

Charlottesville Police Civilian Review Board

October 8, 2020

6:30 p.m.

Meeting Agenda

<https://www.charlottesville.gov/zoom>

- I. Call to Order (*James Watson, Chair*)
- II. Agenda Approval
- III. Adoption of Minutes
- IV. Announcements
- V. Presentation by Police Chief Rashall Brackney (re: Internal Affairs)
- VI. Public Comment (5 Speakers - 3 minutes each)
- VII. Discussion with Lisa Robertson, Acting City Attorney (re: Review Process)
- VIII. Status Update of Special Session CRB Bills
- IX. Pending Business
 - a. Status of complaints received
 - b. Status of hiring legal representation
 - c. Status of Executive Director talent search
- X. Updates from City Councilor Michael Payne
- XI. Public Comment (3 minutes per speaker)
- XII. Adjournment (8:30 p.m.)
 - Next meeting November 12

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Remote participation supported for the duration of the City Manager's Declaration of Emergency issued March 12, 2020.

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: September 10, 2020

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

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

Staff: Brian Wheeler, Maxicelia Robinson

Guests: City Manager Dr. Tarron Richardson, City Attorney John Blair, Del. Sally Hudson, Guillermo Ubilla

Chair James Watson started the meeting at 6:33 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 adopted without formal vote and without objection.

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 with thanks to the Deputy Chair.

Announcements – Chair Watson asked Bellamy Brown, a new member to the board, to introduce himself and briefly talk about his background and objectives in joining the board. Mr. Brown recounted an adverse experience with police and the impact that it had on him and how it had given him useful knowledge of how courts across the Commonwealth address the issue of police misconduct. He stated his desire to “give back” to the community based on this experience. He sees establishing PCRb credibility and legitimacy as key goals, along with establishing working relationships with the City Council, CPD and other stakeholders.

Discussion with Guillermo Ubilla. – Chairman Watson introduced Mr. Ubilla, a member of the Interim CRB and asked him about important lessons learned. Mr. Ubilla identified two areas as being most important: training provided by NACOLE and organizing into subcommittees. Subcommittees could then perform the bulk of the board’s work between meetings. Chair Watson pointed out difficulties of meeting during COVID and suggested that it might be desirable to have socially distanced meetings when possible. Dr. Mendez indicated that the Chair has initiated contact with NACOLE and development of subcommittees. He asked if the Interim Board had received pushback from the city with regard to the Dillon Rule. Mr. Ubilla noted that the interim Board had gone beyond their mission to implement just a review model; adding a policy recommendation function and an suggesting audit function as well. He indicated that the interim board had not gone beyond current laws. Stuart Evans asked what Mr. Ubilla thought were the

most important deviations from the old bylaws. Mr. Ubilla stated that a very important change was in the role of the Executive Director, giving him/her less independence. He also noted that the level of community engagement activities was reduced. Nancy Carpenter asked, under ideal conditions, how often the Board should meet. Mr. Ubillo noted that his “non-COVID” answer was that every two weeks was optimal. He re-emphasized the importance of work between meetings. Chair Watson asked if the interim board had found any other organizations that would provide the best model for Charlottesville. Mr. Ubilla responded was that they looked at a number of organizations but found no single best structure, since the governmental organizations, enabling statutes, and other factors varied so much from city to city. He noted that the Interim Board had developed detailed profiles of about ten police oversight organizations and that the documents were available on the city website.

Public Comment Period #1 – Chair Watson opened the floor for public comment and invited attendees to direct comments to the Board or Mr Ubilla as they wished. The following individuals participated in public comments:

- Harold Folley – Mr Folley supported the recommendation of bi-weekly meetings given the relatively large number of complaints received. He also noted the need for a strong independent Executive Director. He stated that no matter what happens in the Legislature, the Board should push for the old bylaws and that the People’s Coalition would support this.
- Gloria Beard – Introduced herself as a member of the original board. She encouraged the board to “hang in there” because having an effective CRB was important to Charlottesville.
- Tracy Hopper – asked if we could wait until after Nancy Hudson speaks to have the remaining public comments. Chair Watson agreed.

Nancy Carpenter reminded the Board that we have already voted to adopt the old bylaws. Stuart Evans suggested that we should send a reminder to the city that they had promised to answer our request to explain the differences between the old and new bylaws and promised to send additional data regarding other matters.

Discussion with Delegate Hudson - Delegate Sally Hudson addressed the board regarding the current status of CRB legislation in the House of Delegates and Senate. She indicated that the House and Senate Bills had been reconciled to both include disciplinary authority, subpoena power, the right to independent legal counsel, and the right to review law enforcement budgetary information. The House and Senates bills differed mainly in that the House version applies to Sheriffs as well as police departments, and the House bill made civilian police oversight mandatory, while the current Senate version enables, but does not require, municipalities and counties to have civilian oversight. Chairman Watson thank Delegate Hudson and noted that the pending legislation greatly would help the CRB moving forward. Mr. Mendez asked whether the approval of the “enabling” version meant that the CRB would need to work with the City Council for the specific powers specified in the legislation. City Attorney Blair expressed the opinion that this was the case. Delegate Hudson reiterated her belief that CRB legislation would be passed during the special session and would make it much easier for the Board to define its powers.

