



## **CITY COUNCIL AGENDA October 26, 2021**

### **Members**

Nikuyah Walker, Mayor  
Sena Magill, Vice Mayor  
Heather D. Hill  
Michael K. Payne  
J. Lloyd Snook, III  
Kyna Thomas, Clerk

### **5:00 PM JOINT WORK SESSION**

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). Virtual/electronic meeting in accordance with a local ordinance amended and re-enacted October 4, 2021, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

### **Call to Order and Roll Call – City Council**

### **Call to Order and Roll Call – Police Civilian Review Board (PCRB)**

### **DISCUSSION:**

- 1. PCRB Interim Meeting Procedures**
- 2. PCRB Proposed Ordinance**

### **PUBLIC COMMENT**

### **CLOSING REMARKS**

### **Adjournment**

## Summary of Civilian Oversight Board Proposed Ordinance

(Full text posted at <https://www.charlottesville.gov/1446/Working-Documents>)

Ordinance Section	Summary
Sec. 2-450.-Title	<ul style="list-style-type: none"> <li>Changes name to Police Civilian <u>Oversight</u> Board to convey a broader focus than solely complaint review</li> </ul>
Sec. 2-451.-Police Civilian Oversight Board Established; Immunities.	<ul style="list-style-type: none"> <li>Modifies mission statement from 2019 Bylaws reflecting new oversight functions</li> <li>Board has sovereign immunity “as provided by Virginia statutory and common law”</li> </ul>
Sec. 2-452.-Powers and Duties of the Police Civilian Oversight Board	<ul style="list-style-type: none"> <li>Enumerates general powers from VA 9.1-601 (investigation, complaint review, audit, policy recommendations, subpoena power, budgetary review, disciplinary <b>recommendations</b>)</li> <li>Specifies Board shall have broad access to evidence and documents necessary to conduct its business</li> <li>Board will not function under new ordinance until Operating Procedures are approved by City Council</li> </ul>
Sec. 2-453.- Police Civilian Oversight Board Membership Appointment, and Terms.	<ul style="list-style-type: none"> <li>Establishes three-year (staggered?) terms for Board members</li> <li>Members are appointed by City Council; may be removed for cause (procedures will reference code of ethics)</li> <li>Residential and demographic requirements</li> </ul>
Sec. 2-454. – Public Meetings.	<ul style="list-style-type: none"> <li>Requires monthly public meetings</li> </ul>
Sec. 2-455.-Police Civilian Oversight Board Executive Director	<ul style="list-style-type: none"> <li>Executive Director (ED) appointed by City Manager with Council approval</li> <li>Defines ED administrative duties; (s)he may recommend hiring of independent investigator or auditor</li> <li>Board has input to ED interview process, performance evaluation</li> </ul>
Sec. 2-456.-Police Civilian Oversight Board Legal Counsel.	<ul style="list-style-type: none"> <li>Board may hire (with the approval of the City Manager) legal counsel to advise them on any legal matters before the Board</li> </ul>
Sec. 2-457. – Receipt and Investigation of Complaints – Authority and Complaint Intake	<ul style="list-style-type: none"> <li>Board’s Operating Procedures will include procedures for receiving complaints from the public</li> <li>Board and CPD will forward complaints to each other promptly</li> <li>Procedures for receiving complaints to be publicized</li> </ul>
Sec. 2- 458. – Review of Police Department Internal Investigations	<ul style="list-style-type: none"> <li>Board <u>may</u> select completed IA investigations for review of thoroughness, completeness, accuracy, objectivity, and impartiality (criteria for selecting complaints to be established in the Operating Procedures)</li> <li>Board <u>must</u> review all complaints where a review request is received from the complainant</li> <li>Board may not review IA investigations that are subject of pending civil or criminal investigations</li> <li>Review hearings to be conducted per Sec. 2-463 and Operating Procedures</li> <li>Board may (1) concur with IA findings, (2) decide that IA findings are not supported by the evidence, or (3) that the investigation is incomplete or defective</li> </ul>

