

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: March 11, 2021

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

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

Staff: Lachen Parks, Maxicelia Robinson

Guests: Police Chief Rashall Brackney, Acting City Attorney Lisa Robertson, City Council Member Michael Payne

Chair Bellamy Brown called the meeting to order at 6:30 p.m. He announced the resignation of Board member Dorenda Johnson, and thanked her for her service.

Agenda Adoption – The Agenda was approved as proposed by unanimous vote. (Motion: N. Carpenter; Second: P. Mendez)

Adoption of Minutes – Chair Bellamy asked the Board to approve the minutes for the three previous meetings. Ms. Carpenter stated that she would like the Minutes from February 11 to reflect the discussion late in the meeting where it was agreed that the Board would revisit the election of officers and Mr. Mendez’ offer to resign as Vice Chair. Mr. Watson moved that the Board accept the Minutes for the November 24 and December 27 meetings and that the February 11 Minutes be revised to reflect the omissions identified by Ms. Carpenter. Motion seconded by P. Mendez. The motion passed unanimously.

Public Comment Session I

Walter Heineke – Mr. Heineke expressed concerns that there had been three resignations from the board and stated that he would like to hear from the individuals who had resigned. He suggested that part of the reason for the resignations was that the Board is not moving fast enough on updating its enabling ordinance and bylaws. He wants the Board to move rapidly to expand its powers to be consistent with Commonwealth criminal reform legislation.

Harold Folley – Mr. Folley stated that the People’s Coalition wants new powers for the board (“teeth”), and a stable and long-lived structure for police oversight. He expressed shock that Ms. Johnson has resigned and wanted to know why. He inquired about status of annual report.

- Mr. Mendez stated that he had not had time to work extensively on the annual report. Chair Brown noted that Sec. 2-463 of the Ordinance indicates report is not due until April 15 and that progress will be reported at the next Board meeting.

Maisie O'Steen – Ms. O'Steen expressed her thanks to the Board for their service. She noted the difficulty of moving forward without an Executive Director and asked whether the job would be reposted. She indicated that the People's Coalition will help spread the word to suitable candidates.

- Mr. Watson said that there have only been two resignations since the board actually began its work. He noted that the work is hard and that the resignations were not necessarily due to policy disagreements. He also expressed regret that Ms. Johnson has left the Board.
- Ms. Carpenter noted that the COVID State of emergency was declared one year ago, just as the Board was about to convene; COVID has upset everything and has slowed us down. The Board is moving forward as quickly as possible despite not being able to meet in person.

Status of Complaints

Chair Bellamy reported that this year the Board has received 13 complaints, either directly to CRB or forwarded from the Charlottesville Police Department, and that all of the investigations are closed. Ms. Carpenter asked whether we are receiving all complaints. She expressed concern to Chief Brackney that the new complaint form, with its opt-out choice, was unclear and might discourage complainants from filing complaints with the Board.

Chief Brackney affirmed that when complainants check the opt-in box on the complaint form, the CPD sends the entire complaint to the Board. She noted that the statute specifies complaints will be sent to the Executive Director, but she has agreed, in the absence of an Executive Director, to send complaints to the Chair or his designee instead. She then reviewed the development of the language in the complaint form, indicating that it draws heavily from the form used by Fairfax County and recommended by NACOLE and the Interim Board. She felt that legally the CPD had to provide complainants the opportunity to make an affirmative choice to opt in and could not make it automatic. The new form also clarifies if a complaint is made by a third party. The Board does not receive internally initiated complaints or if the complainants opt out. The Charlottesville IT department is working on an automated procedure where the CPD and Executive Director would receive complaints simultaneously, and to redact sensitive information. She is working with the Board Chair to improve communications.

The Chief directed the attention of the Board to the monthly reports on IA investigations issued by the CPD. She stated that the reports include an “unprecedented” amount of data, including demographic information on complainants and involved officers, findings of the investigations, and corrective actions.

Mr. Mendez asked if the CPD keeps the results of individual disciplinary actions confidential. Chief Brackney stated that CPD does not publicize information related to personnel actions for individual officers, but does identify corrective actions in their monthly reports. She noted that the CPD sustains a high proportion of complaints.

The Chief asked that the Board correct an erroneous statement by Mr. Mendez. Mr. Mendez stated that he had misspoken when he said that the CPD had provided an Internal Affairs report to a local newspaper, and apologized to the Chief.

Mr. Watson suggested that the UVA Police website provided an example framework for filing complaints. Chief Brackney indicated that complaint process needed to be more formal and detailed than the main UVA Police website.

Update on Executive Director Process

Chair Bellamy indicated that he has talked with City Manager Boyles regarding the pool of Executive Director candidates and that only one candidate had indicated ongoing interest in the post. This, and the long duration since the initial posting, suggest that the opening should be advertised again. Mr. Mendez suggested that if there had been any outstanding candidates, the interview process might not have “stalled” when it did. Ms. Carpenter agreed that the posting should be re-advertised, Mr. Watson suggested that the opening should be posted on the NACOLE job list, and Mr. Mendez indicated that he would notify the People’s Coalition when the job was posted. Ms. Carpenter moved that the Executive Director post be re-advertised. The motion was carried unanimously.

