



CHARLOTTESVILLE POLICE OVERSIGHT BOARD MEETING

MINUTES

Date: August 18, 2022

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Nancy Carpenter, Jeff Fracher, Chair William “Bill” Mendez, Vice Chair James Watson, Bellamy Brown, Dashad Cooper

Staff: Hansel Aguilar (E.D.), Gabrielle Carr (Summer Intern), Geremia Di Maro (Summer Intern)

Board Members Not Attending: Deirdre Gilmore

Guests: PCOB Counsel Pamela O’Berry

Call to Order: Chair Mendez called the meeting to order at 6:33 p.m.

Announcements

No Board Members or the Executive Director made any announcements.

Approval of minutes

Member Fracher motioned to approve the minutes from the Board’s prehearing conference in July. Member Brown seconded the motion. E.D. Aguilar polled the Members. The minutes were approved unanimously, with the exception of Vice Chair Watson who was not yet present at the meeting.

Approval of agenda

Member Fracher motioned to approve an amended agenda to allow for Vice Chair Watson to present later in the meeting. Member Brown Seconded the motion. E.D. Aguilar polled the Members. The agenda was approved unanimously, with the exception of Vice Chair Watson who was not yet present at the meeting.

Public Comments (I)

No comments from the public were made.

Good Cause Extension Request

Teresa Hepler addressed the Board on behalf of a complainant to request a review of three related complaints filed with the Police Department, one of which falls outside of the Board’s 75-day deadline for review requests of completed Internal Affairs investigations, resulting in a good cause extension request for Board review of that complaint as well.

Member Fracher motioned to approve the extension request. Member Cooper seconded the motion. The extension request was approved unanimously, with the exception of Vice Chair Watson who was not yet present at the meeting.

Executive Director's Report: Status of Complaint Submitted by Jeff Fogel

E.D. Aguilar stated that since a scheduled hearing meeting for the complaint occurred on July 14, the parties have agreed to engage in alternative dispute resolution. However, E.D. Aguilar stated that there has been some confusion about the Board's ability to carry out alternative dispute resolution as its Operating Procedures have yet to be passed and the ordinance establishing the Board and its powers does not clearly outline such parameters for alternative dispute resolution.

As such, E.D. Aguilar stated that he has submitted a proposal for neutral evaluation to the parties, which would allow the E.D. to review the case in the same manner as the Board and added that both parties have agreed with the submitted proposal. E.D. Aguilar said he has sent a recommendation to Chair Mendez and Vice Chair Watson for the Board to accept the Neutral Evaluation agreement and allow the E.D. to carry out the process.

PCOB Counsel O'Berry stated that the Neutral Evaluation Agreement has already been signed by both parties and added that the Board's adoption of a resolution pertaining to the agreement would simply codify it.

Member Brown made a motion to adopt a resolution codifying the Neutral Evaluation Agreement, and Member Fracher seconded the motion. The resolution was adopted unanimously, with the exception of Vice Chair Watson and Member Gilmore who were not yet present at the meeting.

Chair Mendez stated that E.D. Aguilar will author a report based on the Neutral Evaluation process, and the complainant, Jeff Fogel, will be given an opportunity to respond to the written report. Both documents will be made publicly available.

Executive Director's Report: Summer Intern Presentations by Gabrielle Carr and Geremia Di Maro

Summer Intern Carr said she served as an Auditing and Investigations Assistant to the Board and developed a digital library using Microsoft Teams to allow for Board Members to access the data and information necessary for the Board to conduct its business in terms of holding hearings, conducting investigations, reviewing cases, and handling complaints. Carr said the digital library contained information such as the Charlottesville Police Department's General Orders, ordinances and legislation relating to the Board's scope of power and mission, landmark federal and Supreme Court cases pertaining to the Constitutional rights of community Members when interacting with law enforcement personnel, key Constitutional Amendments relevant to policing, and other videos and resources related to the conduct of police oversight.

Summer Intern Di Maro said he served as a Public Relations Assistant to the Board and worked on several initiatives related to the relationship between the Board and local community. Di Maro said he developed a series of educational pamphlets for community Members to learn more about what the Board is and what powers it holds to administer police oversight, including its ability to conduct investigations, review Internal Affairs investigations conducted by the Police Department, resolve minor disputes with alternative resolution strategies such as mediation. Di Maro stated that he also assisted with the development of a survey that will be administered to gauge public perceptions of policing and the Board in Charlottesville, helped draft a press release to highlight the Board's launch of its online complaint portal, oversaw the

planning for the Board's presence at the Soul of Cville Festival, and designed a template for the Board to launch its own newsletter.

