

Charlottesville Police Civilian Oversight Board
April 13, 2023, at 6:30 PM City Space
Agenda

Streamed at: [Live Stream Event – PCOB Hybrid Meeting](#)

I. Call to Order

II. Announcements

III. Approval of Agenda

IV. Approval of Minutes

V. Introduction of Chief Michael Kochis

VI. Public Comments (First)

VII. Status of Complaints and Review Requests

VIII. Training Module: Disciplinary Matrix and Code of Conduct

IX. Bias-Based Policing Recommendation

X. Board Commendation for Captain Durette

XI. Public Comments (Second)

XII. Adjournment

CHARLOTTESVILLE POLICE OVERSIGHT BOARD MEETING

MINUTES

Date: March 9, 2023

Scheduled Time: 6:30 p.m.

Location: Virtual/Electronic Meeting

Board Members Attending: George Dillard, Charles Fleming, Jeffrey Fracher (Vice Chair), Patricia Jones Turner, Susan Krishel, William Mendez (Chair), Lakesia Washington, James Watson.

Staff:

Board Members Not Attending: None

Guests: PCOB Counsel Pamela O'Barry, Lieutenant Robert Haney, Sergeant Gregory Wade

Call to Order: The meeting was called to order at about 6:33 PM

Announcements: Chair Mendez invited the new members (Dillard, Fleming, Jones Turner, Krishel, Washington) to introduce themselves. Lieutenant Haney and Sergeant Wade also introduced themselves as representatives of the Charlottesville Police Department.

Approval of Agenda: The Chair suggested a change to the order of business such that the agenda be approved before the approval of minutes. Vice Chair Fracher moved to that effect, and the amended agenda was carried unanimously.

Approval of Minutes: The minutes of the December meeting were approved without amendment. Approval was unanimous, except Ms. Krishel and Ms. Washington abstained.

Board History: Vice Chair Fracher gave a presentation on the history of police oversight in Charlottesville for the benefit of the new members. Topics included the founding of the Interim PCRB, the development of the Board's ordinance and operating procedures, and the authorities given to the Board. The presentation is included as an Attachment to these minutes.

Public Comments (I): No members of the public requested to speak.

Progress on Executive Director Search: The Chair explained that Finalists for the post of PCOB Executive Director had been interviewed by panels that included the Board Chair and member James Watson, along with representatives of the City Manager's office and the Charlottesville Police. The panels had discussed their findings and recommendations with the City Manager. Consistent with the Board's statutory authority, the Chair and Mr. Watson had communicated their preferred candidate to the City Manager. At the time of the meeting, no final decision on the hiring had been received from the City Manager. Member Krishel asked who the Executive Director would report to. The Chair indicated that the Director would report to the Ashley Marshall, the Deputy City Manager for Race, Equity, Diversity and Inclusion. Ms. Krishel also asked whether the Chief of Police might be invited to a Board meeting. The Chair replied that an invitation had been issued for the Chief to present his vision of policing in Charlottesville at the Board's next regular meeting in May.

Status of Complaints and Review Requests: The Board continues to have two review requests pending; no action can be taken until an Executive Director is hired. The Chair expressed concern at the continuing delay. The Chair presented data from the summary report provided by the Internal Affairs

(IA) Department (Table 1). In January and February, a total of eight complaints were filed with IA. Six were filed by members of the public and two were internally originated. Two complaints were classified as “service-related inquiries” that did not involve violations of Department General Orders or Guidance. Four allegations (conformance to laws, unsatisfactory performance, courtesy, conduct unbecoming) were sustained. Corrective actions included counseling in two cases, a letter or reprimand (for unsatisfactory performance), and termination for conduct unbecoming. Ms. Krishel asked about Board procedures for handling complaints. The Chair responded that this issue will be discussed extensively during the Board’s special training meeting.

