

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: October 8, 2020

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Bellamy Brown, Nancy Carpenter, Stuart Evans, Dorenda Johnson, William Mendez, Phillip Seay, and James Watson,

Staff: Brian Wheeler, Maxicelia Robinson

Guests: Acting City Manager John Blair, Acting City Attorney Lisa Robertson, Police Chief Rashall Brackney, City Council member Michael Payne

Chair James Watson started the meeting at 6:32 p.m. Chair Watson greeted the guests in attendance and explained the outline of the meeting for the night.

Agenda Adoption – Chair Watson asked for any proposed changes to the agenda; no changes were proposed. The agenda was approved unanimously.

Adoption of Minutes – Chair Watson asked the Board to approve the minutes. The minutes for the August 13, 2020 meeting was adopted by unanimous vote.

Announcements – Chair Watson Stuart Watson had resigned from the board and thanked him for his service. He also noted with regret that City Manager Richardson had resigned.

Presentation by Chief Brackney – Chairman Watson introduced Chief Brackney, who made a presentation on the Internal Affairs procedures for investigating citizens' complaints. She explained the difference between an inquiry and a complaint and provided contact information for the Internal Affairs Unit and options for filing complaints. She explained that CPD policy is for complaints to be investigated with 45 days of filing, with extensions allowed with her approval only for good reason. She reviewed the investigative process and the meanings of the possible findings (unfounded, exonerated, not resolved, sustained, administratively not resolved.) She gave examples of possible corrective actions, trainings, and disciplinary options. She noted that corrective actions may be taken even if a complaint finding is "exonerated" or "not resolved" to help improve the culture of the department. She stated that her PowerPoint will be sent to Board Members.

- Chair Watson asked what measures are taken to make sure that police candidates have not had disciplinary actions in other jurisdictions and when officers quit their jobs here to avoid disciplinary action. Chief Brackney responded that all candidate are required to release their personnel and disciplinary information from previous employment before being

considered for employment in Charlottesville, and that she also releases records of police who quit or are terminated to DCJS even if they do not meet current standards for decertification.

- Board member Carpenter asked how many officers had been given Performance Improvement Plans (PIPs.) Chief Brackney indicated that two PIPs had been prescribed so far, with another in process.
- Vice Chair Mendez asked if specific individuals filed complaints frequently and whether specific officers were the subject of frequent complaints. Chief Brackney stated that there were individuals who filed frequent complaints, and that if any officer is the subject of multiple complaints, this could trigger early intervention action.
- Board member Johnson asked what could be done about a specific officer with multiple, similar complaints involving Black and Brown people, noting that some affected individuals were reluctant to file complaints. She expressed skepticism that training would effectively change the mind set of such an individual. Chief Brackney declined to discuss specific officers, and noted that she has access to all personnel and disciplinary files for all members of the department, and can and will act when there is specific information to support any early intervention, retraining, or disciplinary actions. She noted that a wide range of training resources are available in the Charlottesville area, and that her goal was to use training to change the culture of the CPD.
- Vice Chair Mendez suggested that an affirmative no-retaliation policy might encourage people to file complaints. Chief Brackney stated that all complaints that appeared to involve harassment or intimidation were fully investigated.
- Chair Watson inquired whether individuals filing complaints for others could distort the reported racial distribution of the complainants. Chief Brackney agreed that this was possible but noted that relatively few complaints are filed by third parties.

Public Comment Period #1 – Chair Watson opened the floor for public comment and invited attendees to direct comments to the Board or Chief Brackney as they wished.

- Given that no one requested a chance to speak, Chair Watson asked Chief Brackney how she intended to increase diversity in the Charlottesville Police Force. The Chief noted that policing has historically not been a very diverse field, and change is difficult. She indicated that two general problems affecting the force are high cost of living and perceived lack of career stability. She expressed a commitment to a diverse force and stated that we need to recruit people of color from “where they live” rather than through more conventional methods. She noted that the department has expanded the Community Service Officer program as an outreach to teenagers in the community.
- **Mr. Don Gathers** then asked: What do the Police and CRB do together to bring about trust in the community? Chief Brackney noted that she has frequent interactions with Chair Watson on many issues and that she has asked Mr. Watson and Board member Brown to participate in the interview process for the department's 4th Amendment Analyst. Chair Watson thanked Mr. Gathers for his concern and past actions in support of the interim CRB. Mr. Brown also indicated that the CRB is currently developing procedures for handling complaint appeals and for public outreach.

