

**CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD**  
**MINUTES**

Date: December 17, 2020

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

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

Staff: Brian Wheeler, Maxicelia Robinson

Guests: Acting City Attorney Lisa Robertson, City Council Member Michael Payne

**Chair James Watson** started the meeting at 6:33 p.m.

**Agenda Adoption** – Chair Watson asked for any proposed changes to the agenda. Member Carpenter asked if the agenda might need to be changed to make more room for public comments regarding specific complaints and the need for changes to the complaint form. Mr. Wheeler stated there was only one individual waiting to speak, and the Agenda was adopted without modification.

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

**Announcements** – Chair Watson stated that the City Manager is currently negotiating a contract with the Board’s independent counsel, and that the negotiations should be completed in January. The Chair thanked the Board for their hard work while he was away on business.

**Status of Complaints** – Chair Watson reported that this year the Board has received eight complaints, and that six are closed and two are active. He stated that the board had sent a letter to Mr. Hoffman asking if he wished the board to review the Internal Affairs findings regarding his complaint.

**Public Comment Session I**

**Tracy Hopper-** Ms. Hopper expressed concern about the unfilled vacancy on the Board which affected its ability to perform its duties.

**Harold Folley** – Mr. Folley stated that the People’s Coalition wants the board to be successful and understands that they have a lot of work to do. He was concerned about the lack of response to Chief Brackney’s press conference and asked if there had been a breakdown in communication.

**Walt Heineke** – Mr. Heineke welcomed Bellamy Brown to the Board. He referred the board to the original resolution that founded the PCRb and expressed concern about a possible loss of energy since the early enthusiasm. He inquired about progress on the

hiring of the Executive Director and Independent Council and filling the open Board position. He suggested that the Board use the original ordinance proposed by the Interim Board as the basis for implementing expanded powers granted by the new legislation.

**Molly Conger** – Ms. Conger stated that the board should have responded strongly to Chief Brackney’s press conference. She stated that if the Chief’s vilification of the complainant and his church remained unchallenged, the Board would lose all credibility and the public would lose trust in the complaint process.

## **Board Comments**

Vice Chair Mendez stated that while he found the Chief’s statements unfortunate, the Board should not respond in kind. He stated that the case showed the lack of trust and communication between the Board and the Police and, above all, showed the weakness of the Board’s current oversight model. He suggested that proposed changes to the Board’s ordinance and procedures would call for much greater access to information.

Member Brown noted that the public is not aware of much of the work done by the Board “behind the scenes”, mentioning work on hiring an Executive Director, independent council, and development of hearing procedures. He stated that the City Manager and City Council have ultimate authority over the Police Chief.

Chair Watson stated that the current board process is passive, and we are not yet fully staffed. Currently there are barriers to the Board making statements about ongoing complaints and we need a new ordinance to allow quicker response. The current complaint process depends too much on police investigating themselves. He said that the Board needs independent investigative power, and sufficient budget to support its operations.

Ms. Carpenter stated that the Board needs to be a strong liaison between the people and police. She agreed that the Board needs independent investigative power. The current communications breakdown illustrates the need for the Board to work more with the public.

Ms. Johnson said that the Board does not have support from the City and without that support gaining public trust and doing our job will be very hard. She cited a lack of leadership from the city government and questioned whether they want to have open communications on police oversight at all.

Board Member Seay said we are doing the best we can with the insufficient resources and powers we have. He said he sympathized with the frustration of many in the community who have been waiting a very long time for police reform.

**Clarification of Complaint Receipt Process** – Chair Watson pointed out that current complaint form used by the Charlottesville Police Department is “opt-in” (that is, it requires complainants to request complaints be forwarded to the CRB.) Our enabling ordinance, however, specifies that all complaints be forwarded to the CRB within 48 hours. In addition, the current PDF form is not very user-friendly. Bellamy Brown introduced the following resolution:

In accordance with Article II, Sec. A of the PCR bylaws; and Chapter 2, Article XVI, Sec. 2-458 of the Charlottesville City Code; and in consultation with The People’s Coalition, the Board adopts a formal position statement requesting the Charlottesville Police Department amend its current Citizen Complaint Form; to include the OPT-OUT language, “check here if you do not want your complaint sent to the Police Civilian

Review Board,” in addition to requesting reorganization of the remaining parts of the form to be more user friendly to the public.

