

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES

Date: July 8, 2021

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Bellamy Brown, Nancy Carpenter, Jeff Fracher, Dierdre Gilmore (joined late), William Mendez,

Staff: Brian Wheeler, Maxicelia Robinson

Guests: Assistant City Manager Ashley Marshall, Cynthia Hudson (CRB counsel), Councilor Michael Payne

Chair Bellamy Brown called the meeting to order at 6:32 p.m.

Agenda Adoption – Mr. Brown suggested of the discussions of the hearing procedures and proposed ordinance be combined. Motion by Mr. Mendez; Seconded by Mr. Fracher, and the amended agenda was approved unanimously (4-0).

Adoption of Minutes – The Minutes from the June 10 board meeting were approved unanimously (4-0).

Public Comment Session I

Jeff Fogel – Mr. Fogel Shared experiences concerning the functioning of the CPD Internal Affairs Division. He stated that his client Laquinn Gilmore was interviewed by IA with the assurance that a copy of the interview recording would be made available to him. Subsequently, the CPD refused to provide a copy, stating that the City Attorney had not allowed it. He also stated that the CPD refused to identify the officers present during the incident and refused to hold a lineup or allow the Mr. Gilmore to look at photographs to identify the officers. He as not allowed to see body camera footage of the incident, but the footage was later release by the Chief of Police and used to refute his claims of property damages. Mr. Fogel stated that the IA process was very unwelcoming and hard on complainants.

Katrina Turner - Ms. Turner discussed her complaint from five years ago, which has been referred to the Human Rights Commission. She stated that police violated procedures, altered records, and did not properly investigate her complaint. The special investigator refused to speak to her. She had received no cooperation whatever from CPD on any of her requests. She wished that there had been a strong CRB when she initially filed her complaint and stated that having a strong CRB will “help people like me” make sure that complaints are properly investigated. She inquired as to whether she can bring her case back to CRB.

Status of Complaints

Chair Brown reported that this year that 13 cases been forwarded to the Board of a total of 21 filed. Ten of 13 are cases closed; three remain open at the date of this meeting. Complaints filed in the last month include one by an African American female alleging a lack of professionalism, and one alleging rudeness, intimidation, lack of professionalism file by a Hispanic female.

Update on Executive Director Process

Chair Bellamy stated that he was recusing himself from this discussion and from any Board activities associated with the selection of an Executive Director because he is a candidate for the position. He called on Vice Chair Mendez to preside over this item of business. Dr. Fracher summarized the interview process so far, stating that eight highly qualified candidates had been interviewed in the first round, and that the current schedule called for making recommendations to the City Manager by the end of July. In response to a question from Ms. Carpenter, Mr. Mendez stated that the next steps, as he understood them, would be a second round of interviews attended by two Board members, and a final closed meeting attended by all three Board interviewers at which final recommendations for the Executive Director post will be discussed with the City Manager's representative. Dr. Fracher stated that he was favorably impressed by the candidates so far; the Assistant City manager has done a good job of selecting qualified individuals for interviews and structuring the interview process to be maximally informative. He stated that the next round of interviews has not yet been scheduled.

Public Comment Period #2 –

No one requested to speak at this time.

Update on Hearing Procedures and Enabling Ordinance

Mr. Mendez reported on meetings between Board members, Councilor Snook, and other stakeholders related to the proposed ordinance. He noted that the expanded scope of the contract with the Boards independent counsel allows Ms. Hudson to take over the task of incorporating stakeholder comments and drafting final versions for full Board review. He noted that a draft ordinance could be ready in a few days, and the intent is to provide ample opportunity for public comment once the Board has agreed on a preliminary version. Ms. Hudson noted that the documents (ordinance and hearing procedures) are close to being ready for review by the full Board, and suggested the Board may wish to consider holding a closed session to receive legal advice on the documents; she emphasized the importance of having a draft the adequately represented the views of the entire Board. Ms. Carpenter suggested that holding a closed session might not be consistent with the Board's policy of maintaining openness and transparency and stated that she was unclear as to why such a meeting would be desirable. Ms. Hudson reiterated that the decision to hold a close session was entirely up to the Board and she gave examples of why a closed session might protect the Board from future controversies. After further discussion¹ (and ascertaining that other members of the Board could attend), Mr. Mendez made a motion that the Board hold a special meeting at 6:30 PM July 14 to discuss the proposed procedures and ordinance, with the understanding that the Board could decide at that time whether it was necessary to go into closed session. The motion passed unanimously.

¹ The meeting may be viewed at <https://boxcast.tv/channel/arevwckqrofmm9t57myy?b=j68utccyfnwqkqs9qxq2>

Chair Brown stated that the hearing procedures draft has been extensively reviewed and has incorporated comments from stakeholders. Only a small number of very recent comments need to be addressed

Mr. Mendez inquired as to best way for us to distribute the documents among the Board before the Board has conducted formal discussion. Ms. Hudson indicated the meeting would have to be noticed as (potentially) closed. The intent of FOIA law is then that Board members would maintain confidentiality of the distributed documents. Ultimately, the need for confidentiality depends on whether there is a decision to go into closed session.

Public Comment Period 3

Harold Folley – Stressed the need for both the Board and City Council to GSD (get stuff done.) He pointed out that discussions of oversight may be confused by concerns related to spikes in violent crime. In his opinion, oversight is about maintaining rules for both the public and police. Allowing the police to review their own behavior has not worked. Charlottesville needs a strong oversight board.

Chair Bellamy announced that the special meeting on the 14th has been formally noticed.

The Board voted to adjourn at approximately 7:30.

Next (Special) Meeting: July 14, 2021, at 6:30