Discussion with Lisa Robertson – Ms. Lisa Robertson, the Acting City Attorney, summarized her recommendations for how the City Manager’s office could facilitate the function of the CRB. These included assistance with “housekeeping” issues, such as logging and tracking complaints and developing a simple form for deciding which complaints can be accepted for review. She suggested that the City Manager could perform some of the functions of the Executive Director, until one was actually hired. She indicated her intent to provide information and training to board members regarding confidentiality requirements and record keeping. She noted that she and Mr. Brown were working jointly to develop hearing procedures and suggested that the Board develop procedures for deliberation and issuing dispositions. She offered to provide training on the preponderance of evidence standard. She offered to provide guidance to the board regarding the legal implication of the pending state legislation regarding Civilian Review.

- Vice Chair Mendez noted that the Board has passed a resolution authorizing the CRB Chair to exercise the Executive Director powers until the hiring process was complete. Ms. Robertson responded that she was open to discussing this issue, but it might be easier for the City Manager’s office to take care of housekeeping functions in the meantime.
- Ms. Carpenter pointed out that the situation was clearly only temporary with the Executive Director hiring process under way.

Status of Complaints – Chair Watson reported that six complaints were currently being tracked by the Board, and that the Board had received one request to review the results of a complaint investigation. A target date of February 2021 has been set for adopting hearing procedures, at which time the review take place.

Executive Director Job Search – Chair Watson stated that 55 applications have been received for the Executive Director position, and screening has begun. He reminded the Board that two members would be invited to participate in the interview process.

Review of Law Enforcement Reform Legislation - Chair Watson reported that legislation related to Civilian Oversight of Police was currently in conference committee. The major difference between the two versions was that the House version made oversight mandator while the Senate version left the decision up to counties and municipalities. Both versions would allow substantial additional powers (subpoena and police discipline) to civilian oversight bodies.

Hiring Legal Representation – A single firm has responded to the RFP for independent legal counsel, and the response period has closed. Acting City Manager Blair will move forward with the negotiations to potentially hire the responding firm.

Michael Payne Presentation – City Council Member Michael Payne attended to answer questions posed by the board and discuss approaches for moving forward. He noted that COVID has made operations difficult for many Boards and Commissions and announced that starting in November, sufficient communications staff will be hired that will allow boards to have a single 3-hour meeting each month, plus subcommittee meeting on a first-come first-served basis. He proposed to hold work sessions with the Board and Council members to discuss approaches for implementing whatever new powers may be granted to the Board under the pending legislation. He reported that he was still working on the Board’s request to explain the rationale for changes to the Ordinance

and Bylaws from those originally proposed. He is meeting with Acting City Manager Blair to work through these questions and has also scheduled a meeting with the People's Coalition.

- Board Member Seay asked Mr. Payne to investigate why the Board member with law enforcement experience was made a non-voting position.
- Ms. Carpenter asked if there appeared to be support on the City Council for the expanded powers granted by the new legislation. Mr. Payne stated that he had not consulted other members, but he was personally in favor of a strong CRB.
- Ms. Johnson (?) asked if the City Council had given any thought to filling the existing vacancy on the Board. Mr. Payne indicated that the current feeling on the Council is that they should wait until the oversight legislation passes and see what kind of expertise might be called for.

Public Comment Period #2 –

- **Elizabeth Stark** suggested that given the limited terms of the Board members the Board should meet more than once a month to get necessary business done. She also asked if consideration had been given to lengthening the Board member terms.
- **Don Gathers** expressed his thanks to the Board, wished us well, and offered to help in our efforts.

Chair Watson adjourned the meeting at approximately 8:46 P.M.

Next Meeting: November 10, 2020 at 6:30 P.M.