



The Police Civilian Oversight Board of Charlottesville Virginia Is Seeking Qualified Candidates to Preside Over Administrative Hearings Related to Cases of Alleged Police Misconduct

1. Background

The City Council of Charlottesville recently established the Police Civilian Oversight Board (“PCOB”), an objective and independent civilian-led body that provides oversight for the Charlottesville Police Department (Charlottesville City Code §§ 2-451 through 2-468.) The Board’s mission is to enhance transparency and trust, promote fair and effective policing, protect the civil and constitutional rights of the people of the City of Charlottesville, and assure due process for officers accused of misconduct. The PCOB is composed of eight diverse members, including representatives from minority and low-income communities, as well as those with firsthand experience with law enforcement. The board is supported by a professional Executive Director with deep expertise in internal affairs investigations and is advised by an independent counsel on legal issues.

The Board is empowered to hold hearings when complainants request a review of Internal Affairs findings involving them personally, or after the Board’s own independent investigations of civilian complaints or incidents of alleged police misconduct. The Board’s hearings are administrative, fact-finding proceedings and the Board has no power to address criminal matters or award money or other damages. The Board may make public findings regarding the quality and completeness of police Internal Affairs investigations and regarding potential violations of police policies and procedures. The Board may also recommend modifications to police policies arising from its investigations. Responsibility for the final administration of discipline remains with the Chief of Police.

The Board’s enabling legislation requires that all PCOB hearings be presided over by qualified Hearing Examiners. In preparation to fully exercise its authority, the Board is seeking qualified candidates to fulfill this role. Hearing Examiners will be compensated at negotiated rates for time and expenses incurred while performing their duties.

2. Qualifications of Hearing Examiners

To be considered as a candidate, applicants must:

- Be an attorney licensed to practice law in the Commonwealth of Virginia,
- Have at least five (5) years of active practice of law, or five years of service as a federal or state judge or be an active member of the Virginia Supreme Court's list of approved "hearing officers", with professional experience in police oversight or mediation (preferred), or relevant experience in other area(s) of jurisprudence,
- Be a member in good standing of the Virginia State Bar, in one of the following categories: active, judicial, or retired membership, and
- Complete a half-day training session conducted jointly by the PCOB independent legal counsel and the Office of the City Attorney, at which the Desk book for Hearing Examiners content will be reviewed.

Candidates do not need to reside in Charlottesville, but they must be prepared to participate in hearings and pre-hearing conferences held in the city. Applicants must also consider potential conflicts of interest that may arise during their engagement.

3. Role and Responsibilities of Hearing Examiners

During the course of an engagement, Hearings Examiners will:

- Preside over pre-hearing conferences (if parties request one).
- Preside over review hearings.
- Ensure proceedings are conducted in an orderly, effective, thorough, and reasonably expeditious manner, and that the parties to the hearing have a full and reasonable opportunity to present their evidence and arguments as may be relevant to the issues set forth in the complaint.
- Exercise control as necessary for the progress of the hearing and preventing disruptive or prejudicial conduct during hearings.
- Advise the Board as to which items of evidence may be heard or considered by the Board relative to the authorized scope of the Board's investigation.
- Assure that confidential information is not disclosed during a hearing and advise the Board when they should go into closed session to discuss such information.
- Make minor modifications of the applicable hearing procedures as necessary to facilitate the efficient and effective progress of a hearing.
- Facilitate the Board's deliberations regarding allegations of misconduct or sufficiency of investigations.
- Remaining a neutral actor whose purpose is to ensure compliance with procedures for how a hearing is to be conducted, and not suggesting possible dispositions or informal resolutions of any complaint or issue.
- Work with the Board's Executive Director to assure that an adequate record of the hearing is maintained and preserved.

Detailed Rules and Procedures governing Board hearings are contained in Articles PCOB-9 and PCOB-10 of the PCOB's operating procedures, and in the Board's Desk Book. Prior to hearings, the PCOB will be given access to all police files, and to all reports and evidence generated by independent investigators, and PCOB members will act as finders of fact during hearings.

4. Appointment of Hearing Examiners

The qualifications of Hearing Examiner candidates will be reviewed by a representative of the Charlottesville City Attorney. If the City Attorney certifies that candidates meet the qualifications specified in the Operating Procedures, the City Attorney will issue an engagement letter detailing compensation rates, payment and invoicing procedures, and details related to the case(s) for which the Examiner is to be engaged.

Prior to presiding over any hearing, the candidates will be furnished with copies of the Hearing Examiner's Desk book, which explains the Board's hearing procedures and the duties of the Examiners in more detail. Candidates will be required to attend a ½- day training session conducted by the City Attorney, the Board's independent counsel, and the Board's Executive Director.

5. Potential Workload

The need for Hearing Examiners is hard to predict, as it depends on the nature of the Board's investigative and review request workload. Based on past experience, it appears unlikely that there will be more than one hearing per month, although this may change in the future. Since the Board is required to rotate Hearing Officers to the extent possible, this suggests that the workload for any individual Examiner will be relatively light, perhaps only a few hearings per year.

Depending on the complexity and severity of complaints, hearings may be held as part of the Board's normal monthly meetings, or special meetings may be required. The Board, with advice from its Executive Director and the Hearing Examiner, has wide latitude in specifying the scope and duration of hearings.

6. Compensation

Hearing examiners will be compensated for time spent in training, reasonable preparation time for hearings and pre-hearing conferences, for the full duration of the conferences and hearings, and for the time spent in certification of the hearing records.

For additional information, please contact:

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