

September 19, 2019
Charlottesville City Council Special Meeting
Worksession to Receive Input about Forming a Civilian Review Board

A special meeting of the Charlottesville City Council was held on Thursday, September 19, 2019, at 6:00 p.m. at CitySpace Large Conference Room, 100 5th Street NE, Charlottesville, Virginia, to discuss in worksession the formation of a Police Civilian Review Board.

Mayor Nikuyah Walker called the meeting to order at 6:03 p.m. with the following councilors in attendance: Mayor Nikuyah Walker, Vice Mayor Heather Hill, and Ms. Kathy Galvin. Mr. Mike Signer arrived at 6:15 p.m. and Dr. Wes Bellamy arrived at 7:18 p.m.

Ms. Walker turned the meeting over to Charlottesville City Attorney John Blair, who gave an overview of the worksession and introduced the panelists from Fairfax, Virginia, who would be sharing their experience:

- Mr. Adrian Steel (Former Civilian Review Panel (CRP) Member)
- Ms. Gentry Anderson (Management Analyst I, Office of the Independent Police Auditor)
- Mr. Hansel Aguilar (CRP Member)
- Mr. Richard Schott (Independent Police Auditor)

Mr. Steel read a prepared statement regarding findings from his time on the Fairfax CRP. He advised that the scope of the review panel would need to be clear. One essential outcome for Fairfax was that the oversight panel decided to investigate serious misconduct or abuse of authority. He indicated the need for clarity in what documents the civilian entity would be able to review, and clarity about to whom the civilian entity would report, which in this case he advised Charlottesville's civilian entity would report to City Council. The Fairfax panel reviewed the investigations and not the complaints themselves—determining whether the investigations were thorough, complete, impartial, unbiased, and accurate. He shared that the findings letters should be substantive, and advised Councilors to consider how the Freedom of Information Act investigatory exemption would impact the effectiveness of the panel. He emphasized the importance of effective communication.

Mr. Hansel Aguilar spoke about the need for adequate resources related to budget and human capital. He also shared some challenges and roadblocks that he has encountered as a member of the oversight board:

- having City Email addresses
- logistics of having a public meeting, particularly when needing to discuss an immediate issue
- mistrust issues when meetings have to go into closed session for discussion of personnel issues; and
- cumbersome processes for reviewing each case.

He also spoke about the pros and cons of independent investigations. He issued a challenge for City Council and others to review an article entitled, “The Social Accountability in Institutional Change: The Case of Citizen Oversight of Police” by Mir Usman Ali.

Ms. Anderson advised that she serves as staff coordinator for the nine-member CRP in Fairfax. She receives complaints and shares them with the panel, and keeps track of complaints in a database. She schedules meetings and provides logistical support, and makes sure that the Panel is compliant with public meeting requirements. She responds to Freedom of Information Act requests, and other staff perform records management duties. Ms. Anderson also coordinates outreach efforts. Her suggestions were to provide a City email address or require panel members to establish a designated email, and document procedures of the Panel.

Mr. Schott advised that he has a staff of three, including himself, and they spend a majority of their time on Panel work. He made several suggestions based on his experience. His staff works in a location separate from the Police Department. He suggested that the Panel should have access to the entire “file”. Some unanticipated items were: getting email accounts for the panel; community outreach; logistical support; establishing websites for the Auditor and Panel; legal counsel representing the City versus independent counsel; salary and training expenses for paid staff; and developing a respectful professional relationship between the Panel and the Police Department. He suggested mandatory ride-alongs with police.

Mr. Signer arrived at 6:15 p.m.

Ms. Walker opened the floor for questions from Initial Civilian Review Board members:

Ms. Sarah Burke asked whether the Independent Counsel attends all CRP meetings. The answer was yes, and that Independent Counsel would also work with the CRP Chair on a weekly basis to advise.

In response to further questions from Council, the panelists shared thoughts on: the need for synergy; the use of majority rule, with a built-in dissent process; various aspects of the program derived from the Virginia Beach program; considerations for choosing board members, and the use of ad hoc commission members.

Dr. Bellamy arrived at 7:18 p.m.

Panelists advised City Council to retain applications even after appointments are made because of the potential rate of turnover, and emphasized the importance of filling vacancies as soon as possible.

In response to questions from City Council, Fairfax panelists shared information about the following:

- board applications being in closed session and the votes announced publicly;

- involvement of the CRP in addition to conducting investigations such as community engagement and raising awareness about rights and the complaint process;
- the use of public forums regarding policy;
- making recommendations for policy or training needs;
- the interview process for the Independent Auditor position involving ;
- the trigger for the panel to review an investigation; and
- the process for building trust with members of the panel having prior law enforcement experience. Mr. Aguilar advised that his experience informs him, and it is a benefit to the panel because of the insight and the urge to be thorough. Mr. Steel also advised that there was implicit trust in the Police Chief.

Ms. Walker opened the meeting for public comment.

Ms. Sarah Burke asked a question of Mr. Schott, who advised that he reports directly to the Board of Supervisors, and he described his duties.

Mr. Jeff Fogel made a comment about how accuracy in a report can be determined.

Ms. Tanesha Hudson asked how many people are on the CRP who have come from disparate backgrounds. She asked how to move forward when an individual member of the Panel disagrees with the group decision. Mr. Aguilar provided a response, with followup from Mr. Steele, advising of majority rule. He advised that bylaws are a factor in determining authority in decision making. Mr. Aguilar also shared a little about the disparities that he has faced.

Ms. Adiola Ogunkeyede asked about public forums and access to police department policies for review. Panel members agreed that every community is different and that Charlottesville would have to find what works best for the community. Efforts to improve Charlottesville would come from being a student of this type of work, and understanding Charlottesville as well as how issues are being handled in other jurisdictions.

Mr. Tony Wasch asked about a time period for determination of a pattern of racial bias in an officer's history. Mr. Aguilar and Mr. Steele responded that the information can be requested, and handled on a case-by-case basis.

Mr. Walt Heinecke made comments about his takeaways from the worksession, and addressed the proposal made by the Initial Civilian Review Board.

Ms. Walker thanked the panel and adjourned the meeting at 8:15 p.m.