

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: November 24, 2020

Scheduled Time: 5:00 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Bellamy Brown, Nancy Carpenter, Deidre Gilmore (arrived at 5:59 p.m.), William Mendez, Phillip Seay (joined late), and James Watson

Staff: Joe Rice, Maxicelia Robinson

Guests: Acting City Attorney Lisa Robertson, Sarah Burke (Burke Associates), City Council Member Michael Payne, Liana Perez (NACOLE),

Chair James Watson started the meeting at 5:05 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. Member Carpenter asked that items VIII (c) and (d) moved to become (b) and (a), respectively. The amended agenda was approved unanimously.

Adoption of Minutes – Chair Watson asked the Board to approve the minutes for the November 12 meeting. The minutes were adopted by unanimous vote.

Announcements – Chair Watson wished all present a happy Thanksgiving and suggested all consider what they are thankful for.

Q & A Session with Liana Perez (NACOLE Director of Operations) and Sarah Burke (Burke Associates) - Ms. Perez briefly reviewed her experience in police oversight and recalled the initial training for the interim Board three years ago. She stated that NACOLE has had a very heavy workload this year and offered their support to the Board moving forward. Ms. Burke recalled her experiences on the interim Civilian CRB board, and work on police oversight in other Virginia localities.

Chair Watson and other board members asked about getting training specialized to the needs of the Charlottesville CRB. Ms. Perez stated that NACOLE has experience providing training on basic operational issues for small, newly founded organizations, as well as specialized guidance on the revision of enabling documents. Member Carpenter suggested that it would be useful if NACOLE could work with a small subcommittee dedicated to revising the Ordinance and Bylaws, and Ms. Perez agreed that would be possible. In response to a question from Council Member Payne, she stated that she could provide information and links to small oversight organizations that exercise subpoena power and disciplinary authority. Ms. Perez said that she would begin work

on an outline of a training course for the Charlottesville CRB, which would include material on operating procedures, enabling documents, and COVID considerations.

Chair Watson asked Ms. Burke what opportunities she saw for the CRB in light of the new Criminal Justice Reform legislation. Ms. Burke stated that the Interim Board had worked under strict limits dictated by then-prevailing state laws and the Dillon rule. The Ordinance and Bylaws passed by the City Council further narrowed the scope of authority of the CRB and imposed procedural requirements that limited the Board's access to information and made it difficult for complainants to obtain Board review on police internal investigations. She suggested that given the new legislation, we might wish to re-examine the model we would propose for police oversight. She identified subpoena power, or related information access provisions, as a key to improving openness in the complaint process. She also suggested that the Board may wish to consider a "hybrid" oversight model, instead of our current review-based approach. Under a hybrid model, the Board would have authority to independently investigate serious citizen complaints, as well as internal CPD investigations. Ms. Burke and Ms. Perez agreed that including audit power, along with data access, could be particularly powerful tools for instigating police changes. Ms. Burke noted that the interim Board had performed limited research on organizations with disciplinary power and suggested that we need to begin thinking about how to define "serious breaches" as we consider how to ask for disciplinary authority from the City Council. Ms. Burke mentioned a recent study which found that boards with subpoena power, independent investigatory power, and disciplinary authority were more affective at improving police practices and reducing racial disparities than weaker boards. Both guests stated that having a police oversight Auditor reporting on aggregate police performance was a good approach to influencing change. Ms. Perez noted that achieving independence where oversight staff were appointed by, and reported to, City Managers, was an ongoing challenge faced by many boards.

Chair Watson thanked both guests for the valuable time and insights. Ms. Perez stated that she will pull together an outline for online training tailored to the Charlottesville Board. Ms. Burke also volunteered her assistance as the Board moved forward revising its enabling documents.

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

- **Harold Folley** – Mr. Folley said the Board should make sure we are united as a team. He emphasized that community outreach is important and many members of the community don't know what is going on. He also stated that the board should make sure any advisory council empaneled to revise the Ordinance and Bylaws be inclusive. He agreed that the Board has the power to implement a much stronger model and we should have a detailed proposal when we meet with the City Council.
- **Board Comments.** Vice Chair Mendez stated the Board should move forward arranging NACOLE training as quickly as possible. Member Carpenter indicated that recent incidents involving "walking while Black" and physical injury support the need for a stronger oversight model.

