

CHARLOTTESVILLE POLICE CIVILIAN REVIEW BOARD MEETING

MINUTES

Date: October 14, 2021

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

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

Staff: Brian Wheeler (Communications), Maxicelia Robinson (Clerk), Hansel Aguilar (E.D.)

Guests: Deputy City Manager Ashley Marshall, Assistant Chief Tito Durette, CRB Counsel Cynthia Hudson

Call to Order: Chair Bellamy Brown called the meeting to order at 6:30 p.m.

Agenda Adoption -

Vice Chair Mendez- Motioned to include “*Discussion on the proposed amendment to interim hearing procedures.*” Motion was seconded by Dr. Fracher. Ms. Carpenter sought clarification on public comment section and its placement. Ms. Robinson pulled the Board and motion to amend the agenda passes (5-0). Vice Chair Mendez clarifies that minutes for last meeting would be provided at the next month meeting.

Interim Procedures -

Vice Chair Mendez discussed progress and work of hearing procedures. He mentioned that the City Councilors (via workgroup) mentioned that a *hearing officer* should be part of the hearing process. Dr. Fracher emphasized that the hearing procedures are for the interim and asked Ms. Hudson if she had additional comments on the procedures, but she did not at that time. Mr. Watson asked Mr. Aguilar whether in Fairfax they had *hearing officers* in Fairfax and Mr. Aguilar indicated that the Fairfax model does not have hearing officers, but the DC model does. Ms. Carpenter indicated she had reservations with the usage of the word “*officer*” and sought to see if it could be amended to “*examiner*”. Vice Chair Mendez accepted the friendly amendment and indicated that there was no attempt to suggest that the *hearing officer* would be a *police officer*. Ms. Carpenter sought clarification if there was a sunset clause on the procedures and Vice Chair Mendez indicated that there was an implied clause and that once the new ordinance passed, the new procedures would be in place. Motion to vote on procedures as amended was made by Vice Chair Mendez and seconded by Dr. Fracher. Prior to voting, Vice Chair Mendez reminded that public comment was necessary prior to voting.

Public Comments (1) –

Mr. Don Gathers called in to inquire how this would be beneficial to the public. He expressed concerns that a hearing officer/examiner could be prejudicial if he has a background in law enforcement.

Response to Public Comments (1) –

Vice Chair Mendez indicated that the Board would be assisted by the hearing officer/examiner by ensuring due process. He indicated that the hearing officer/examiner may also be a civil rights attorney. Dr. Fracher

clarified that it does not necessarily have to be someone who worked in the criminal law field. He added the purpose was to keep the process fair. Chair Brown asked Ms. Hudson if she had any commentary about the use of a hearing officer/examiner. Ms. Hudson indicated that there was no legal prohibition on the Board implementing such a feature to the process and there is precedent in other similar bodies. Chair Brown called a vote and Ms. Robinson conducted the vote on the motion to adopt the hearing procedures (as amended). Amendment carries unanimously.

Status of Complaints –

Chair Brown provided update on complaints received since last meeting. Vice Chair Mendez indicated that community members have made requests regarding the origins of the complaint (i.e. internally or externally generated).

Finance Report-

Chair Brown provided update on the finances of the Board. He indicated that the report has not changed much since last time.

Introduction to ED

Mr. Aguilar provided introductory remarks. He provided a brief professional background and his vision for civilian oversight of law enforcement in the City of Charlottesville. Ms. Carpenter asked Mr. Aguilar if he was open to collaborating with Peace in the Streets and B.U.C.K Squad. Mr. Aguilar responded that he was aware about those groups and still learning more about other potential partners. Vice Chair Mendez asked about complaints software. Mr. Aguilar informed the Board that he is currently working with IA and attempting to identify the best system for all parties. Chair Brown, Mr. Watson, Ms. Carpenter and Dr. Fracher welcomed Mr. Aguilar to the community.

