



**Regular Meeting Agenda  
Police Civilian Oversight Board  
April 9, 2026**

CitySpace  
100 5th St NE  
Charlottesville, VA 22902

**Police Civilian Oversight Board**

Dr. Jeffrey Fracher, Chair  
Dr. Kyle Dobson, Vice Chair  
George Dillard Jr., LE Rep  
Andrew Frye, At Large  
Albe LaFave, At Large  
Caron LeNoir-Kelly, Community  
Nathalie Reaves, Community  
Ruairi Vaughan, At Large

**6:30 PM Regular Session**

- I. Call to Order | Roll Call**
- II. Agenda | Minutes Approval**
  - Approval of agenda: April 9th, 2026
  - Approval of minutes: February 23rd and March 12th, 2026
- III. Announcements**
  - Check the calendar link sent in weekly emails (bookmark it for easy access)
- IV. Introduction of Independent Counsel**
- V. Public Comment One**
- VI. Internal Affairs Case Review Process**
  - Feedback about presentation of case summary and Board access
  - Discussion of case review scorecard, rubric, and manual components
  - Process for Board case review discussion and output during public meetings
- VII. Ordinance Revision Summary**
  - Presentation of primary revisions and feedback from Board members
  - Discussion of messaging and strategy for introduction to City Council
  - Remaining aspects of the revision process, timeline, and May vote
- VIII. Remaining Work Plan Focus Area Updates**
  - Community outreach and messaging update
  - Police policy and procedure review update
  - Internal PCOB process and documentation update
- IX. Public Comment Two**
- X. Adjournment**

**Notice:** For members of the public participating virtually, if you experience technical difficulties, you may call 434-970-3115, and a staff person will assist you. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 987-1267 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.

## **PCOB Meeting Public Participation Rules**

- Please adhere to respectful conduct, treat other attendees with courtesy, listen actively, avoid interruptions, and refrain from personal attacks or inflammatory language.
- For the public comment periods, for which there will be two opportunities, please wait for the designated time on the agenda to provide your comments. There is a three-minute time limit for individual comments, but all public participants are welcome to speak during both opportunities.
- When you speak, we request you clearly state your name, your organization affiliation, if any, and whether you're a resident of Charlottesville, Albemarle County, or another jurisdiction.
- During public comment, the Board will not be entering into dialogue. The Board will listen carefully to all comments. If there are specific questions, please submit them in writing to the PCOB Office staff after the meeting.
- Submission of questions or additional comments can be sent to:
  - [pcob@charlottesville.gov](mailto:pcob@charlottesville.gov)
  - Using the “Email PCOB” form to the right side of our website homepage:  
<https://www.charlottesville.gov/1440/Police-Civilian-Oversight-Board>

# CHARLOTTESVILLE POLICE CIVILIAN OVERSIGHT BOARD

## MEETING MINUTES

**Date:** February 23, 2026

**Scheduled Time:** 6:00 p.m.

**Location:** Office of Police Civilian Oversight - 106 5th Street NE, Charlottesville, VA 22902

**Board Members Attending:** Dr. Jeffrey Fracher (Chair), Dr. Kyle Dobson (Vice Chair), Andrew Frye, Albe LaFave, Caron LeNoir-Kelly (late arrival), Nathalie Reaves, Ruairi Vaughan.

**Board Members Not Attending:** George Dillard Jr.

**Staff:** James Walker, Acting Director.

**Guests:** N/A

### **Call to Order:**

- The meeting was called to order at 6:03 p.m. by Chair Dr. Jeffrey Fracher. Mr. Walker conducted roll call.

### **Agenda Approval:**

- A motion was made by Mr. Frye to approve the agenda for the special work session. Motion seconded by Dr. Dobson and approved unanimously by members present (Mrs. LeNoir-Kelly not yet present).

### **FOIA and Closed Session Procedures:**

- Dr. Fracher introduced the agenda item, noting that Mr. Walker would review procedures related to the upcoming case review proposed for March 12, 2026.
- Mr. Walker presented a one-page overview of the Freedom of Information Act (FOIA) and closed session procedures. He explained that all Board activities are subject to public record under FOIA, with the exception of confidential police department records for which the Board serves as a holder with custodianship remaining with the Chief of Police.
- Mr. Walker noted that meetings with two Board members and the Director do not constitute a public meeting and are not subject to public attendance requirements, which is the basis for the two-member meeting limitation.

- Mr. Walker reviewed the possible applicable exemptions being reviewed by the City Attorney's Office for entering closed session, including: (1) discussion of personnel performance, which may apply when reviewing officer conduct and potential discipline; (2) attorney-client privilege for meetings with legal counsel.
- Mr. Walker noted that a police auditor in Alexandria is working with lobbyists to pursue state-level legislation that would create a FOIA exemption specific to oversight boards so that closed session exemptions would be clearer for entities like the PCOB. Mr. Walker indicated he would follow up with that office for potential support.
- Mr. Walker outlined the step-by-step procedure for entering closed session: a pre-written motion citing the specific subject matter, purpose, and applicable exemption; a vote to enter closed session; relocation to a private room; discussion confined strictly to the identified case; and return to public session with a certification vote affirming that only the stated subject was discussed. Members may register disagreement with the certification if they believe other matters were discussed.
- Mr. Walker emphasized that no decisions or votes may take place inside closed session. All recommendations, determinations, or opinions must be rendered in public session using generalized and redacted language, referring to individuals as Officer A, Officer B, Subject A, Witness A, etc., without disclosing names.
- Mr. Walker stressed that members must not discuss any details of closed session proceedings outside of the meeting, including in casual or general terms. Members should refer any inquiries back to the public meeting agenda and minutes.
- Mr. Walker reminded the Board of the importance of using city email accounts for all Board-related communications, as personal email and devices may be subject to FOIA requests. He noted there is personal liability for individual FOIA violations.

