

**AN ORDINANCE TO AMEND AND REENACT CITY CODE SECTION 2-453
REGARDING THE RESIDENCY REQUIREMENTS
FOR MEMBERS OF THE POLICE CIVILIAN OVERSIGHT BOARD**

WHEREAS, the mission of the Police Civilian Oversight Board (PCOB) is to establish and maintain trust between and among the Charlottesville Police Department and the public; to promote transparency and fair and effective policing; and to protect the civil and constitutional rights of the people of Charlottesville;

WHEREAS, this mission can best be achieved with a full board of seven voting members of diverse backgrounds and experience and a demonstrated commitment to community service;

WHEREAS, Charlottesville City Code section 2-453(b)(4) provides that members of the PCOB must be residents of the City of Charlottesville, with the possible exception of one member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, who may be a resident of the City or whose organization performs advocacy on behalf of City residents;

WHEREAS, broadening the residency requirements would enable a larger number of interested and qualified people to apply to serve on the board, strengthening the diversity and effectiveness of the board, and helping to minimize vacancies;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, that section 2-453 of the Code of the City of Charlottesville City is hereby amended and reenacted as follows:

Sec. 2-453. - Board membership appointment, and terms.

- (a) *Appointment process.* The city council shall appoint the members of the board. The council shall announce a public application process with applications available online and by hardcopy in English and Spanish for individuals interested in serving on the board. Council will seek to appoint fair-minded and objective members with a demonstrated commitment to community service who have training and experience, including lived experience, with topics relevant to the business of the board, including law, police practices, human resources practices and procedures, trauma-informed mental health issues, and the sociology of historically overpoliced communities.
- (b) *Board composition.* The board shall reflect the demographic diversity of the City of Charlottesville. The board shall be composed of seven (7) voting members and one (1) non-voting member appointed by the city council. The members shall be removable by the city council for cause as specified in the board code of ethics, violating the duty of confidentiality, failing to participate in required training, or other good cause.

- (1) Council shall appoint at least three (3) members who are residents of public housing or who come from historically disadvantaged communities that have traditionally experienced disparate policing.
 - (2) Council may appoint one (1) member who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities.
 - (3) The non-voting member of the board shall be an individual with policing expertise or experience. The non-voting member may be a retired law enforcement officer who prior to his or her retirement was employed in a locality similar to the City of Charlottesville. ~~The non-voting member need not be a resident of the City of Charlottesville.~~
 - (4) The seven (7) voting members of the board shall be residents of, or shall be employed in, -the City of Charlottesville or Albemarle County, with priority given to City residents and those with significant and demonstrable ties to the City~~except that if council has appointed someone who represents an organization that seeks racial or social justice on behalf of historically disadvantaged communities, that person shall either be a resident of the City of Charlottesville or the organization they represent shall perform advocacy on behalf of City of Charlottesville residents.~~
 - (5) No board member shall be a current candidate for public office, a former member of the department, an immediate family member of a current department employee, or a current employee of a law enforcement agency, the fire department, the emergency communications center, or the sheriff's office. If council considers appointing a board member who is employed by the City of Charlottesville, council will seek to avoid potential conflicts of interest.
- (c) *Terms.* Each board member shall be appointed for a term of three (3) years. Appointments and terms shall be subject to the provisions of section 2-8 of this Code. The membership of the board, and the terms of each board member, shall be the same as for the police civilian review board that was serving as of December 20, 2021, and that membership shall continue as the police civilian oversight board established by this article, with no change in the date of appointment, or length of term, for any member.
- (d) *Conflicts of interest.* No board member may participate in any matter before the board under circumstances in which the objectivity of the board member could reasonably be questioned, including, without limitation, the consideration of a complaint of someone who is a family member. For purposes of the Virginia State and Local Government Conflict of Interests Act, the board shall be deemed a "governmental agency" and each board member shall be an "officer," as those terms are defined in Virginia Code § 2.2-3101. All board members shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act.

- (e) *Confidentiality.* Each member shall maintain the confidentiality of all confidential or privileged information, including, but not limited to:
- (1) Materials from police internal investigative files;
 - (2) Disciplinary actions, memos and reports;
 - (3) Statements of any police officer or civilian employee who was required by the department to give a statement;
 - (4) Criminal investigative files; or
 - (5) Any other information that the board has deemed confidential.
- (f) *Records to remain department records.* The chief of police, as the custodian of the original records of which copies may be provided to the board by the department, shall be responsible for decisions as to whether copies of such records (or information contained in such records) may be publicly disclosed, subject to the direction and control of the city manager. Nothing in this paragraph shall preclude the city manager from including with the standard operating procedure required by subsection 2-452(e) guidelines for public disclosure of certain types of information contained within department records. In the standard operating procedure required by subsection 2-452(e), the city manager shall issue guidelines for what information may be included in board reports or otherwise publicly disclosed.