

CHARLOTTESVILLE POLICE OVERSIGHT BOARD MEETING

MINUTES

Date: April 13, 2023

Scheduled Time: 6:30 p.m.

Location: City Space

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

Board Members Not Attending: George Dillard, Charles Fleming,

Guests: Chief Michael Kochis, Lieutenant Robert Haney, Sergeant Gregory Wade

Call to Order: The meeting was called to order at about 6:40 PM

Announcements: The Chair announced that the City Council was scheduled to vote on the appointment of the Board's Executive Director at their meeting the following Monday and that it appeared the Director would begin work on May 1. The Chair also thanked Vice Chair Fracher for participating in the walk-and-talk with Chief Kochis the previous evening.

Approval of Agenda: Member Krishel moved that an item be added dealing with progress on recruiting candidates to be Hearing Examiners. Vice Chair Fracher seconded, and the motion was passed unanimously.

Approval of Minutes: The minutes of the February meeting were approved unanimously without amendment.

Introduction of Chief Michael Kochis: Chief Kochis was introduced and made a brief statement. He thanked the Board for participation in the Department's hiring blitz and walk-and-talks. He emphasized the importance of getting direct feedback from the community about what they want from the police. He talked about the development of a vision, mission and values statement, strategic planning, and promised to include the PCOB in these initiatives. He stated that the 4th amendment auditor would move to IA and noted that the Department was implementing extensive changes to its policies and expanding implicit bias training for officers. The Department is also in the initial phase of implementing real-time evaluation of police/public interactions. Board members asked questions related to:

Officer wellness (Mendez.)

Mental health training (Krishel.)

Number of officers and salary gap (Krishel)

Coordination with other jurisdictions. (Watson)

IA investigation management software (Mendez)

Public Comments (I): Ms. Kate Fraleigh noted that bias-based policing investigations tended to require explicit race-based language and did not address other forms of dismissive or bias-related behavior. She also asked about the relationship between the CPD and the Fire Department and rescue squad. Chief Kochis responded that the bias-based policing policy was indeed under review and that his relationship with the Fire Department was very constructive. All officers will receive NARCAN training shortly. No other members of the public asked to comment.

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 presented data from the summary report provided by the Internal Affairs (IA) Department (Table 1). A total of four complaints were filed with IA by civilians in March. Two complaints were classified as “service-related inquiries” that did not involve violations of Department General Orders or Guidance. One allegation (unsatisfactory performance) was not sustained (exonerated.) In another case, files March 30, no allegation had yet been specified. Finally, a complaint was received on April 10, alleging that police did not take a trespassing complaint seriously. The investigation of that complaint had just begun as of the Board meeting.

Table 1. Summary of Internal Affairs Report, March 2023

Date Received	Date Closed	Summary	Allegation(s)	Finding	Corr. Action
6-Mar-23	21-Mar-23	Handling of a protective order issue	Unsatisfactory Performance	Exonerated	None
9-Mar-23	20-Mar-23	Questions about a trespassing call	Service-related inquiry	--	None
14-Mar-23	29-Mar-23	Question about a stop	Service-Related Inquiry	--	None
30-Mar-23	Pending	Damage caused to complainants' door by officer, courtesy	??	--	--

Finally, the Chair noted that the Board had received a complaint on its portal alleging that a police officer had treated a woman discourteously after a traffic accident. The complainant was offered the opportunity of having Internal Affairs investigate her complaint as the best path to a rapid resolution and she accepted; the complaint has been forwarded to Internal Affairs.

The Chair noted that even though some complaints may be classified as service-related inquiries, they still may have been very unpleasant for the individuals involved. Lieutenant Haney assured the Board that all citizen complaints were taken seriously and that every effort was made to be fair to the individuals involved and fully explain the reasons for findings.

Teaching Module: Disciplinary Matrix and Code of Conduct: The Chair presented a brief introduction to the CPD General Orders and policies related to officer discipline (Attachment 1.) He recommended that the Board members review and become familiar with the documents. In response to a question from Vice Chair Fracher, Lieutenant Haney noted that most real-world violations do not fit neatly into the prescribed matrix. Considerations of specific circumstances and the principle of progressive discipline are important. Chief Kochis indicated that accusations of sexual harassment are referred to the Human Resources Department. During a discussion of the Code of Conduct, the Chief noted that the Virginia statutory Code of Conduct is currently being revised and that some violations of the Code (untruthfulness) constitute the basis for officer decertification.

Training Resources: The Chair stated that all Board Members should now have access to the Board's Teams portal, which contains a large amount of training and background material. He strongly recommended that members avail themselves of the materials and offered to provide help for those unable to access the materials.

