

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: June 29, 2020

Scheduled Time: 1:00 p.m. – 3:00 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Nancy Carpenter, Dorenda Johnson, William Mendez, James Watson, Stuart Evans, Phillip Seay, and Deirdre Gilmore (arrived to meeting at approximately 1:38 p.m.)

Staff: Brian Wheeler, Maxicelia Robinson, Michele Vineyard

Guests: City Manager Dr. Tarron Richardson, Mayor Nikuyah Walker, City Attorney John Blair, Chief of Police RaShall Brackney

City Manager Dr. Tarron Richard began inaugural meeting of the Board began at approximately 1:07 p.m.

Introduction – Dr. Richardson introduced himself and staff members on the call to the Board and public. Dr. Richardson then invited the Board members to introduce themselves. The Board members introduced themselves in the following order: Nancy Carpenter, Dorenda Johnson, James Watson, William Mendez, and Phillip Seay.

FOIA Overview – City Attorney John Blair provided an overview of FOIA to the members of the Board. Mr. Blair noted that the board had been provided with a copy FOIA statute prior to the meeting and noted that members are required to familiarize themselves with the statute. Mr. Blair first discussed FOIA’s requirements for public meetings, noting that if more than two board members meet to discuss board business, it would constitute a meeting under FOIA. Mr. Blair noted that this is important because, under FOIA, any public meeting must meet certain public notice requirements. Mr. Blair also discussed the difference between regular and special meetings, noting that there are different notice requirements; Mr. Blair further explained guidelines for interacting with City employees for special meetings. Mr. Blair then discussed FOIA requests and explained how Board members should utilize the City’s FOIA officer to assist them in responding to a FOIA request. Mr. Blair noted that many types of documents, including emails on personal email accounts, can be subject to FOIA. Mr. Blair further noted that FOIA requests can be oral and do not need to be in writing. Mr. Blair noted that individuals can make FOIA requests directly to Board members and explained how to relay such a request to Brian Wheeler – the City’s FOIA point of contact.

Dierdre Gilmore joined the meeting near the end of the FOIA presentation; Mr. Blair stated he would provide her with a summary at another time.

Election of Chair & Vice-Chair – After his presentation on FOIA, Mr. Blair noted that the Board’s bylaws provide for an election of a Chair and Vice-Chair of the Board. Mr. Blair asked for nominations for Chair of the Board. Nancy Carpenter nominated James Watson as chair; Dorenda Johnson seconded the nomination. No additional nominations were made. Nancy Carpenter motioned to close the nomination; her motion was seconded by William Mendez. A vote was held on the nomination; all voting members present voted in favor of James Watson as Chair of the Board. The motion passed (6-0). James Watson was appointed as Chair of the Board.

Mr. Blair then called for nominations for the Vice-Chair of the Board. William Mendez nominated Stuart Evans as chair; Nancy Carpenter seconded the nomination. No additional nominations were made. Mr. Blair stated that the nominations was closed. A vote was held on the nomination; all voting members present (except for Stuart Evans who abstained) voted in favor of Stuart Evans as Vice-Chair of the Board. The motion passed (5-0-1). Stuart Evans was appointed as Vice-Chair of the Board.

Executive Director Job Description – Mr. Blair turned the meeting over to Dr. Richardson. Prior to addressing the next agenda item, Nancy Carpenter requested that time be reserved for public comment and a discussion on the bylaws/ordinance related to the Board.

Dr. Richardson then asked the Chair to lead discussion regarding the Executive Director’s job description. The Chair requested clarification regarding the scope of what Dr. Richardson hoped to achieve at the meeting related to proposed job description. Discussion was held on this issue. William Mendez requested more time to propose changes on the job description; Dr. Richardson agreed that this was appropriate. Discussion led to an agreement that William Mendez will be the point of contact between the Board and Dr. Richardson regarding potential changes to the Executive Director job description. Mayor Walker noted that the City hoped to make changes as quickly as possible so the City could post the job position soon.

Other Business – The issue of public comment during the meeting was raised. Mr. Blair provided advice to the Chair on the issue, noting that it is up to the Chair to set rules for public comment at the meeting. Mr. Blair noted that the bylaws require public comment at all regular meetings.

Mr. Blair then advised the Chair and Board to discuss setting a schedule for regular meetings. Mr. Blair noted that Nancy Carpenter had indicated a desire to discuss the Board’s bylaws. On advice from Mr. Blair, Nancy Carpenter made a motion to amend the agenda and add discussion on the topic of amending the Board’s bylaw. Stuart Evans seconded Carpenter’s motion. A vote was held on the motion; all voting members voted in favor of amending the agenda.

Nancy Carpenter discussed her desire to adopt the bylaws proposed by the Initial Police Civilian Review Board (“Initial Bylaws”), which dissolved in July 2019. Stuart Evans agreed with Carpenter, discussing his reasons for supporting adoption of the Initial Bylaws. Dorenda Johnson further discussed support for adoption of the Initial Bylaws and her reasons for her position. Stuart Evans clarified that he believed the Board should adopt both the Initial Bylaws and implement the ordinance proposed by the initial board (“Initial Ordinance”).

