

**CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD MEETING
MINUTES**

Date: September 9, 2021

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: Bellamy Brown, Nancy Carpenter, Jeff Fracher, Diedre Gilmore, William Mendez, James Watson

Staff: Brian Wheeler, Maxicelia Robinson

Guests: City Councilor Michael Payne, CRB Counsel Cullen Seltzer

Chair Bellamy Brown called the meeting to order at 6:28 p.m. He asked that there not be any destructive or “toxic” comments.

Agenda Adoption – Ms. Carpenter moved that Items 10-11 (dealing with PBA/PCRB issues) be placed earlier in the agenda ; no second was obtained. The Board approved the agenda as proposed, Ms. Carpenter the only “no” vote, Ms. Gilmore not voting. Ms. Carpenter indicated that Ms. Gilmore was having hardware problems and asked if there was any way to help her participate. Mr. Wheeler stated that he and Ms. Robinson would call her to assist.

Adoption of Minutes – The minutes from the last two meetings were approved unanimously.

Status of complaints – Chair Bellamy indicated that 19 complaints had been received this year, of which 15 were closed. There have been four new complaints since last meeting, one from an African American male suing the CPD, two for lack of training, and one related to professionalism. The last four complaints were still open. Chair Brown stated that the new management of the CPD was continuing to provide the Board with information related to complaints and the results of IA investigations.

Financial Report - Ms. Marshall reviewed the Aug. 31 financial statement that had been sent to the Chair and Vice Chair. She noted that statement did not include approximately \$6000 in legal expenses, but the next statement will include legal costs. Chair Bellamy noted that the Mar-July bills from Sands Anderson totaled \$17,280. He estimated that approximately \$35,000 would be spent by the Board this year on legal expenses. He stated that \$200,000 had been allocated for other expenses. Ms. Marshall noted that with July-June Fiscal Year, only the initial \$6000 would be included in this FY expenditures. Mr. Watson noted that we should set aside funding for additional NACOLE training. Ms. Carpenter requested having a more detailed financial information. Mr. Mendez suggested that the detailed financial report be sent to all Board members prior to the next meeting.

Executive Director Recruitment Process – Mr. Mendez reviewed the qualifications and experience of Mr. Aguilar. Mr. Watson noted that his experience in Fairfax County would be a great help in his work here. He noted that Mr. Aguilar has been in Charlottesville before and gone through NACOLE training, “looks like a really good fit.” Dr. Fracher noted that Mr.

Aguilar also had been a police officer which would help him give useful insights. Ms. Marshall noted that she will continue to assist to the Board, in addition to having the support from Mr. Aguilar. Ms. Carpenter thanked the previous Board Chairs for filling some Executive Director functions until Mr. Aguilar was hired.

Public Comment Session I

Harold Folley, - Mr. Folley stated that he strongly disapproved of Chair Brown's statement of Aug. 12 and its impact, and that he was against the growing influence of the PBA.

Katrina Turney – Ms. Turner stated that she did not approve of a CRB that included police or where police could go to file complaints.

Sarah Burke – Ms. Burke said that the Board Chair had made a statement concerning police leadership without having all the data and had thus jeopardized the credibility of the Board and the likelihood that investigation authority would be granted.

Don Gathers – Mr. Gathers stated that the recent actions of the Chair have discredited the Board and that the Board should not become involved in City politics or decisions about the police Chief. He questioned the Chair's reference to four "core members" of the Board.

Ang Conn – Ms Conn wanted to know if the CRB is answering questions during the comment period; they should because they need to be responding directly to community concerns. She stated that Chair Brown should resign.

Amalia Garcia – Ms. Garcia stated that the community deserves answers about the removal of Chief Brackney and that the PBA is against police reform.

Adrew Shelton – Mr. Shelton stated that the public deserves answers about role of Board and Chair Brown in the removal of Chief Brackney. "We need answers to questions."

Dr. Fracher requested the floor on a matter of personal privilege. He stated that his support for a change in leadership of the CPD did not constitute a not a lack of commitment to police reform. He strongly believes in equal treatment for all citizens and reaffirmed his commitment to strong police oversight. He denied that his actions were influenced by the PBA and stated that neither he nor the Board were "in anyone's pocket." He stated that unequal policing must end and that the Board needs the support of all constituencies. He said that neither he nor the Board had any role in removal of Chief Brackney.

Legislative Recommendation - Dr. Mendez described a possible amendment to Virginia Code 9.1 600 that would allow municipalities to delegate the power to receive and process complaints to oversight organizations. The current statutory language could be interpreted to limit these powers to police departments only, thus limiting the ability of the oversight organizations to receive complaints. He stated that he has forwarded this recommendation to the City Attorney and City Manager and will continue to pursue the issue.