<p>Sec. 2- 459. - Independent Civilian Oversight Board Investigation</p>	<ul style="list-style-type: none"> <li>• Specifies grounds for initiating investigations (1) the Board concludes an incident of misconduct warrants investigation, (2) the IA investigation not completed in timely fashion, or (3) when Board finds IA investigation was defective under Sec. 2-458)</li> <li>• Investigation complies with federal, state, and local laws</li> <li>• ED notifies City Manager who engages independent investigator</li> <li>• Investigator qualifications to be specified in the Operating Procedures (currently there is no option for the ED to conduct an investigation)</li> <li>• Investigator files a report and Board holds hearing (per Operating Procedures)</li> <li>• Board may (1) dismiss allegations if they are found to be unsupported by evidence, (2) make disciplinary recommendations for sustained <u>serious</u> allegations, or (3) refer allegations of illegal conduct to Commonwealth’s Attorney for further investigation</li> </ul>
<p>Sec. 2-460. - Disciplinary Recommendations</p>	<ul style="list-style-type: none"> <li>• Investigator identifies potential “serious” breaches of conduct; Board holds hearing to discuss independent investigator’s report</li> <li>• Subject officer and other parties to be notified in advance of nature of allegations; subject officer may be represented by Counsel</li> <li>• Officer’s testimony may not be compelled</li> <li>• Board will assign sustained serious allegations to disciplinary categories in the CPD Disciplinary Matrix, and make disciplinary recommendation</li> <li>• Board will consult Supervisor or Commander of Subject Officer when considering disciplinary recommendations</li> <li>• Forward recommendation to Chief for final disciplinary action</li> <li>• Unsupported or non-serious allegations referred to Chief</li> <li>• Right for Officers to file grievance affirmed</li> </ul>
<p>Sec. 2- 461. - Board Review of Law Enforcement Policies, Practices and Procedures</p>	<ul style="list-style-type: none"> <li>• Board may make written recommendations regarding CPD policies, practices, and procedures</li> <li>• CPD may accept recommendation or within 30 days, or provide written justification for not doing so</li> <li>• The Board may require the ED to conduct audits of Internal Affairs investigations, arrest and detention patterns, and other public-police interactions</li> </ul>
<p>Sec. 2- 462. - Request Annual Reports of Police Expenditures</p>	<ul style="list-style-type: none"> <li>• Board will be provided with annual CPD budgetary expenditures and projections</li> <li>• Board may make expenditure recommendations to the City Manager and City Council</li> </ul>
<p>Sec. 2- 463. Authority to Hold Hearings and Issue Subpoenas</p>	<ul style="list-style-type: none"> <li>• Establishes Board authority to hold hearings for (1) complaint review, (2) after independent investigations of complaints or incidents (3) related to other issues where the Board wishes to gather information</li> <li>• Hearings may be held at the request of two or more Board members, may be closed if confidential information is to be discussed</li> <li>• Detailed Hearing Procedures will form part of Operating Procedures (build on interim document)</li> </ul>
<p>Sec. 2- 464. - Suspension of Complaint Investigations</p>	<ul style="list-style-type: none"> <li>• The Board shall suspend an investigation if it becomes aware of an alleged criminal act or offense</li> </ul>

	<ul style="list-style-type: none"> <li>• The Board shall consult with City Attorney and its own legal counsel as to whether a parallel investigation of non-criminal allegations may be conducted</li> </ul>
Sec. 2-465. - Police Civilian Oversight Board Recommendations and Annual Report.	<ul style="list-style-type: none"> <li>• Board provides recommendations for City Council to include in annual legislative program for the General Assembly (annually by August 15)</li> <li>• Board shall provide an Annual Report by April 15; section includes a list of required elements</li> </ul>
Sec. 2-466. - Police Civilian Oversight Board Operating Procedures	<ul style="list-style-type: none"> <li>• Board shall propose Operating Procedures for approval by the City Council</li> <li>• Amendment to the Operating Procedures shall be voted on by the Board and submitted to the City Council for approval</li> </ul>
Section 2-467. - Community Engagement and Community Relations	<ul style="list-style-type: none"> <li>• Board must hold quarterly public listening sessions</li> <li>• Board may host or participate in public-police community meetings to discuss matters of pressing public concern</li> <li>• The Board's outreach activities will be included in the Board's Annual Report</li> </ul>
Section 2-468. - Training	<ul style="list-style-type: none"> <li>• Requires all Board members receive at least eight hours of NACOLE-sponsored (or similar) training every two years ("and within 90 days of Board appointments")</li> <li>• Every two years, Board members will receive training from the ED, Chief of Police, or other city employee training related to (1) legal and ethical obligations of Board members, (2) police department policies and regulations (3) police department personnel recordkeeping, (4) other city policies, procedures, and systems</li> <li>• The City will provide additional training as needed</li> </ul>
Section 2-469. – Commendations for Exceptional Community Service	<ul style="list-style-type: none"> <li>• The Board may recognize police officers, managers, or other city personnel for outstanding community service</li> </ul>
Section 2-470. Mediation	<ul style="list-style-type: none"> <li>• The Board may propose procedures for mediation or alternative dispute resolution to address civilian complaints</li> </ul>