

Police Civilian Review Board Meeting
July 8, 2021 at 6:30 p.m.
Agenda
<https://www.charlottesville.gov/zoom>

- I. Call to Order (Bellamy Brown, Chair)
- II. Agenda Approval
- III. Adoption of Minutes
- IV. Public Comment (3 minutes per speaker)
- V. Status of Complaints
- VI. Update on Executive Director Process
- VII. Public Comment (3 minutes per speaker)
- VIII. Hearing Procedures Discussion
- IX. Discussion of Bylaws and Ordinance Issues
- X. Public Comment (3 minutes per speaker)
- XI. Adjournment

Next Meeting – August 12, 2021

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Remote participation supported for the duration of the City Manager's Declaration of Emergency issued March 12, 2020.

**CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD
MINUTES**

Date: June 10, 2021

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Bellamy Brown, Nancy Carpenter, Jeff Fracher, William Mendez

Staff: Brian Wheeler, Maxicelia Robinson

Guests: Deputy City Manager Ashley Marshall, Cynthia Hudson (CRB counsel)

Chair Bellamy Brown called the meeting to order at 6:33 p.m.

Agenda Adoption –The Board unanimously adopted the agenda as proposed

Adoption of Minutes – The Minutes from the May 8 board meeting were approved unanimously.

Public Comment Session I

Ms. Carpenter asked if any City Council candidates were in attendance. Mr. Wheeler indicated that there were not.

Adrienne Dent – Ms. Dent asked if it was appropriate for the CPD to memorialize the 1917 death of a CPD officer in a case that clearly involved grave injustice to Black defendants. Chair Bellamy indicated that the Board had no input into social media posts by the Charlottesville Police and she should contact the Tyler Hawn, the CPD Public Information Officer.

Status of Complaints

Chair Brown reported that this year that 18 citizen complaints had been filed, 11 sent to us by complainants; eight were closed and three remained open as of this meeting. The Board has forwarded two complaints to CPD, and nine complaints were forwarded by CPD to the board within the required timeframe. Mr. Brown then gave a brief summary of the nature of the allegations in the complaints. Vice Chair Mendez asked if the file containing the information on complaints could be shared with the Board. Chair Bellamy indicated that he would forward it to all Board members but noted that it could not yet be released to the Public.

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. Mr. Mendez noted that the first round of interviews had been scheduled for June 23 or 25, and that candidates were currently being screened. Deputy City Manager Marshall reported that screening of the 64

candidates was in progress with the objective of identifying those who best met the Board's requirements. She cited the interview procedure sent to Mr. Mendez and Dr. Fracher; there would be three rounds of interviews with PCRB members involved in all rounds. Dr. Fracher was currently scheduled to participate in the first round, Members Gilmore and Watson in the second round and all three Board members in the final round, which would be a closed session. She stated that she had sent the procedures to only two members of the Board (Mendez and Fracher) to maintain confidentiality under FOIA but that the procedure could be sent to the rest of the Board (except Mr. Brown) if we understood that doing so would render the document subject to FOIA requests. She noted that the FOIA concern applied to interview meetings as well, which was why two or fewer Board members were invited to participate except in the last closed meeting. Vice Chair Mendez agreed to send the interview procedure to all the Board members except Chair Brown. There being no further questions related to Executive Director hiring process, Mr. Brown resumed the Chair.

Public Comment Period #2 –

Molly Conger – Ms. Conger pointed out that sharing the case tracking file with the other Board members merely makes it harder for the public to obtain access it, owing to the costs of pursuing a FOIA request. Chair Bellamy noted that the public release is still under review and a final decision will be made by the Executive Director when hired. Ms. Hudson noted that we should consider whether we wish to claim FOIA exemptions for specific elements of the file (personal data) before release. Ms. Conger stated that the Board's reluctance to share information affects our credibility and commitment to transparency. Mr. Brown and Dr. Fracher noted that the Board is balancing the desire for openness with privacy concerns.