Resumed Public Comment Period #1

- Harold Folley - Mr. Folley indicated that the community wants the Board to have all the powers enumerated in the pending legislation and the People's Coalition will provide support to the CRB with the City Council in achieving this goal.

There being no other comments, the board moved on to **Pending Business**

Pending Complaints. Chairman Watson indicated that six complaints have been received since the Board began meeting. The 75-day review period has not expired for any of them yet; the first will come due September 22. Mr. Watson noted that he could not comment further on the substance of pending complaints, but the complaint backlog seems to be improving and that police are cooperating in forwarding of complaints to the CRB. Vice Chair Evans noted that the CPD is required to forward complaints to the CPD, and that "sustained" findings are not provided to the CRB, this being a main difference between the old and new bylaws. In addition, he noted that the CPD is required to send an "investigative report," about complaints that are not sustained, but the format has not been specified. The Board's ability to effectively review CPD decisions will depend greatly on the completeness of these reports. Ms. Carpenter stated that she was reserving judgement about how transparent the CPD was until more complaints had been addressed.

Data Requests to CPD. Chair Watson suggested that in the future the Board better coordinate data requests to the CPD to avoid redundancy. He suggested we need demographic and recruiting information to help develop a pipeline for people of color, including youth and military veterans. Vice-Chair Evans stated that the data request previously voted by the board had been needlessly complicated by the City's decision to regard it as a FOIA request and as a result some items that were requested had not been provided. He agreed that the Board should form a subcommittee to formulate data requests. Mr. Evans, Chair Watson, and Dorenda Johnson indicated that it was important for the Board to know how police spend their time if we are to formulate useful policy recommendations. Mr. Brown suggested that future data requests be focused more narrowly on areas where there are potential for violations of constitutional rights. Mr. Mendez noted that under ordinary circumstances, we would have already had training from the CPD and would have had opportunities to ask directly about police policies and procedures. Ms. Johnson expressed concern that the City would not respond to data request until training was completed. Chair Watson explained how NACOLE training was being made available to Board members and suggested that Police Chief Brackney be invited to a future meeting. Mr. Seay also indicated his willingness to act as interface between the board and the police and that police ride-alongs can be arranged.

Executive Director Job Announcement. Chair Watson and Mr. Mendez explained the process whereby the Executive Director Job Description approved at the previous meeting had been submitted to the City Manager. They presented the final version of the Job Announcement and Job Description that had been approved by the City Manager and city HR staff. Mr. Mendez noted that most of the changes requested by the Board had been agreed to by the City Manager, importantly include broadening the educational and experience requirements. Mr. Mendez moved that the Board accept the new versions of the documents and ask the City Manager to post them on the City Jobs Site and NACOLE Job Postings. Chair Watson seconded the motion and a vote

was held: Carpenter (Yes); Evans (No); Gilmore (Yes) Johnson (Yes); Mendez (Yes); Watson (Yes).

RFP for Legal Services. City Attorney Blair presented the RFP for independent legal counsel (RFP 21-13) current on the Charlottesville Bid Postings site. Chair Watson noted that the offering included preferences for minority- and women-owned businesses.

Election of New Vice Chair. Mr. Evans having resigned, Mr. Mendez was nominated for Vice Chair and approved unanimously.

Subcommittee Formation Vice Chair Evans suggested more time was needed at a future meeting to discuss subcommittee organization in general, but community outreach was urgently needed and should be addressed at this meeting. Board member Johnson volunteered to start community engagement effort and Nancy Carpenter and Phillip Seay also agreed to participate. Chair Watson agreed to resend his list of focus areas of possible subcommittees for discussion at a subsequent meeting.

Public Comment Period #2 - Chair Watson opened the floor for public comment:

- Tracy Hopper - Ms. Hopper asked whether having three members on the public outreach subcommittee would create FOIA problems. She also strongly recommended that the Board review the DMC [Disproportionate Minority Contact] report recommendations. Finally she asked that the Board cooperate with Albemarle County.
- Joy Johnson – Mr. Johnson expressed concern that Board member Gilmore had not been polled in the election for Vice Chair.
- Jeff Fogel – Mr. Fogel stated his intent to appeal a CPD decision on a complaint that he had filed and wished to know if the Board was ready to accept it.

City Attorney Blair, in answer to Ms. Hopper, stated that meetings with three or more members could be subject to FOIA. Chair Watson asked that Ms. Gilmore be repolled regarding her vote for Vice Chair. She confirmed her vote. Vice Chair Evans stated that the Board was ready to receive a review request from Mr. Vogel under procedures established in our bylaws.

Chair Watson adjourned the meeting at approximately 8:36 P.M.

Next Meeting: October 8, 2020 at 6:30 P.M.

Minutes prepared by: William Mendez, Vice Chair, PCRB