

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Tuesday, May 14, 2019, AT 3:00 p.m. IN Council Chamber, City Hall, 605 E. Main Street, Charlottesville, Virginia.

THE PROPOSED AGENDA IS AS FOLLOWS:

City Council discussion of Police Civilian Review Board proposals.

BY ORDER OF THE CITY COUNCIL

BY Kyna Thomas

COUNCIL CHAMBER – May 14, 2019

City Council met on this date with the following members present: Ms. Nikuyah Walker; Ms. Heather Hill; Ms. Kathy Galvin and Mr. Mike Signer. Dr. Wes Bellamy arrived at 3:39 p.m.

Ms. Walker called the meeting to order at 3:10 p.m.

Ms. Hill reviewed the proposed goals for the meeting:

- Receive feedback from City Attorney's office relative to placement of proposals in final by-laws, an ordinance, or administrative procedures
- Discuss scope of the permanent Civilian Review Board (CRB) relative to the Arms proposed - (1) Complaint and Independent Auditor (, (2) Audit and Policy Review and/or, (3) Community Engagement & Police/ Community Affairs
- Discuss composition of the Permanent CRB and Selection Process
- Discuss consideration of paid staff to support the CRB and corresponding funding - Executive Director and Auditor
- CRB and staff access to Charlottesville Police Department (CPD) data and documents (subject to confidentiality agreements); and
- Final timeline of CRB's work

Mr. Blair began the discussion by handing out a copy of the Charlottesville Planning Commission Bylaws as a guide to help distinguish between ordinances, bylaws and administrative procedures. He also gave a brief summary of related terminology and advised that at least a portion of what the CRB is proposing would need to be codified in an ordinance.

Mr. Blair advised that the scope of the three Arms presented by the CRB would be part of an Ordinance; the composition of the CRB and the selection process would be by Ordinance; paid staffing positions to support the CRB would be determined by Ordinance; and funding would be part of Budgetary or Administrative operations.

Mr. Signer advised of past challenges to Council authority. Mr. Blair advised that the bylaws submitted neither contain subpoena power nor disciplinary authority for police officers,

so they would not violate Dillon's Rule in Virginia. As far as data, further research would be needed to study the limits of data accessibility, especially regarding juveniles.

Ms. Galvin noted that the structure of the Human Rights Commission ordinance serves as precedent to the CRB ordinance.

Council discussed concerns about parallel investigations with CRB and Internal Affairs, how conflicting results would be resolved, and whether an appellate process has been proposed.

Ms. Sarah Burke provided feedback on behalf of the CRB.

Dr. Bellamy arrived at 3:39 p.m.

Mr. Signer asked how confidentiality would be enforced. Mr. Blair gave a couple of possible scenarios including possible legal sanctions, the City Manager enforcing the City Personnel Policy, the CRB passing a resolution expressing disappointment or Council acting to remove the member in violation. Discussion ensued to affirm that CRB investigations would not interfere with criminal investigations.

Ms. Walker reviewed the proposal for the Executive Director (ED) position. Mr. Blair advised of the potential for conflict, perceived and real, if the ED is given investigatory powers.

Mr. Joshua Bowers of the CRB advised that the parallel process should be a rarity.

Ms. Walker asked about the complaint process and how to formalize it to alert both the Charlottesville Police Department (CPD) and the CRB at the same time. Mr. Blair advised of restrictions based on the government data collection and dissemination practice. He advised that complaints received by CPD could automatically go to CRB if given the express consent of the citizen. This could help to alleviate some concerns with underreporting.

Ms. Hill asked about a timeline. Chief Brackney advised of initial 45 days to respond to the complainant; then a 30-day extension can be requested by the investigating officer – giving reason and expected completion date. Chief Brackney advised that she is now posting on the CPD website additional information: the case number, date, and case status. She has also enacted a compliance team and audit team for outstanding cases. She advised that complainants are notified of any collateral findings and are able to file an appeal.

Mr. Bowers stated that there is not just one 30-day extension, but they can be indefinite.

Ms. Walker expressed the need to put measures in place to make sure that complaints are resolved in a timely manner. She guided the CRB to discuss a proposal of a timeframe.

Council agreed that the Executive Director position would be needed.

In response to feedback from the CRB and People's Coalition, Chief Brackney advertised for an Internal Affairs Investigator position and Sensitive Data Specialist. The CRB has not

reviewed the positions and will consider their role in relation to the Police Auditor position which was requested. Mr. Bowers advised that the CRB specifically asked for the Police Auditor position as an independent entity.

Mr. Blair clarified that any employee of the CRB would report to the City Manager.

Dr. Bellamy expressed interest in having a Council member as a voting member of the CRB. Ms. Burke advised that having a Councilor as ex-officio would allow engagement without undue influence.

Mr. Signer agreed with Dr. Bellamy that a Councilor should have voting power on the CRB. He expressed concern that the membership requirements were too prescriptive and may hinder filling positions; he suggested refining the characteristics of member seats.

Mr. Bowers gave feedback on board composition and the selection criteria. He advised that a single board member could satisfy multiple criteria.

Ms. Hill shared that there has been interest for the public to interview board candidates. Dr. Bellamy advised against public interviews for board members as some potential members are not interested in participating in a public process.

Mr. Signer expressed budget concerns. Mr. Signer left the meeting at 5:00 p.m.

Council reached general consensus that the current CRB would participate on the interview panel for new members, and confirmed that the current Board could remain in effect until July 1, 2019.

Ms. Burke asked about staff position feasibility in order for the CRB to move forward with writing an ordinance and bylaws. Ms. Galvin advised that she would support both positions. Ms. Walker expressed support for ED and would like to hear feedback on Auditor once other CPD positions are reviewed to avoid redundancy. She would not be in favor of extending board terms past July 2, 2019, but would be open to discussing should the need arise.

Ms. Hill agreed with Ms. Walker on positions. As far as terms, she advised that she would be okay with waiting to make a determination.

Dr. Bellamy commended the CRB, Mr. Blair and Council for the work done to date.

Ms. Walker opened the floor for public comment.

Mr. Walt Heinecke made remarks regarding the parallel process, the Independent Auditor position and reporting structure.

The meeting was adjourned at 5:21 p.m.