Additionally, the Board requests on behalf of The People’s Coalition, Sec. IV, Subsection C, No. 1 of the Charlottesville Police Department’s General Order No. 49-99 be amended to reflect the current process that, “a copy of the complaint or service-related inquiry be forwarded” also to the Police Civilian Review Board.

The resolution passed unanimously.

### **Advisory Panel on Revisions to Ordinance and Bylaws -**

Vice Chair Mendez reported on the first meeting of the ad hoc work group to support the board with the revision of the enabling ordinance and development of new operating procedures. A Zoom meeting on December 11 was attended by Board Members Brown and Mendez, as well as Sarah Burke and Guillermo Ubilla (members of the Interim Board), Maisie O’Steen of the LAJC, and Gloria Beard and Katrina Turner representing the People's Coalition. Mr. Mendez stated that the purpose of the first meeting was to hear specific member concerns regarding police oversight and to plot a general strategy for the revision of the enabling documents. He reported that the group consensus was tending toward a hybrid model that includes investigative power and expanded access to information, along with review, and potentially an auditing function. The next steps included research to identify best practices for exercising specific powers (investigation, information access, disciplinary power) in small-medium size cities.

**Options for in-person NACOLE training** – Chair Watson reported that the Board has received a training proposal from NACOLE. The proposal includes eight sessions totaling 12 hours of live classes on topics relevant to the current status and future operations of the Charlottesville CRB. The proposed cost for the classes would be \$5,400. NACOLE stated that they were flexible with regard to scheduling and that they routinely record training sessions. Chair Watson reported that the City Manager had agreed to fund the training.

**Annual Report Outline** – Vice Chair Mendez presented an outline of the Board’s Annual Report required by our enabling ordinance. He requested inputs from Board Members in their areas of activity, and on any specific issues and recommendations that they would want to propose to the City Council. He stated that he would begin drafting the text of the report and provide a draft to the Board at the next meeting.

### **Pending Business:**

**Board Vacancy** – Council Member Payne reported on progress on filling the vacancy in the Board. He stated that the City Council had not pursued the issue previously because there were questions about what types of expertise would be needed to best meet the needs of the Board in light of likely changes in the enabling document and powers. He stated that the Council would issue a new application for Board volunteers on Monday December 21, and that the Council would consider applications (both new and those renewed by previous applicants) at its first meeting 30 days after the application was released.

**Executive Director Interview** - Chair Watson reported that the interviews for the remaining Executive Director candidates were scheduled for January 6. None of the staff present knew the number of remaining candidates, but there were at most five finalists. Mr. Mendez inquired as to the powers of the Board interviewers in the selection of the Executive Director. Assistant City Attorney Robertson replied that the current statute calls for the City Manager to explain their reasons for not hiring a candidate preferred by the Board interviewers. The Board briefly discussed methods for Ms. Brown and Ms. Johnson to present their recommendations to the board before submitting them to the City Manager.

**Public Comment Period #2 –**

**Sarah Burke** – Ms. Burke stated that she appreciates the importance of our behind-the-scenes work, but that openness and transparency are important. She said that there is no legal bar to the Board discussing public information and we should speak out where necessary. She suggested that there should be no opt-out language at all on the complaint form; the Board should automatically get all complaints.

**Don Gathers** – Mr. Gathers also expressed concerns about transparency. It is necessary for us to meet the needs of the community. Also, he asked if we have qualified applicants, why do we need more candidates for the vacancy on the Board?

**Walt Heineke** – Mr. Heineke asked when the Board is going to hire independent council; their help will be important as we revise the ordinance and bylaws. He also asked if there would be citizen representatives on the ED interview panel?

Chair Watson announced that we will be electing a new Chair and Vice Chair at the beginning of the New Year.

Miss Carpenter stated that the public outreach subcommittee was planning to hold two Zoom meetings with local churches in January, explain the Board's history and powers, the complaint procedure, and the implication of the new criminal justice reform legislation.

Chair Watson adjourned the meeting at approximately 8:03 P.M.

Next Meeting: January 14, 2020 at 6:30