

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: November 12, 2020

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

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

Staff: Joe Rice, Maxicelia Robinson

Guests: Acting City Attorney Lisa Robertson, Police Chief RaShall Brackney, Dr. Cameron Webb, Delegate Sally Hudson, Mx. Kim Rolla

Chair James Watson started the meeting at 6:31 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 October 8 meeting were adopted by unanimous vote.

Announcements – Chair Watson noted changes in mood associated with the results of the national election and announced the passage of the criminal justice reform bills by the General Assembly. He then asked the guests to briefly introduce themselves. After the introductions, Delegate Hudson provided a briefing on the final legislation.

Presentation by Delegate Hudson – Delegate Hudson complimented the current and interim board for being in the “vanguard” of police oversight reform in Virginia and noted the importance of having a legally sanctioned outlet through which affected individuals could express their concerns regarding police misconduct. She noted that the new legislation allowed, but did not require, municipalities to have oversight boards. The most important new measures in the bill are subpoena power and disciplinary authority; the former being very important if boards are to gain access to information required to support their mission. She stated that the delayed enactment clause was included to allow time for the legislature to consider how best to address concerns related to oversight in counties where Sheriffs’ offices were the main law enforcement agencies, but that the subpoena power and disciplinary authority would not be weakened. She offered to assist the Board in laying the groundwork for implementing the new legislation over the next few months.

- Vice Chair Mendez asked about the extensive language related to grievance procedures in the legislation. Mx. Rolla stated that the purpose of that language was to allow police to register grievances whether the disciplinary action was taken at the advice of the CRB or independently by the Chief of Police. They noted that the language in the new legislation superseded provisions in the Virginia Law Enforcement Officers Procedural Guarantee Act.
- Vice Chair Mendez and Member Seay asked about the language in the bill related to non-voting members. Mx. Rolla indicated that the provision had evolved over time and the language prohibiting ex-law enforcement members from voting was felt to be required to reduce the “chilling effect” of law enforcement influence in board deliberations and actions.

Chair Watson then noted that the Board’s major task going forward is to obtain buy-in from the City Council in revising the enabling ordinance and bylaws. He asked Mx. Rolla if they had any additional suggestions for moving forward. Mx. Rolla suggested that the Board be sure to get the benefit of the experiences of Interim Board members, while recognizing that the legal framework has now changed. They noted that subpoena power and disciplinary authority could be of great importance in achieving data access, as well as being important powers in and of themselves. They also noted that one important task will be defining “serious” breaches of policies and procedures that would fall under the CRB’s disciplinary authority.

Public Comment Period #1 – Chair Watson opened the floor for public comment.

- **Mr. Harold Folley** thanked Dr. Webb and Delegate Hudson for their work on police oversight and for appearing at the meeting. He stated that the community strongly disapproved of having voting members of the board who were ex-police employees. He stated that the perception has been that the “police officers get off” too frequently and that having ex-police on the board could have a chilling effect on public participation and result in pro-police bias. He also suggested that the board meet more frequently (every other week) in order to get all the necessary work done by July 1. He stated that the community fought hard for police accountability and offered the continuing support of the Citizens’ Coalition.
- **Ms. Joyce Davis** identified herself as an advisor to the Richmond city council, which is currently establishing a task force to set up a police oversight body. She asked if she could call on the Charlottesville CRB for advice and support and indicated that one of the issues they are dealing with now is to achieve a suitably diverse organization. Chair Watson stated that we were glad to hear from Ms. Davis and looked forward to working with her in the future.

Chair Watson asked the Board for additional comments or questions.

- Member Carpenter expressed her thanks to Delegate Hudson and Mx. Rolla for their work in developing the police oversight legislation. She noted the progress being made in oversight activities across the state and suggested that there was not overly much time if we are to get all our necessary work done by July.