Ms. Carpenter informed the Board that she reached out to Major Mooney to provide an update on the potential changes and amendments to some general orders. Those policies were sent by Chief Brackney approximately a year ago. Ms. Carpenter stated that some of the language was outdated and

Remarks by Assistant Chief Durette

Major Durette introduced himself to the Board. He provided a brief overview of his service record in the department. He indicated that he has met with Mr. Aguilar and will continue to work with him and the Board to make sure there is justice across the board.

Dr. Fracher thanked Major Durette for attending.

Vice Chair Mendez asked who the point of contact regarding interim procedures will be. Major Durette said that inquiries could be directed to him and he will work on delegating matters to appropriate CPD designees.

Mr. Watson asked about any specific actions, processes, or strategies that the CPD will implement to help the community regain trust in the CPD. Major Durette acknowledged that the community is “hurting” and that the strategy will be to establish some “courtship” in order to continue the trust building. Major Durette indicated that it is important to treat individuals, fairly, equitable and as humans. Mr. Watson followed up to inquire about recruiting practices and whether the CPD is focusing on local recruitment.

Major Durette indicated that there is a strong relationship with Piedmont Community college that helps in recruitment, but also acknowledged that recruitment of law enforcement is an issue nationwide.

Chair Brown asked if he knew about any upcoming changes in the Spring. Major Durette indicated that he did not know of any changes other than his upcoming retirement.

Ms. Carpenter asked about the possibilities of reviewing budget proposals of the CPD. Chair Brown allowed DCM Marshall to provide some information about budgeting season. DCM Marshall indicated that the City is moving into a system where the City budget's will be more readily available to the public. She indicated that she will be working with the PCRB ED and Chair to ensure that the budget needs of the PCRB are reflected. She assured that the Board will be informed of the process every step of the way so that they could have an input.

Public Comments (2) –

Community members expressed concern about an "email" between Chair Brown and Councilor Hill. Specifically, Ms. Turner read the text of the message between the two parties. She felt the text was disrespectful to various community members. Ms. Turner also expressed concerns about the current Chair of the PCRB.

Another community member, Andrew Shelton called in to express concerns about the no-confidence vote and the participation of the Chair in that vote.

Don Gathers called in to welcome Mr. Aguilar and express concern about the messages between Chair Brown and the city councilor. He also expressed concern about the lack of discussion from PCRB members about the incident.

Code of Ethics

Vice Chair Mendez explained the purpose of a code of ethics for the Board and repercussions for non-compliance (i.e. removal of Board members). He presented the Fairfax Co. Civilian Review Panel and the Salt Lake City Civilian Review Board code of ethics.

Ms. Carpenter expressed the code will be important to consider given statements that could have been harmful to different communities.

Dr. Fracher discussed the challenge with First Amendment rights of the Board members and portraying neutrality and remaining impartial.

Vice Chair Mendez expressed that some first amendment activities could be appropriate insofar as it does not contradict the Board's work.

Mr. Watson expressed his support for a code of ethics. He stated that some actions are not appropriate for Board members to participate in (i.e. speaking directly to complainants and or their attorneys). Mr. Watson provided the opportunity for Chair Brown to explain some of his statements.

Chair Brown accepted the opportunity to discuss some activities. He clarified that he has never spoken to complainants. He said he spoke to an attorney of the complainant in order to discuss the logistics of holding the hearing. He elaborated that the other comments that are being misrepresented by members of the public were taken from a private conversation that was accessed through a FOIA request by Chief

Brackney and subsequently passed along to members of the public. He indicated that he would not elaborate further on other matters until a later time so that he could speak freely and not impede with the work of the Board.

Public Comments (3) –

Ms. Turner expressed that the explanation that Chair Brown provided was not acceptable. She asked Mr. Aguilar to clarify what his race was, but no response was given. Ms. Turner called on the Board to challenge the Chair on his statements and to “get rid of Mr. Brown.”

Ms. Beard called in to express discontent with the Chair and requested an apology from Chair Brown for his past statements.

Adrian Dent expressed interest in a town hall and or community discussions led by the PCRB.

The meeting was adjourned at 7:45 PM with unanimous vote.

Next Meeting: November 18, 6:30 PM.