Board Members Not Attending: Vice-Chair James Watson, Deirdre Gilmore

Staff: Hansel Aguilar (E.D.)

Guests: CPD 4th Amendment Analyst Larry Jacobs CRB Counsel Cynthia Hudson

Call to Order: Chair Mendez called the meeting to order at 6:32 p.m.

Announcements

Member Brown expressed thanks to the Chair and E.D. for pushing forward the work of the Board

Approval of minutes

Member Brown motioned to approve the minutes. Vice-Chair Watson seconded the motion. E.D. Aguilar polled the members. The minutes were approved unanimously.

Approval of agenda

Member Brown motioned to approve the agenda. Member Fracher Seconded the motion. E.D. Aguilar polled the members. The agenda was approved unanimously.

City Council Discussion of Operating Procedures

Chair Mendez provided a brief overview of the Operating Procedures (OPs) discussion with the City Council. Chair Mendez stated that the City Council placed the OPs on the April agenda, but did not vote on them. The Council believed that it would be “prudent” to hold off on making a vote on the OPs until the Board completes its pending hearing. It was decided the Board will move forward with the pending hearing. The E.D.’s report provides more guidance on the preparation for the pending hearing.

Member Fracher asked if there was a tentative date for the hearing. Chair Mendez stated the second week of July is the tentative date.

Member Brown asked if the mock hearing would be during the regular Board meeting. Chair Mendez clarified that the mock hearings would be done offline, but that the actual hearing would be during the regular Board meeting. Member Brown followed up with concerns about having the hearing during the regular business meeting. Chair Mendez clarified that these are tentative plans and we still have a few months where a lot of work needs to be completed. Member Brown asked if there was a “consensus” among the Council members or was it one or two members. Chair Mendez stated that he believed the Council gave the Mayor deference, but that there were others who that expressed the hearing should be completed first.

Member Brown invited Councilor Payne to weigh in on the discussion since he was present in the meeting. Councilor Payne expressed that Council is interested in the hearing being completed so that the stakeholders can have more “data” on the process and where the Board is.

Public Comments (I)

Councilor Payne stated that Council is at consensus at deciding on the OPs within 30 days of the Board conducting the hearing.

Chair Mendez asked if there could be some feedback provided to the Board regarding the substance of the OPs.

Member Brown stated he would appreciate the sense of urgency regarding the Board. It was his understanding that Mayor Snook nudged the Councilors to get more familiar with the Board operations.

Introduction of Larry Jacobs, CPD 4th Amendment Analyst

Chair Mendez introduced Mr. Jacobs to speak about his work with the CPD. Mr. Jacobs introduced himself and his background in this work. He is a retired police officer from Portsmouth PD who served in various positions in his department. After retiring he then served as a magistrate for several years until he was recruited by Dr. Brackney to serve as the 4th Amendment Analyst of the CPD. In his current role, he reviews the various CPD interactions to assess for CPD officers’ compliance as they relate to 4th amendment rights. He reviews body-worn camera footage and corresponding reports. His primary concern is investigatory detentions, and his role is to ensure that there is proper documentation regarding those matters. If and when he observes an encounter that was not consistent with the policies and law, he brings it to the attention of the Chief of Police.

Chair Mendez sought clarification on what aspects of the 4th amendment he reviews. Mr. Jacobs indicated that there is a lot of case law that provides guidance on the search and seizures. He stated he attempts to assess whether there is sufficient reasonable suspicion and probable cause in the encounters. Mr. Jacobs elaborated on the different elements of the interactions he reviews. Chair Mendez asked if there are public reports associated with his work. Mr. Jacobs replied in the affirmative and stated he quantifies the analysis and presents them publicly through the CPD website: <https://www.charlottesville.gov/1494/Encounters-Leading-to-Detentions>

Member Brown asked if there was any information on how many encounters did not have body-worn camera footage available. Mr. Jacobs stated that he has not encountered too many instances where body-worn camera footage was not available. Member Brown followed up with questions regarding definitions or standards of various terms and concepts like “reasonable suspicion” and “specific and articulable”. Mr. Jacobs provided guidance on the usage of the terms. Member Brown asked if there is a “frequency” of 4th amendment violations that he has identified since he arrived. Mr. Jacobs stated that during his tenure he only identified one incident that resulted in the termination of the officer but could not elaborate since that should be addressed by the Chief of Police. Member Brown asked what the “threshold” mechanism is that triggers review by Mr. Jacobs. In response, Mr. Jacobs stated that he “triages” the incidents to ascertain whether the incident in question requires additional review.

Chair Mendez asked if he has any interactions with internal affairs. Mr. Jacobs stated that he does not have direct contact with that department but encouraged the Board to get in touch with IA to do their work.

E.D. Aguilar demonstrated to the Board how to access Mr. Jacobs’ reports on the CPD website. Mr. Jacobs stated that he has a 15-day grace period to post the current month’s report.