Executive Director's Report: Status of Complaints

INITIAL COMPLAINTS (3): RECEIVED SINCE THE LAST MEETING:

- COMPLAINT 1
 - ALLEGATION- JUNE 10; An allegation of harassment while receiving a ticket from an officer. The individual that filed the complaint felt that she received an unwarranted ticket, and that it was part of a harassing behavior by the subject officers.
 - COMPLAINANT- FEMALE, RACE/ETHNICITY UNKNOWN.
- COMPLAINT 2
 - ALLEGATION- JUNE 22; An allegation of conduct unbecoming of an officer in which the complainant was alleging that the subject officer was engaging in some impropriety through an inappropriate relationship with the complainant's wife, including allegations of adultery or sentiments that there may have been some adultery between the complainant's wife and the subject officer.
 - COMPLAINANT- MALE, RACE/ETHNICITY UNKNOWN.
- COMPLAINT 3
 - ALLEGATION- An allegation of lack of service, specifically there was an untimely service of a protection order that the complainant filed and was able to secure a protective order, but it was not served by the police department in a timely manner.
 - COMPLAINANT- UNKNOWN

REVIEW REQUESTS (3): E.D. Aguilar stated that the Board has received three (3) review requests since its establishment, including the request referred to the E.D. for Neutral Evaluation during this meeting, a request that was presented to Board by Teresa Hepler earlier during this meeting, and a request received by the Board in late 2021.

Executive Director's Report: Launch of Online Complaints and Compliments Portal

E.D. Aguilar stated that the Board's online portal for receiving complaints, compliments, review requests, and recommendations is live and has already received two compliments thus far. E.D. Aguilar then demonstrated how members of the public are able to submit compliments, complaints, requests to review an internal affairs investigation, or a recommendation to improve the services of the police department or the Board. E.D. Aguilar also stated that there will be a frequently asked questions page on the portal where more specific information about how to navigate its features will be posted.

E.D. Aguilar said the portal has received two compliments since it was launched and added that the data is immediately available for community members to view through the portal's data page. E.D. Aguilar stated that it is important for Board Members and community members to know that there will still have to be some data reconciliation before complaint data from previous years, and those that are submitted directly to the Police Department rather than the Board, appears publicly in the online portal as well.

Vice Chair Watson asked E.D. Aguilar to expand on the nature of the compliments received via the Board's portal.

E.D. Aguilar stated that one compliment was of general nature, expressing satisfaction with the police department but expressing concern about the effect of the Board on the ability of the department to hire staff and the Board's ability to work with the department to support a healthier community dynamic. E.D. Aguilar noted that the compliment could have likely been submitted as a recommendation but added that the individual did indicate that the feedback was a compliment via the portal. E.D. Aguilar said the other compliment commended a specific officer for their calm and peaceful handling of an intoxicated individual sleeping in a library.

Executive Director's Report: Officer Interaction Cards

E.D. Aguilar stated that officer interaction cards have been printed and are set to be distributed to police officers to allow members of the public to request one if they would like to submit a complaint or compliment based on an interaction with an officer. E.D. Aguilar said the cards allow community members to write the name of the subject officer, the reason for the encounter, the date of the encounter, and any report numbers that might be associated with that encounter and added the cards contain contact information for the Police Department's Internal Affairs Committee and the Board.

Member Cooper asked E.D. Aguilar if officers would be required to carry and hand out interaction cards to Members of the public during interactions.

E.D. Aguilar stated that enough cards have been ordered for the officers to have, adding that there's no reason that they shouldn't have them on hand. E.D. Aguilar said the goal of the cards is to serve as a tool for both community Members and officers to avoid tense interactions when the subject officer's information is requested by a community Member during an interaction.

Member Carpenter said the officer interaction cards initiative does not seem like a mandate to her, adding that officers could use their own discretion when deciding whether to carry the cards or distribute them when appropriate.

E.D. Aguilar responded by saying there is currently no General Order of the Police Department requiring officers to carry the interaction cards but emphasized that the goal of the cards is about facilitating the process for community members to have the information written down, if requested. Aguilar noted that officers are always required to provide their information to community members when requested, with or without the possession of cards.

Member Carpenter asked how a community member would know that the interaction cards are available from officers.

E.D. Aguilar responded by stating that community education will be crucial to the success of the interaction cards and noted a recent press release by the Board publicizing, adding that the Board will have to do continued outreach to make sure community members know about the initiative.

Executive Director's Report: Survey Analysis

E.D. Aguilar announced that the Board is planning to deploy a survey in the community within a few months to gauge public perceptions of the Board and the Police Department and allow for future outreach and engagement in areas that have low levels of trust in the Board or the Police Department.

Executive Director's Report: Budget

E.D. Aguilar stated that the City of Charlottesville and the Board have begun a new fiscal year as of July, adding that the Board has about 90 percent of its budget still available. E.D. Aguilar said most of the budget expenses made thus far were for staff salary and benefits and interns.