Operating Procedures – Mr. Mendez called attention to the outline of the Board's Operating Procedures that had be included in the agenda package. He stated that the procedures are

necessary to implement powers sought in the Ordinance. He noted that there had been no response to the outline from stakeholders or the City Council and that a planned 2-2 meeting with the Council had not happened owing to recent distractions. He requested ongoing support from organizations that speak for the oppressed and disenfranchised. Ms. Carpenter noted that there was substantial public mistrust but that action on the ordinance and operating procedures needs to move forward, nonetheless.

Public Comment Period #2

Joy Johnson – Ms. Johnson stated that Black women have to fight other racial and gender groups to achieve power and that white people did nothing while mayor Walker was being “trashed” at the last Council meeting.

Brandon Collins – Mr. Collins stated he is enthusiastic but frustrated because the Board does not currently have community support. He recommended the Board repudiate Chair Bellamy’s actions.

Kate Fraleigh - Ms. Fraleigh Congratulated that Board and Work Group for getting a good ordinance but stated that the Board has lost trust and momentum owing to the actions created by the Chair.

Sarah Burke – Ms. Burke the Board has lost community trust and that the Board needs to investigate and discuss behind-the-scenes actions associated with Chief Brackney’s dismissal.

Chair Brown responded that the Board had no influence on the chief’s removal and thus cannot comment on the reasons for it.

Katrina Turner – Ms. Turner recommended asking Chair Brown to resign because he has discredited the Board and has caused a loss of public support.

Louisa Genette Candelaria – Ms. Candelaria stated that Chair Bellamy should be removed based on his statement and social media posts.

Harold Folley – Mr. Folley stated that his major concern was about the Board’s apparent alignment with the PBA; he wished to know how many Board members know about the Chair’s statement in advance.

Ang Conn – Ms. Conn expressed concern over disrespect toward the women on the Board and stated that Chair Brown should resign.

Jeff Fogel – Mr. Fogel Stated that Chair Brown had interfered with his relationship with client LaQuinn Gilmore, and asked that the City Council remove Chair Brown from the Board

Chair Brown responded that Mr. Gilmore is a good friend who has experienced bad policing in the past. His communication with Mr. Gilmore was based on his understanding that Mr. Fogel had not been in contact with his client.

Ms. Gilmore stated that as a citizen, she wouldn't trust this Board under the circumstances. Historically, she has never gotten justice from the police. The board is unraveling and some members have no idea what it's like to be brutalized by police. The Board needs to re-establish public trust and assure the police are held accountable. The racist system needs to be broken down.

Don Gathers – Mr. Gather posted the question “who are the four core members” of the Board that Chair Brown referred to? Many folks didn't care for Chief, but her firing wasn't fair. Regarding Chair Brown's statement, what the PBA does, he stated the Board should do the opposite. The CRB should continue the strong action against bad policing implemented by Chief Brackney.

Pat Calvert – Mr. Calvert thanked the Board for their hard work and stated that it should continue. With the public is losing faith in the Board, will Chair Brown resign?

Kate Fraleigh – Ms. Fraleigh stated that the Chair accepted information from an anti-oversight organization. She referred the public to Michael Wells statements at the last city Council Meeting.

Jeff Fogel – Mr. Fogel defended his approach to representing Mr. Gilmore and requested that the Board Chair Brown be recused from all cases involving Mr. Fogel, based on his clear personal animus. He asked when the Board was going to hold a hearing on his case.

Sarah Burke – Ms. Burke asked if Chair Brown's communication with LaQuinn Gilmore undermine the ability of the Board to hear the case? It was very bad if the Chair actually attempted to get Mr. Gilmore to fire his lawyer. She stated that the Chair claimed responsibility for Chief Brackney's firing and objected to his social media posts.

Katrina Turner – Ms. Turner expressed concern that Chair Brown has been working with the police for a year. She asked if the Board influenced IA decisions, and what proportion of complaints have been sustained? The Board should re-evaluate who's most important, citizens or the police.

Chair Brown clarified that no cases have been heard by the Board.

Dr. Fracher reminded the public that our current ordinance is toothless and we are awaiting an Executive Director. Our new ordinance will be much stronger.

Board Discussion

Nancy Carpenter Ms. Carpenter read into minutes a statement from the Peoples Coalition concerning Chair Brown's and the Board's involvement in the release of Chief Brackney. She also read into the record an email she sent to the City Manager, City Council, and City attorney. Both documents were strongly disapproving of Chair Brown's conduct related to the public statement at the August 12 Board meeting, his interactions with the PBA, and other activities that, in the senders' judgement seriously affected the credibility and trustworthiness of the Board. Both statements call for the Chair's removal or resignation.