Update on Hearing Procedures

Chair Brown stated that the draft hearing procedure and public comments had been sent to the Board’s independent council for review. They were scheduled to have a revised draft “tomorrow.” He suggested that the revised document could then be put on the Board’s website and voted on at next meeting. Ms. Carpenter asked if all of the public comments had been considered, or is the Board going to discuss them further. Mr. Brown stated that some of the People’s Coalition and other public comments may be incorporated in new draft, but we can discuss further amendments before the procedure is approved.

Ordinance and Bylaws Work Group Report –

Mr. Mendez reported on the meeting of the Ordinance and Bylaws Working Group that took place on March 4. There was good attendance from public stakeholders (Harold Folley, Katrina Turner, Gloria Beard, Sarah Burke, Maisie O’Steen, Janice Redinger.) Board members Mendez and Chair Brown were also present.

The first topic addressed was the template provided by City Attorney Robertson as a basis for a revised ordinance. Mr. Mendez thanked Ms. Roberson for providing the document. He noted that while the template incorporated almost all the powers enumerated in the 2020 legislation, it lacked detail on issues related to independent investigation powers, information access, disciplinary power, and auditor/monitor function. There were few implementation provisions and detailed procedures still need to be worked out.

The Work Group also discussed approaches for implementing disciplinary power enabled by the 2020 legislation. Sarah Burke provided an issue paper on alternative approaches to disciplinary authority. After considerable discussion, the sense of the Work Group was that giving the board unconditional power to determine disciplinary action would be very difficult to achieve under the current City Charter and ordinances. A more practical approach would be to give the Board power to independently investigate “serious” misconduct and make specific disciplinary recommendations to the Chief of Police. The Chief could then implement the recommendation or,

if she chose not to, provide a written explanation. The Board and/or the complainant could then appeal the Chief's decision to the City Manager.

Next steps for the Work Group are to edit the template, possibly finalizing a revised draft by the next Board meeting, and to begin work on Procedures.

Mr. Watson asked if the ordinance could be amended to remove the opt-in requirement (to assure the Board received all complaints.) He noted that in some cities oversight bodies receive all complaints, although this requirement could be burdensome for our Board. Mr. Mendez agreed that it is important for Board to have access to all complaints; this might be achieved by having a single complaint intake interface and database to which both the CPD and Board (Executive Director) would have access. Chair Brown noted that the Board can develop procedures to assure the confidentiality of complaints.

New Business

Mr. Watson noted that the Board would not be spending all the allocated money for this year. He suggested that we should ask the City Council to use the left-over money to create a scholarship fund for local minority youth to attend PVCC and attain a degree in criminal justice. This would be a good way to reinvest in the community. Mr. Mendez asked if there were any other similar programs run by the CPD or Police Foundation program that we could team with. Ms. Robertson noted that the Board would need to ask the City Council to re-allocate funds.

Ms. Carpenter said that the CPD has just completed Cultural Climate Survey. She asked if the Board could see it, as an aid to fulfilling its mission? Ms. Robertson indicated we can vote to make a request to the Chief and indicated that this was an example of how important it is have procedures (related to information access). Mr. Mendez suggested that the Board request the survey form first, to see questions asked were relevant, and moved to make such a request. Phillip Seay stated that we should be aware that the results could be confidential and not intended for dissemination. Motion: C. Carpenter; Second: P. Mendez - motion was carried unanimously.

Mr. Mendez noted that Ms. Carpenter had asked for the board to revisit the election results. Ms. Carpenter stated that she no longer wished to revisit the results of the election, at least until the Executive Director is hired.

Public Comment Period #2 –

Harold Folley – Mr. Folley stated that he does not want funds allocated for the Board to go to other programs; the funds may be lost if we do. He also stated that we should encourage the City Council to fill the open Board seats.

- Mr. Watson replied that the money for a scholarship program would otherwise go to waste.
- Ms. Roberston stated that the ED post is fully funded for the next fiscal year. In response to a question from Mr. Seay, she explained that the Budget is not a “check book”, and only a few departments have “carryover” funds (not including the CRB.)
- Chair Bellamy and Ms. Carpenter noted that there are other unmet needs in the community.

Don Gathers – Mr. Gathers suggested that steering young people to police work is not desirable “in the current client.” He favors finding a way to pay Board and Commission members for work they do.

Walter Heineke – Mr. Heineke had two suggestions for how to use the extra money: (1) Hire a temporary auditor and see how it works out and help decide if we need a permanent post. (3) Conduct massive outreach campaign staffed by young people of color to educate the affected community. He also recommended that all important powers be put in the ordinance, rather in procedures, so that they will be “taken seriously.”

- Mrs. Robertson noted that the 2020 legislation clearly specifies the powers available to the Board, and that both the ordinance and procedures need to be approved by the City Council. Thus, there is little danger that “procedures” will not be taken seriously. She suggested we put all the powers in the ordinance, and all details in the procedures.

Upcoming Training Events

Chair Bellamy announced that the third NACOLE training session would be presented on March 25 at 6:00 PM. The final two sessions are scheduled for April 26 and May 9.

The Board voted to adjourn at 8:17 P.M.

Next Meeting: April 8, 2020 at 6:30