Outreach Activities, Vice Chair Watson:

Vice Chair Watson discussed the Board's recent presence at the Soul of Cville Festival on Saturday, August 13, including himself, Member Fracher, E.D. Aguilar, and summer intern Geremia Di Maro. Vice Chair Watson said educational materials about the Board were handed out to event attendees by Board Members and staff, which often led to conversations with community Members about the Board and its purpose and added that the festival was an important event for the Board to attend as dozens of Black-owned businesses were showcased as part of the festival.

Vice Chair Watson announced that the Board planned to have a presence at the Back-to-School Bash at Charlottesville's Downtown Pavilion on August 20.

Vice Chair Watson stated that he personally attended the West Haven community day in July, where he was able to have productive conversations about the Board with several community Members. Vice Chair Watson also said that he conducted outreach at a health equity event in the area during July, where health related agencies, hospitals, non-profits, and other organizations were present to discuss healthy lifestyle habits.

Vice Chair Watson said he would like to invite Freddy Jackson of Love, No Ego to discuss the organization's mission as well as a potential partnership for community engagement and outreach with the Board at the Board's September meeting. Vice Chair Watson said Love, No Ego is a Charlottesville-based non-profit that specializes in youth outreach and development for individuals aged 10 to 24 and noted that Mr. Jackson is interested in proposing a community event or series of community events to host with the Board.

Vice Chair Watson then presented a resolution for the Board to consider that would request authorization from City Council for the Board to develop its own logo for outreach efforts and other forms of public correspondence through a public design contest.

Vice Chair Watson made a motion to adopt a resolution asking the City Council to approve a process for the Board to create its own logo, which was seconded by Member Fracher.

Member Carpenter asked if the individual whose work is selected to serve as the Board's logo would be compensated by the Board on a one-time or continuous basis.

Vice Chair Watson said that he would support compensating the creator of the design but added that the details of how that compensation would work could be figured out at a later date once the City Council has approved the Board's request to create its own logo.

E.D. Aguilar stated that he is committed to the notion of paying somebody for their design and added that holding a contest to choose logos or seals is not unprecedented for organizations or city governments. E.D. Aguilar also said compensation is typically a one-time payment that would compensate the creator for their design and transfer ownership of the logo to the city or organization.

Vice Chair Watson stated that providing some form of compensation for the submission of logo designs would serve as a good incentive for individuals to participate in the contest.

Vice Chair Watson's resolution to ask the City Council to approve a process for the Board to create its own logo was approved by the Board with Chair Mendez, Vice Chair Watson, Member Brown, and Member Fracher voting in the affirmative. Member Carpenter voted against the resolution, while Member Cooper abstained from voting.

Update on Board Operating Procedures, Chair Mendez:

Chair Mendez stated that he has been talking with Members of City Council and the City Attorney and has been told that the best path forward for advancing the Board's Operating Procedures is to allow for the current version of the procedures to be jointly reviewed by the City Attorney's office and the Board's counsel in order to identify important legal issues and suggest possible changes or amendments in terms of the structure of the Board, investigation and processing, complaint hearings, etc.

Member Carpenter asked if changes or revisions to the current draft of the Operating Procedures would first be reviewed and voted on by the full Board before becoming operational. Chair Mendez stated that the full Board will be able to consider and vote on any changes to the Operating procedures, adding that he also expected there to be some debate with City Council as well before the Council approves the final procedures.

Other Questions/Announcements:

Member Carpenter asked if the Board's recently created virtual reference and training library in Microsoft Teams would be available or accessible to Members of the public. E.D. Aguilar stated that he would be open to making the virtual library publicly accessible but added that he would first have to clarify the copyright status of a complete version of an investigations manual that is available within the library before making the library public.

E.D. Aguilar reminded the Board that meetings rescheduled for the third Thursday of a month, including this meeting, are held at the same time as Human Rights Commission meetings and should be mindful of that conflict in the future.

Public Comments (II)

With regards to officer interaction cards, Adrian Dent said that she understands from the press release that a community Member must request a card from an officer during an interaction. Dent said she heard that the goal was facilitating the process for the community to have accountability but thinks it's unrealistic, given the power dynamic and the lack of public awareness that anybody is going to request a card and fill it out. Dent asked if it would be possible to consider putting the onus on the officer to complete and fill out their name on each card by making doing so mandatory and to then offer the card to a civilian.

E.D. Aguilar responded by stating that it would be within the Board's authority to provide a policy change recommendation to the Police Department requesting that carrying and distributing the officer interaction cards be made mandatory for officers. E.D. Aguilar said that use of the cards is currently in a pilot phase, adding that the plan is to try and provide an opportunity for the community Members and for the officers to be able to have that formal piece of being able to provide the information in the future.

Adjournment

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

The meeting was adjourned at 8:13 PM unanimously.

The next meeting of the Police Civilian Oversight Board will be held September 8, 2022, 6:30 PM (regular meeting)