Pending Business

1. Work Session with City Council –

Chair Watson stated the need to move forward quickly on revising the Board's enabling documents. Council Member Michael Payne noted that a number of complicated policy issues need to be addressed in revising the documents, including possible adjustments to the oversight model, staffing, and board membership. He suggested delaying detailed work on the revisions until the Board's Executive Director and the Deputy City Manager for Racial Equity are hired, since they would be directly involved in implementing whatever amendments were made. He noted that the City Council and staff will be very busy during early 2021, particularly in March and April when the budget will be finalized. He asked what the Board wished to accomplish at the work session. Mr. Bellamy noted that the Board has started work already on revisions to the documents and would like to present at least an outline to the City Council in February. Member Carpenter suggested that the Board form a task force to work with local stakeholders and NACOLE to develop a draft ordinance to present to the City Council by March.

Deputy City Attorney Robertson noted that the Board did not need to start over again in revising the ordinance; the expanded powers granted in the new legislation can be incorporated by amendments to the current law. She suggested that a good way to move forward would be to begin developing procedures that implement the current authorities of the Board (like holding hearings), and move on to language that implements the procedures for record keeping, subpoena power, disciplinary actions, etc. She suggested that developing procedures and building stakeholder relationships will be important and time-consuming steps in getting the City to grant new powers to the Board.

Council Member Payne stated that members of the City Council have limited technical knowledge of oversight models and successful approaches and need to be educated. He asked that the Board maintain communication with the Council. Chair Watson agreed with the need for good communication. He suggested that NACOLE might be able to assist in facilitating a work session.

2. Review of Complaints

Chair Watson reported that the Board has received eight complaints this year, and one hearing request. He indicated that the Board cannot discuss the particulars of complaints that are currently under review. Member Carpenter asked if we are sure that we have received all the complaints that have been filed with the CPD. Member Brown answered that the CPD has generally been very cooperative in forwarding complaints, although the precise procedures for forwarding need to be formalized.

3. Institutional coping during COVID

Chair Watson made a short presentation about how the Board can better move forward during COVID. Elements included more direct outreach to community champions, participation in socially distanced events, and enhanced social media presence.

4. Hearing Procedures

Member Brown presented a PowerPoint summary of draft hearing procedures. The document includes sections related to quorum requirements, scheduling/rescheduling of hearings, hearing

format and duration, methods for receiving and hearing evidence, cross-examination procedures, procedures for deliberation, standards/burden of proof, and reporting of determinations. Also addressed were how to avoid conflicts of interest, the need for confidentiality statements, and procedures for closed sessions where confidential information is to be discussed. He noted that language needs to be added to the procedures regarding how to except recording media and other forms of evidence that are not currently allowed. Ms. Robertson noted that, if necessary, hearings can be held electronically, and the city would supply staff support. Ms. Carpenter suggested that the Board consider establish a regular schedule for holding hearings.

Public Comment Period #2 –

- **Katrina Turner** – Ms. Turner asked if the board revert to old bylaws and build a new Ordinance and Procedures and from that. She stated that the unfilled board seat should be filled and that Rosia Parker is highly qualified.
- **Sarah Burke** – Miss Burke agreed that building on the old ordinance might be a good idea and that the open board seat should be filled. She said that the Board should continue to function under the current ordinance and bylaws and that the effort to draft new enabling documents should not be delayed by waiting for the city to hire the Executive Director and Deputy City Manager. She also asked about the role of independent council in hearing procedures. She noted that some of language in proposed hearing procedures seems discouraging to complainants.

Council Member Payne encouraged the Board to continue communicating with the City Council and expressed his willingness to remain involved in the process.

Chair Watson adjourned the meeting at approximately 7:24 P.M.

Next Meeting: December 17, 2020 at 6:30