Hearing Examiner Recruitment: Ms. Krishel brought the Board up to date on her efforts to identify potential candidates for Hearing Examiners. She had contacted the Executive Secretary of the Supreme Court for a list of certified Hearing Officers as well as the President of the Charlottesville-Albemarle Bar Association. The Bar President suggested that the Board provide a detailed description of the Hearing Examiner's duties, which he could distribute, and wanted to know if the Examiners would be compensated. The Chair noted that a Draft of the Hearing Examiner Desk Book was due to be produced by the Board's Counsel within the week, which would provide the basis for the job description. Also, he noted that the intention was the Hearing Examiners be compensated, although rates had not been established.

Bias-Based Policing Recommendation: The Chair asked for comments on the draft recommendation and stated that he would like the Board vote to send it to the Chief at the May meeting.

Commendation for Major Durette: The Chair also asked for comments on the draft Commendation, noting the major contributions that Major Durette had made during his tenure as Interim Chief. Vice Chair Fracher expressed strong agreement that the Commendation be approved.

Rev Jones Turner asked if the interviews of police recruits included hypothetical questions and if police candidates undergo psychological assessments. The chair replied that several questions asked during the interview session he participated in were indeed hypothetical and indicated that psychological evaluation of police candidates was performed after interviews were successfully completed. Vice Chair Fracher expressed reservations about the sufficiency of psychological screening.

Public Comments (Second): No members of the public asked to make comments.

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

Disciplinary Matrix and General Orders Relevant to Oversight

Police General Orders (GOs)

- ▶ Approximately 125 GOs, describing all matters related to police procedures.
- ▶ <https://www.charlottesville.gov/335/GeneralOrders-SOPs>
- ▶ GOs most relevant to civilian oversight:
 - ▶ 517 00 - Disciplinary Procedures - Part 1
 - ▶ 517.00 - Disciplinary Procedures - Part 2 (Matrix)
 - ▶ 400 00 - Code of Conduct Guidelines
 - ▶ 400 05 - Biased Based Policing
 - ▶ 517 01 - Internal Investigations and Citizen Complaints
 - ▶ 537 00 - Response to Resistance- General

Disciplinary Procedures - Part 1

- ▶ Principals and Procedures:
 - ▶ Goal is to encourage and reinforce positive behavior
 - ▶ Least intrusive measure that serves to correct the inappropriate behavior should be used
 - ▶ Progressive discipline
 - ▶ Disciplinary matrix to achieve consistency in discipline
 - ▶ Supervisors have authority to handle minor infractions
 - ▶ Describes escalating and mitigating factors that can elevate/reduce the level of infraction
 - ▶ Allowable sanctions: oral or written reprimand, suspension, demotion, reassignment, dismissal

Disciplinary Procedures- Part 2: Disciplinary Matrix

CONDUCT-GENERAL (1-0)	CATEGORY					
	A	B	C	D	E	F
(1-1) Violations concerning general misconduct	X	X	X	X		
(1-2) Violations relating to inappropriate comments and gestures	X					
(1-3) Violations relating to rude or discourteous conduct, coarse, profane or insolent language (direct words towards persons)		X				
(1-4) Violations relating to rude or discourteous conduct, coarse, profane or insolent language (not directed towards any person)	X					
(1-5) Violations relating to rude or inappropriate comments, gestures, discourtesies or conduct relating to a person's race, religion, ethnicity, national origin, disability, or gender				X	X	X
(1-6) Violations relating to harassment of non-department member citizens		X				
(1-7) Violations relating to conduct of a sexual nature while on duty					X	X

Summary of Disciplinary Categories and Options

Category	Typical Allegations	Recommended Corrective/Disciplinary Action
A	Minor general misconduct, discourtesy, neglect of duty, force outside of policy not resulting in injury	Training, counseling, mediation, Psych. services
B	Negligent handling of firearm, improper search or transport of prisoner, various administrative violations	Letter or reprimand, one day loss of leave or suspension w/o pay
C	Serious general misconduct; "not brutal" use of force outside of policy; dissemination of confidential information; criminal misconduct	Letter or reprimand, two to four day loss of leave or suspension w/o pay
D	Serious force outside of policy; discourtesy related to person's race, religion, ethnicity, national origin, disability, or gender	Severe letter or reprimand, ten to fifteen day loss of leave or suspension w/o pay
E	Domestic violence; harassment, discrimination, or retaliation on the basis of gender, race, etc.; excessive force and failure to report excessive force; obstructing criminal or administrative investigation; intentional false reports or statements	Severe letter or reprimand, over fifteen day loss of leave or suspension w/o pay, suspension, dismissal
F		Dismissal