- Member Gilmore thanked the guests for their attendance and expressed her concern that there was not sufficient support on the city council to achieve the needed changes to the enabling ordinance.
- Acting City Attorney Robertson asked Delegate Hudson and Mx. Rolla whether additional legislative actions will be needed to enable the CRB do fulfill its function. She specifically mentioned exemptions to VFOIA that might be required to maintain adequate complainant confidentiality. Mx. Rolla indicated that such modifications had been discussed but have been deferred until the General Session. They noted that other localities were looking to us for leadership.

Intake Procedures - Vice Chair Mendez then presented a slide presentation explaining the CRB's complaint intake process. Board Member Carpenter suggested that the CRB should put the slide presentation on our website, which Ms. Robinson said could easily be done. Chief Brackney pointed out that the CPD was very flexible about the form in which complaints were made and suggested that the presentation be modified to reflect the other alternatives. She agreed to work with Vice Chair Mendez in modifying the presentation. She pointed out that her own presentation on the subject could also be placed on the website.

Status of Complaints – Chair Watson reported that eight complaints had been received since the board began meeting, four were closed, and none had exceeded the 75-day limit. The Board has received one hearing request, with the plan that it be heard in late January. Member Carpenter asked if it was appropriate to share the current draft of the hearing procedures with the public. Assistant City Attorney Robertson said that she had no legal issues with the current draft but recommended that the Board members be sure to read, clearly understand, and agree with the document before issuing it for public comment. Member Seay asked about personal liability associated with board actions, and Ms. Robertson indicated that no personal liability would attach to non-voting members.

Hiring Legal Representation – Chair Watson reported that he had been involved in interviewing the sole respondent to the City RFP for independent legal counsel. His understanding is that the city is currently negotiating with the responding firm and a final hiring decision will be made in early-mid December.

Executive Director Job Search – Chair Watson reported that the City had identified five finalists from among the 55 initial applicants. He stated that the Board would be allowed to designate two members to participate in the final interview process. Member Carpenter stated that the interviewers should be representative of the Board composition. Member Seay noted that he would like to be involved since he has experience with law enforcement. Assistant City Attorney Robertson indicated that the limit of two Boards members was associated with FOIA requirements; more than two would require that the interview process be open to the public. After discussion, Members Bellamy Brown and Dorenda Johnson volunteered and were designated as interviewers.

Meeting Frequency - Chair Watson agreed with commenters that the Board needs to meet more frequently to do an adequate amount of business, including revisions to the enabling ordinance and

bylaws. Ms. Robinson indicated that she had set aside two fully staffed three-hour meetings for the Board per month in November and December. Chair Watson suggested 5:00PM November 24 for our next meeting, which was agreed to without objection (and with thanks to Ms. Robinson.)

Community Outreach – Members Carpenter and Johnson reported on their community outreach efforts. Ms. Johnson noted that gaining community trust is a difficult challenge, especially with COVID. Among the options that were discussed were having small (<10-person) community forums at libraries, Tonsler Park, and in meeting areas of public housing complexes. Ms. Carpenter mentioned the need to reach out to people with housing insecurity. Chair Watson suggested outreach to local Charities such as Abundant Life Ministries and seeking time on local radio stations. Member Seay volunteered to explore the possibility of arranging access to city park shelters for outreach activities.

Public Comment Period #2 –

- **Ms. Kate Fraleigh** – Asked if any complaints had exceeded the 75-day limit without resolution. She also stressed the need for the Board to obtain “historic” complaints and wanted to know if the Board automatically received all complaints filed with the City. She suggested that people may not know the time limitations for filing complaints and regarding their rights of appeal, and that this information should be better publicized.
- **Chief Brackney** responded that there is no automatic forwarding of complaints to the CRB; when complaints are not sustained, complainants must go through the procedure proscribed by the current enabling legislation, and only then can they request a review by the CRB. She reiterated that citizens have one year after an incident to file initial complaints and 75 days to request a review of an unsustained finding.

Chair Watson adjourned the meeting at approximately 8:35 P.M.

Next Meeting: November 24, 2020 at 5:00 P.M.