Executive Director's Report

Status of complaints

INITIAL COMPLAINTS (2): RECEIVED SINCE THE LAST MEETING:

- COMPLAINT 1
 - ALLEGATION- UNPROFESSIONAL LANGUAGE/CONDUCT;
 - COMPLAINANT- MALE; RACE/ETHNICITY (UNKNOWN)'
- COMPLAINT 2
 - ALLEGATION-DISCOURTESY, HARASSMENT, EXCESSIVE OR UNNECESSARY FORCE AND UNPROFESSIONAL LANGUAGE/CONDUCT
 - COMPLAINANT- FEMALE; RACE/ETHNICITY (OTHER)

REVIEW REQUEST (0): NONE RECEIVED SINCE LAST MEETING

CLOSURE LETTERS (2): ALLEGATIONS (HARASSMENT; DISCOURTESY) OF COMPLAINANT WERE UNFOUNDED

INQUIRIES (1): E.D. SPOKE TO A COMMUNITY MEMBER ABOUT THE COMPLAINT PROCESS BUT NO FORMAL COMPLAINT HAS BEEN FILED

Hearing

Proposed date: July meeting

E.D. Aguilar discussed the tentative hearing date.

Training Plan

E.D. Aguilar went through a targeted training plan that provides the Board with the necessary resources to prepare to conduct the pending hearing.

Videos: Graham v. Connor: <https://www.youtube.com/watch?v=zhtQovjR2C0>

E.D. Aguilar played the FLETC-created training video on the leading case on Use of Force- Graham v. Connor. The Board members discussed the training video with their independent Counsel.

2-2 mock hearings

E.D. Aguilar discussed the training exercises to be conducted after the Board members review the training material. Vice-Chair Watson inquired if the Board would be using the same mock case. E.D. Aguilar stated that they would. Vice-Chair Watson also inquired if there would be an opportunity for a joint debrief.

Retreat schedule

Member Brown motioned to conduct a closed meeting for the Board retreat. Chair Fracher seconded the motion. E.D. Aguilar polled the members. The retreat was approved unanimously.

Summer Internships

E.D. Aguilar informed the Board of the status of Board internships. Specifically, the Board will receive placement from the CAYIP program and college interns. Members Fracher and Watson expressed interest in selecting college interns.

Progress on Committee Formation

Chair Mendez facilitated a discussion about different committees. Chair Mendez sought a motion to recognize the Chair and Vice-Chair as members of the “Executive Committee.” Member Brown motioned and Member Fracher seconded the motion. The Board voted unanimously to create the “Executive Committee.”

Chair Mendez sought a motion to recognize Member Brown and Chair Mendez as members of the “Finance Committee.” Member Brown motioned and Member Fracher seconded the motion. The Board voted unanimously to create the “Finance Committee.”

Vice-Chair Watson inquired about the E.D.’s plans to secure a scenario-based training system. E.D. Aguilar explained the possibility of securing a scenario-based training system for 1) Board member training on police policies, procedures, and practices and 2) public outreach. He provided estimates of what the training system could cost (\$15,000-\$94,000). Chair Mendez indicated that it is a significant investment and believed that one member of the finance committee should have a better idea of the system. Chair Mendez requested the quote be sent to the Finance Committee. Chair Mendez sought authority from the Board to empower the Finance Committee to advise the E.D. on the purchase of the software. E.D. Aguilar polled the Board, and the decision was unanimous.

E.D. Aguilar expressed to Councilor Payne that there may be a need for the City Council to weigh in on the division of labor between the E.D. and the Board as it relates to spending matters. Councilor Payne indicated that he did not have commentary regarding the specific matter, however as a general sentiment expressed that other organizations within the City have outlined these duties. E.D. Aguilar informed Councilor Payne that there is an appendix in the proposed Operating Procedures that discusses the division of labor between the Board and the E.D. Member Brown expressed concerns about the Board not being able to make spending decisions and provided an interpretation of his understanding of the state law as it relates to civilian oversight boards. Independent Counselor Hudson opined on the ordinance and the state law as it related to fiscal responsibility.

(Tri)annual Report

Chair Mendez provided an update on the progress of the report and indicated that there are areas that are still being worked on.

Public Comments (II)

No comments from the public were made.

Adjournment

Member Brown motioned for adjournment which was seconded by Member Fracher.

The meeting was adjourned at 9:01 PM unanimously.

Next Meeting: May 28, 2022 6:30 PM. (retreat); June 9, 2022 8:30 AM (regular meeting)



CHARLOTTESVILLE POLICE CIVILIAN OVERSIGHT BOARD RETREAT

MINUTES

Date: May 28, 2022

Scheduled Time: 8:30 a.m.

Location: Boar's Head

Board Members Attending: Nancy Carpenter, Jeff Fracher, Chair William "Bill" Mendez, Bellamy Brown; Vice-Chair James Watson, Deirdre Gilmore

Board Members Not Attending:

Staff: Hansel Aguilar (E.D.); Steve Hawkes (IT)

Guests: Charles Tucker- Sustainable Equity (facilitator)

Call to order

Chair Mendez called the meeting to Order.

Laptop Distribution and IT Overview

IT Acting Director Steve Hawkes distributed the City issued laptops to Board members and ensured the Board members could access the network.

CLOSED SESSION pursuant to Virginia Code Sections 2.2-3711(A)(1) and (4) to discuss and consider the performance of specific public officers and to protect the privacy of those individual officers in personal matters not related to public business.

Members engaged in a facilitated retreat where they discussed personal matters not related to public business. After the closed session portion, Chair Mendez solicited a motion to step out of the closed session. The motion was made by Member Brown and seconded by Member Fracher. The members voted to come out of closed session and further- individually certified that "to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of information Act, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting just concluded."

Adjournment

The meeting was adjourned by Chair Mendez.