Table 1. Summary of Internal Affairs Report, January-February 2023

Date Received	Date Resolved	Summary	Allegations	Resolution	Corrective Action
5-Jan	18-Jan	Making misleading statements	Conformance of Laws	Sustained Unfounded	Verbal Counseling
10-Jan	17-Jan	Internal complaint	Conformance of Laws	Unfounded	
17-Jan	30-Jan	Improper arrest procedure	Unsatisfactory Performance	Sustained Exonerated	Letter of reprimand, counseling
18-Jan	3-Feb	Officer was disrespectful	Courtesy, disrespect	Sustained	Verbal Counseling
23-Jan	24-Jan	Concern over parking tickets	Service-related Inquiry	--	
25-Jan	31-Jan	Internal complaint	Conduct unbecoming	Sustained	Termination
18-Jan	23-Jan	Question about arrest	Service-related Inquiry	--	
23-Feb	--	Internal complaint		Pending	

Board Structure, Procedures, Challenges, and Training Requirements: The Chair presented a brief introduction to the structure, procedures, and functions of the PCOB (attached.) He also discussed the responsibilities of Board members, and challenges facing the Board in the coming year. The training requirement in the Boards’ enabling legislation were also explained, and the chair proposed a training plan that included both formal meetings and self-paced learning. After an informal poll of the Board, it was agreed there would be a special training meeting on the afternoon of Saturday April 1. Ms. Krishel asked if there would be room for training on additional topics of interest to Board members, and the Chair replied strongly in the affirmative. Lieutenant Haney, who will be acting as the CPD’s liaison on training, then provided a short summary of resources available to the Board. He recommended that the Board members review the Final Report of the President’s Commission on 21st Century Policing, discussed the benefits of ride-alongs as a way to achieve an understanding of police life and procedures, and pointed out that all the Department’s General Orders and guidance were available on the Department website. Sergeant Wade volunteered to give the Board a repeat presentation about the Department procedures for investigating citizen complaints. Member Jones Turner asked about training related to the increased levels of violence in the community.

Pending Business: The Chair called the Board's attention to items posted in the Agenda packet. He requested that Board members review and comment on the Board's draft policy recommendation regarding bias-based-policing, a draft Hearing Examiner's Desk Book, and the draft resolution commending Major Tito Durette for his leadership on police oversight issues.

Public Comments (Second): Ms. Kate Fraleigh stated that she has long-term involvement with police oversight in Charlottesville. She stated that some of the recommendations in the 21st Century Policing Report have been superseded and she will provide information to the Board on that topic. She noted that compulsory ride-alongs had been excluded from Board training requirement. She also called the Board's attention to violence prevention organization, how the Buck Squad treats violence as a disease with appropriate prevention strategies. She suggested the Board invite a representative from the Buck Squad to speak at one of its meetings. Finally, she asked what the CPD is doing to reduce bias-based policing. Member Jones Turner pointed out that there is a violence prevention program sponsored by the U.S. Centers for Disease control which uses a primary prevention model. She also pointed out that the Buck Squad Chair would be speaking at a White Feather Project's meeting the following Saturday.

Adjournment:

The meeting was adjourned by unanimous vote at 7:55.



Police Oversight in Charlottesville: A Brief History

MARCH 9, 2023

Before the PCRB

- ▶ Historical factors have contributed to an environment where overpolicing of the Black community was the perceived norm
- ▶ Oversight body was purely advisory in the 1990s, chaired by Chief of Police
- ▶ Internal Affairs reviewed all complaints; “police policing police” lead to perceived conflict of interest, lack of transparency, lack of responsiveness
- ▶ Unite the Right and perceived police inadequacies lead to City Council Resolution on oversight of 12/2017

Interim Civilian Review Board

- ▶ Interim PCRB initiated in 2018 with mission to draft oversight ordinance and bylaws
- ▶ Conducted extensive research on oversight models, sought and received substantial public involvement
- ▶ Worked within Commonwealth legal framework that severely limited powers of oversight organization
- ▶ Resistance from CPD and inconsistent political support led to weakened ordinance and bylaws compared to Board recommendations

New PCRB

- ▶ New PCRB Appointed in early 2020 (just in time for COVID)
- ▶ Operating (reluctantly) under 2019 ordinance and bylaws
- ▶ New police oversight ordinance passed General Assembly in late 2020
 - ▶ Allowed municipalities to grant extensive powers to oversight organizations

Ordinance, Operating Procedures, and the PCOB

- ▶ City Council passed new Ordinance in December 2021, Operating Procedures in December 2022. Key features:
 - ▶ PCRB → PCOB (“review” → “oversight”)
 - ▶ Independent investigation of complaints and serious incidents
 - ▶ Monitor and review completeness and quality of IA investigations
 - ▶ Hold hearings and make findings related to citizen complaints
 - ▶ In narrow circumstances, request subpoenas
 - ▶ Make disciplinary recommendations to Chief of Police
 - ▶ Develop and implement procedures for mediation of complaints
 - ▶ Audits of police policies and procedures, make policy recommendations