Nancy Carpenter then made a motion to send the Initial Bylaws and the Initial Ordinance to the City Council for adoption; Stuart Evans seconded the motion. Mr. Blair directed the Board's attention to Article 13 of the Board's current bylaws and 2-464 of the current ordinance. Mr. Blair read these sections to the Board and stated the Board may consider Carpenter's motion as fulfilling the presentation requirement of the aforementioned section of the bylaws and ordinance. Mr. Blair then noted that, at the Board's next meeting, the Board could then vote on whether to accept the amendments to the bylaws. Discussion continued with respect to Carpenter's motion. Various Board members expressed support for the adoption of Carpenter's motion. The Chair asked Carpenter to restate her motion due to confusion from Board members, as well as Mayor Walker and Dr. Richardson. Mr. Blair advised that if the Board's vote does not comply with current bylaws it could be challenged in court and the vote could be voided if found to have violated the bylaws. The Chair called for a vote. Dorenda Johnson voted yes, Stuart Evans voted yes, William Mendez voted yes, Dierdre Gilmore requested more information about the discussion, read through the bylaws/ordinance at issue, and ultimately abstained from voting; prior to the recording of additional votes, Mayor Walker spoke to provide additional information about the City's position on the vote and prior voted and also asked Mr. Blair to provide more information to the Board; Carpenter and Evans then noted that the Board was still in the middle of the vote; Nancy Carpenter voted yes; Mr. Watson voted yes. The Chair counted five yes votes and one abstention; the Vice-Chair noted that the Board was missing Gwendolyn Allen's vote and, in response, Ms. Robinson stated that Allen had previously resigned from the Board. Carpenter's motion passed (5-0-1).

William Mendez motioned for the Board to present the Initial Bylaws and Initial Ordinance at the Board's next meeting so that the Board could ensure it complies with its current bylaws. Stuart Evans seconded Mendez's motion. William Mendez noted that his motion was a procedural motion. The Chair and other Board members discussed this motion as well as their perspectives on the Carpenter's motion that passed immediately before Mendez's motion. During discussion, the Chair suggested that the Board vote on adoption of the Initial Bylaws at the Board's next meeting. Discussion continued on the topic of the appropriate timing of when to consider amending the bylaws by adopting the Initial Bylaws in place of the Board's current bylaws. Members of the Board discussed the reasons for wanting to adopt the Initial Bylaws and reasons for wanting to encourage the City Council to amend the current ordinance by adopting the Initial Ordinance. No vote was held on Mendez's motion.

Discussion then changed to the topic of scheduling the next Board meeting. Dr. Richardson discussed the need to take into account the City's resources when scheduling the meeting. The Chair then discussed the potential and his desire for holding meetings in-person, potentially out an outside location. The Chair also stated he has a desire to get to know the other Board members and suggested holding a Zoom called for social purposes with Board members. Mr. Blair noted that the Board could do so but need to keep the requirements of FOIA in mind when organizing the meeting. The Vice-Chair raised the issue of how the Board can get in touch with one another; Mayor Walker and Dr. Richardson stated that Board members would be provided with Board-specific email addresses by the City.

Public Comment – The meeting was then opened up to public comment by the Chair. Mr. Wheeler suggested individuals be provided three minutes for comment; the Chair requested that all individuals be provided by five minutes.

Walt Heinecke was the first for public comment. He thanked the Board for their service. He also noted that, at the meeting, the Board did what the City Council asked it to by passing a resolution to ask the City Council to revert to the Initial Ordinance. Mr. Heinecke further noted that he is happy that the Board will be addressing the implementation of the Initial Bylaws at its next meeting.

Elizabeth Stark was next up comment. She thanked the Board for its service. She noted that things have changed since November 2019 and that people are demanding change to policing.

Harold Folly was next up for comment. He thanked the Board members for applying to serve on the Board.

Sarah Burke was next up for comment. She identified herself as a member of the Initial CRB who worked on the Initial Bylaws and Ordinance. She spoke the history of her work and her opinions related to the Initial Bylaws/Ordinance, as well as future steps the Board should consider taking.

Jeffrey Fogel was next up for comment. He discussed the fact that the Virginia Legislative Black Caucus plans to introduce legislation in August 2020 related to CRBs in Virginia. He encouraged the Board to communicate with the Virginia Legislative Black Caucus.

Rosia Parker was next up for comment. She thanked Board members for volunteering. She discussed her personal hard work that she contributed to the Initial CRB. She further encouraged additional police training. She asked for the police to treat others like people and for them to respect all community members.

Kate Fraleigh was up next for comment. She noted that binders provided to Board members had several documents Board members had asked for copies of during the meeting.

Rory Stolzenberg was up next for comment. He sought to bring the Board's attention to a communications campaign conducted by the Police Department over the past week. He asked the Board to consider whether its appropriate for the Police Department should be expressing its view that conflict with concerns raised by citizens about law enforcement issues.

Continued Other Business – The Chair invited Chief Brackney to provide comment; Chief Brackney provided a brief response to the Chair's invitation.

After discussion, the Board agreed to meet on July 7, 2020 for its next meeting.

Next meeting: July 7, 2020 at 5:00 p.m.

Minutes completed and signed by:

Stuart Evans, Vice-Chair Police Civilian Review Board