Update on Hearing Procedures

Chair Bellamy reported that the latest draft of the hearing procedures had been received from the Board's independent counsel. Ms. Hudson reported that she had reviewed the previous draft, incorporating edits from the City Attorney and addressed comments from the People's Coalition. She noted that transparency issues were among the matters being considered, stating that some specific types of information are legally required to remain confidential. She indicated that the next draft would be available in the next day or so. Mr. Mendez asked about next steps and time to completion. Chair Brown stated that the Board should be able to discuss the procedures and vote at the next meeting. The revised draft will be posted on the Board website giving the public another opportunity to comment. Vice Chair Mendez asked if the procedure is an update to the 2019 bylaws. Chair Brown indicated that it is not but merely specifies hearing procedures under the existing bylaws. He noted that the current draft will provide the baseline to which we can add the new powers under our revised oversight Model.

Update on the Revised Ordinance

Mr. Mendez reported on 2:2 meetings that had been held with members of the City Council regarding the revised ordinance. Mr. Mendez and Dr. Fracher had met with Councilors Snook and Payne to review the working draft ordinance wherein the Board was granted investigatory power and the power to make disciplinary recommendations. Comments received from Councilor Snook indicated discomfort with the investigative model; among other concerns was how criminal activity would be addressed. In his written comments, he proposed something like

an auditor review model. He also suggested that having multiple organizations (the Board and the CPD) conducting investigations would be confusing and duplicative. His more recent comments indicate that his primary reservations about the investigative model relate to specific practical issues.

Mr. Mendez and Dr. Fracher also met with Councilors Hill and Magill earlier in the week before this meeting. Councilor Hill expressed strong in-principle and practical reservations about the Board having investigatory power. Councilor Magill also had concerns about the practicality of the investigative model. She shared her past professional experiences with complex, poorly planned administrative structures that couldn't be made to work. Councilor Hill expressed worries that the Board could be dominated by anti-police activists who would be unfair to police. She asked that members, especially the Chair, should be well-trained. Mr. Mendez referred the Councilors to the Board's April NACOLE training on investigations.

Mr. Mendez stated that he and Chair Brown would be meeting with Mayor Walker on Friday June 11 to discuss the proposed oversight model and ordinance. He expressed the concern that we have not yet found a champion on the Council who will move forward and get beyond the repeated cycle of responding to multiple sets of comments. Dr. Fracher added that he thought Councilor Hill's concern (about potential bias and lack of training) applied strong to the Executive Director, as well as to Board members. He stressed that the interactions with the Council are an educational exercise; they are not experts in police oversight and are very busy. Ms. Hudson agreed to meet with Board members to refine strategies for providing information to the Council. She suggested that having a clean draft ordinance that the Board all agreed on would be a good tool.

Mr. Mendez stressed how much in common we have with experiences of other Boards. Many of the practical and policy concerns we have heard from stakeholders are routinely raised whenever new police oversight is proposed. Ms. Carpenter stated that people are tired of waiting; we need to move forward as quickly as possible. She suggested that we should put ordinance out now and let the Council debate it. She also expressed concern about whether we can get support from City Council candidates. Mr. Mendez noted that Councilor Snook still thought we could send a draft Ordinance to the Council in July and have the Operating Procedures on the Council agenda in early fall. He suggested that the Board make an effort to get a council-ready draft by first week of July, incorporating all the powers we want, accompanied by annotations supporting the various measures.

Chair Brown noted that two Council Candidates had made negative comments about giving the Board investigatory and disciplinary input, without ever contacting the CRB and informing themselves about the issues. He plans to discuss these concerns with them and hopes that their opinions may change. He cited past experience wherein politicians were reluctant to act in the face of public campaigns against oversight authority by police and suggested that the Council needed to take the issue of police oversight more seriously to address the needs of all sectors of the community.

Mr. Mendez agreed to move forward on a final revision to the ordinance in concert with the work group, in preparation for having a document for discussion and voting at the Board's next meeting.

Public Comment Period 3

Harold Folley – Mr. Folley expressed thanks for the Board’s work and recommended we “keep the pressure on.” He stated that the Board needs to provide leadership to Council. He cited the Board’s history wherein 2019 ordinance was flawed which has greatly limited the Board’s ability to move forward. He suggested we should not be “afraid to go first” (on oversight.)

Upcoming Training Events

Chair Bellamy announced that the last NACOLE training would be presented on June 30; the session being geared toward the City Council.

The Board voted to adjourn at approximately 7:40.

Next Meeting: July 8, 2021 at 6:30