Code of Conduct Guidelines

- ▶ Purpose: Establish a common basis of conduct for all members of the Charlottesville Police Department
- ▶ Law Enforcement Code of Conduct
- ▶ Definitions:
 - ▶ COURTESY
 - ▶ TRUTHFULNESS
 - ▶ HARRASSMENT
 - ▶ **CITIZEN COMPLAINTS**
 - ▶ TREATMENT OF PERSONS IN CUSTODY
 - ▶ UNSATISFACTORY PERFORMANCE/NEGLECT OF DUTY
 - ▶ UNBECOMING CONDUCT
 - ▶ ABUSE OF POSITION
 - ▶ STATEMENTS AND APPEARANCES
 - ▶ IDENTIFICATION
 - ▶ USE OF FORCE
 - ▶ FULL DISCLOSURE
 - ▶ DUTY TO INTERVENE

CHARLOTTESVILLE POLICE OVERSIGHT BOARD MEETING
MINUTES

Date: May 11, 2023

Scheduled Time: 6:30 p.m.

Location: City Space

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

Board Members Not Attending: All board members in attendance

Guests: Independent Counsel Pamela Y. O’Berry (Sands Anderson)

Call to Order: The meeting was called to order at about 6:38 PM

Announcements: No Announcement

Approval of Agenda: Member Susan Krischel moved to approve the Agenda, Lakesia Washington seconded, and the motion was passed unanimously.

Introduction of new PCOB Executive Director: Executive Director Inez Gonzalez was introduced by Chair Mendez who provided a synopsis of her experience and accolades received while in the service of the Newark Police Department.

The Executive Director made brief remarks and expressed her excitement in beginning her work with the PCOB.

Public Comments (I): Ms. Kate Fraleigh requested that the board members introduce themselves.

Status of Complaints and Review Requests: The Vice Chair presented data from the summary report provided by the Internal Affairs (IA) Department (Table 1). A total of three complaints were filed with IA by civilians in April. One complaint was classified as a “service-related inquiry” that did not involve a violation of Department General Orders or Guidance. The remaining allegations (unsatisfactory performance and discourtesy) are both pending.

Table 1. Summary of Internal Affairs Report, April 2023

Date Received	Date Closed	Summary	Allegation(s)	Finding	Corr. Action
10-Apr-23	Pending	Call for Service RE: Breaking & Entering	Unsatisfactory Performance	Pending	None
13-Apr-23	Pending	Call for Service RE: Motor Vehicle Accident / Report	Lack of Courtesy	Pending	None
18-Apr-23	N/A	RE: Question about a Detention	Service-Related Inquiry (Will be handled In-House)	N/A	None

The Chair noted that the PCOB still has a long-standing review request that with the appointment of the new PCOB Executive Director, as well as research / recruitment of potential hearing examiners being conducted by Susan Krischel, the PCOB expects to begin making progress concerning that request.

Executive Director Gonzalez asked how complaints were being received and was advised by Vice Chair Fracher that the complaints he reported on were received and investigated by Internal Affairs. Chair Mendez explained that there was one complaint received via the PCOB (Sivil) Portal, that was forwarded to Internal Affairs as an Executive Director had not yet been hired.

Teaching Module: Chair Mendez initiated a discussion and asked Board Members questions regarding the PCOB's Operating Procedures concerning Hearing Examiners (PCOB-9) and Hearings (PCOB-10). Chair Mendez discussed that the "Desk Book" that will be utilized by Hearing Examiners is in the process of being created by Independent Counsel O'Berry. Ms. O'Berry provided an update on the status of the desk book and stated that she expects the first draft to be ready for review within a week.

Bias-Based Policing Recommendation: The Chair read the proposed changes to the Bias-Based Policing General Order that were forwarded to Chief Kochis. A motion was made by the Vice Chair to make the recommended revisions to the Bias-Based Policing General Order a formal decision of the Board. The motion was seconded by James Watson. The motion was passed unanimously.

Commendation for Major Durette: The Chair read the proposed wording for the commendation to be awarded to Major Durette for the contributions he had made during his tenure as Interim Chief. The Board voted by majority vote to issue the commendation as read.

Chair Mendez, Vice Chair Fracher, Members Watson, Fleming and Washington voted Yes. Members Krischel and Turner Abstained.

Member Watson mentioned that several community events would be coming up soon and wanted to ensure that the PCOB would have swag available to distribute to the community. The Vice Chair mentioned that we should also begin preparation for a future town hall meeting.

Public Comments (Second): No members of the public asked to make comments.

Adjournment: The Vice Chair moved to adjourn the meeting, seconded by Member Watson. Meeting was adjourned by unanimous vote at approximately 7:47 PM.