Current Status

- ▶ After major membership turnover, back at full strength (Thanks!)
- ▶ Currently hiring Executive Director
- ▶ Preparing to implement review, investigative functions, hold hearings
 - ▶ Functions are delayed pending ED hiring and Board training
- ▶ Developing our first policy recommendation (Bias-Based Policing)
- ▶ Planning public outreach events
- ▶ (Talk more about this under “Challenges”)



PCOB Structure, Procedures, and Challenges

March 9, 2023

Purpose of the PCOB

- ▶ “... establish and maintain trust between and among the Charlottesville Police Department, the City Council, the City Manager, and the public... the Board shall provide objective and independent civilian-led oversight of the Charlottesville Police Department ("CPD") in an effort to enhance transparency and trust, to promote fair and effective policing, and to protect the civil and constitutional rights of the people of the City of Charlottesville.”

BOARD ORGANIZATION

- ▶ Empowered by 2021 Ordinance and 2022 Operating Procedures
- ▶ Seven voting members, one nonvoting member
- ▶ Chair, Vice Chair elected annually
- ▶ PCOB is a “Working Board” (as opposed to advisory)
- ▶ Independent investigations, complaint review, hearings, audits, policy and disciplinary recommendations
- ▶ Many Board functions “on hold” until we are trained, Executive Director is hired

BUDGET AND STAFFING

- ▶ FY 2023 Budget = \$362,000
- ▶ Staff = Executive Director
 - ▶ Administrative support to all Board functions
 - ▶ Liaison with CPD
 - ▶ Supervise Training
 - ▶ Lead or manage independent investigations, audits
- ▶ Management Analyst/Deputy Director (maybe)

PROCEDURES

- ▶ All Board powers are defined in Ordinance and Operating Procedures
- ▶ PCOB is unique in VA; we're the only fully empowered Board (?)
- ▶ Developing procedures has been a focus for the last 18 months
- ▶ Procedures are means to assure due process, achieve legitimacy and procedural justice for all parties
- ▶ Learning what we can and cannot do will be major focus of initial training

MEETINGS

- ▶ Regular meetings 2nd Thursdays at 6:30 (for now)
- ▶ Informal structure, guided by Roberts Rules (and FOIA, etc.)
- ▶ Include at least one public comment period
- ▶ Special meetings can be called by any two members or Chair

MEMBER RESPONSIBILITIES

- ▶ Members serve at pleasure of City Council, can be removed for cause only
- ▶ Attendance at meetings
- ▶ Fulfilling training requirements
- ▶ Participate in Board activities
- ▶ Maintain confidentiality as required by FOIA
- ▶ Maintain impartiality and fairness
- ▶ Adhere to Code of Ethics, avoid other mal/misfeasance

CHALLENGES

- ▶ Transition to full function
- ▶ Build capability hold hearings, conduct investigations, fulfill other Board responsibilities
- ▶ Effective, ongoing outreach to the community
- ▶ Build constructive relationship with CPD
- ▶ Comprehensive planning

TRAINING REQUIREMENTS AND SCHEDULE

- ▶ New members must receive eight hours training within 90 days
- ▶ History of oversight and basic Board procedures (tonight)
- ▶ Homework:
 - ▶ “Civilian Oversight 101” (NACOLE video)
 - ▶ Familiarize yourself with the 2021 PCOB Ordinance, 2022 Procedures
- ▶ Special Meeting (3/25 or 4/1) to:
 - ▶ Meet and greet each other
 - ▶ Discuss Ordinance and Procedures
 - ▶ Learn about FOIA/COIA responsibilities

Training (continued)

- ▶ Self-guided study and sessions on:
 - ▶ Hearings
 - ▶ Investigations
 - ▶ Audits/Policy Recommendations
 - ▶ Mediation
 - ▶ Other Board responsibilities
- ▶ Lots of Information about oversight in the PCOB online library

Training Resources Provided by CPD

- ▶ We will be collaborating with the CPD and City Manager's office to provide additional training on police policies and procedures
- ▶ Lieutenant Robert Haney has agreed to be the CPD training liaison with the Board