Vice Chair Mendez -- Mr. Mendez pointed out that the Chair's statement on Aug. 12 was clearly identified as personal and not reflecting the opinion of the Board, although it was unfortunate that Mr. Brown had used the Board meeting as the occasion for the statement. He stated that chair Brown was not working with the PBA, and said that gathering data from the police is "not a crime." Nonetheless, he thought the Chair's remarks were unwise and had a divisive effect, which was aggravated by his confrontational social media posts. He stated that it would set an unfortunate precedent if the City Council removed the Chair, however. He introduced a motion that the Board consider the following resolution: "The Charlottesville Civilian Review Board no longer has confidence in the desirability of Bellamy Brown continuing to serve as the Chair of the CRB" Ms. Carpenter seconded the motion.

The Board discussed the motion. Vice Chair Mendez confirmed that the motion was only advisory, as the Board has no authority on its own to remove a member or remove a member from serving as Chair; the hope was to get the sense of the Board and possibly to influence a change in behavior.

Clarification from legal counsel indicated that a "yes" vote meant support for the resolution. The Motion failed 2-3; members Carpenter and Mendez in favor and Brown, Fracher, and Watson opposed. Repeated attempts to obtain a vote from Ms. Gilmore failed owing to technical difficulties. Ms. Robertson noted that she was not sure if the Chair should be allowed to vote on a motion affecting himself. Mr. Setzer offered to research the question and get back shortly.

After the vote Chair Bellamy cited his history of an adverse encounter with police in support of his dedication to better oversight. He stated that but we should also hear input from police, since such input could lead to better policing. Mr. Watson suggested that the Board hold a town hall to better connect with the community Mr. Mendez also recommended that the Board hold a face-to-face retreat when the new Executive Director arrives. Mr. Fracher reiterated his support for the proposed ordinance and urged the public to let the City Council know they support it.

The meeting was adjourned at 9:01 PM, Ms. Carpenter being the sole vote against adjournment.

Next Meeting: October 14, 6:30 PM.

Attachment 1. Chairman's Statement on Police Leadership and Its Community Impact

Good evening members of the Board, City Leadership, and the Community. While I am currently Chairman of the Civilian Review Board, the views in this statement are purely my own. I believe there is a crisis in leadership and morale in the Charlottesville Police Department. Over the course of the past year, I have been meeting with officers from the Charlottesville Police Department in order to become a better-informed member of the Police Civilian Review Board. Many of those conversations led me to speak with other senior leaders in our community for corroboration and additional facts. Those sources will remain confidential; however, the content of this statement has been corroborated by at least two sources for the facts presented. This statement is made without regard to race or gender, but rather leadership capacity and effectiveness.

Over the course of my discussions with CPD officers and other senior local leaders, the Board has learned of the existence of a "Command Climate Survey," which was designed to provide an internal gauge of the conditions of the Charlottesville Police Department. The Police Civilian Review Board was provided with one of the seventy survey response forms. The respondent states that, "[leadership] takes problems around the department personally, [leadership] is not open to evaluation and improvement, and that the survey will not be taken seriously by [leadership] and used to move the department as a whole in a positive direction." It's further stated the officer is, "actively seeking employment elsewhere with [leadership] and their decisions being a major factor." Of particular note the officer states, "I would really like to see the morale in the department be in a much better place. This is huge in retaining staff. Pay is important, but appreciation is key!!!"

It's also my understanding that the other sixty-nine responses present a similarly dire picture. Additionally, the Police Benevolence Association (PBA), has subsequently conducted another survey under which 80-90% of the sixty-five responding officers reported a negative view of the climate inside of the Charlottesville Police Department due to the perceived leadership shortcomings. I have also been made aware that officers of the PBA have been threatened with retaliation if the survey is published.

Through additional conversations with senior local government leaders, the problems with police morale and unresponsive and inflexible management have been known for some time; but no action has been taken to date.

It is my recommendation that community members email and call all members of City Council and the City Manager everyday until action is taken on behalf of the greater good of the community. Additionally, it is my recommendation that community members follow my lead and support city council candidates in favor of strong police oversight for Charlottesville City Council in November. If there was ever a case showing why this Board should be fully funded and supported, this is it, due to the fact that this is the only government entity that has been transparent with the public on this matter in bringing this to the public's attention. A strong policing oversight body would also provide officers with a place to bring reports of abuses or policy violations without fear of retaliation or fear of an unfair process.