#### **Upcoming Case Review – Proposed for March 12, 2026:**

- Mr. Walker described the case proposed for review at the March 12 meeting. The complaint was received through the PCOB Office, referred from the City Manager's Office. The complainant observed an incident on the Downtown Mall and submitted a complaint on behalf of another individual. The Internal Affairs Department conducted a full investigation, and the complete case file and body camera footage from all officers involved is available.
- Mr. Walker explained that he would prepare the case materials in a condensed and digestible format before the March meeting, identifying key moments in the footage and relevant sections of the case file rather than requiring the Board to review hours of raw footage.

- Dr. Dobson requested that case review materials include a “*cast of characters*” reference document identifying everyone by their assigned designation (e.g., Complainant, Officer A, Officer B) to help Board members avoid using actual names during discussion.
- Dr. Fracher noted that this case review is intended as a practice exercise to develop and refine the Board’s case review process before a high-profile case arises. The Board would have the benefit of seeing the Internal Affairs outcome and any discipline imposed by the Chief of Police, and could render opinions on whether they agree or disagree with the findings and discipline.
- Discussion occurred regarding what information Board members may reference during closed session. Mr. Walker indicated that relevant contextual information related to the investigation would likely be permissible but noted this would be confirmed with the City Attorney’s Office, with whom he was meeting the following day.
- Dr. Fracher raised the question of who receives the Board’s conclusions after a case review, noting that the ordinance will need to address whether findings go to the City Manager, Chief of Police, the public, or some combination. He expressed the view that the public must be among the recipients, as the Board serves as the eyes and ears of the community.

#### **Ordinance Modifications:**

- Mr. Walker introduced the discussion of ordinance modifications, distributing a copy of the current ordinance with highlighted sections identifying areas of concern.
- Mr. Walker reported that he met earlier that day with the new Assistant to the City Manager, who serves as the Board’s liaison and handles policy matters. The City Council meeting date for presenting ordinance recommendations is May 18, 2026. Council is expecting the Board to present a specific redlined version of the ordinance with its recommended changes, rather than a menu of options.
- Mr. Walker identified the purpose statement (Section B, Powers and Duties) as problematic. The current language states the Board’s purpose is “*to establish and maintain trust between and among the police department, the city council, the city manager, and the public.*” Mr. Walker and Board members agreed this is overly generic, unrealistic, and improperly frames the Board’s role as building trust on behalf of all city entities rather than providing independent oversight. Mr. Walker indicated he has a proposed replacement purpose statement prepared.
- The Board agreed that Mr. Walker would distribute proposed replacement language for the purpose statement for Board feedback, rather than attempting to draft language by committee.

- Mr. Walker identified independent investigations as the most significant area of concern in the ordinance. The current language requires the Board itself to receive, investigate, and issue findings on complaints. Mr. Walker outlined multiple barriers to this model: the Board cannot compel officer testimony; the police collective bargaining agreement imposes rights and timelines that must be adhered to; the Board has no investigator on staff; the city has indicated it will not fund an independent investigator; and a volunteer board lacks the capacity to conduct investigations.
- Mr. Walker recommended shifting to a model in which the PCOB Office monitors complaints and investigations conducted by Internal Affairs, the Office can audit specific data sets and practices, and the Board reviews findings and renders policy recommendations and opinions. This aligns with how many other oversight entities operate.
- Mr. Walker identified the discipline recommendation provision as another problem area. The police collective bargaining agreement and police policy requires discipline decisions to be reached by the Chief within 45 days of a complaint, a timeline that is unworkable given the Board's monthly meeting schedule and the need for Internal Affairs to complete its process first. Mr. Walker proposed that rather than recommending specific discipline for individual officers, the Board focus on reviewing whether discipline was consistent with policy and recommend policy changes regarding what level of discipline should apply to particular types of incidents.
- Dr. Fracher emphasized that while the Board would not directly impose discipline, its public recommendations regarding policy carry significant weight through transparency. He stated, *"I don't want to feel like this is just a paper tiger. We have to have substance to what we find and what we feed back."*
- Mr. Walker discussed the hearings provision. The original ordinance envisioned a trial-like format where officers would appear before the Board, but this is not feasible given that officers cannot be compelled to testify and subpoenas being issues to officers to appear are questionable and lead to additional complications. Mr. Walker suggested that hearings could still serve a purpose if reframed as forums for expert testimony, voluntary police department input, public comment, and data presentation on specific policy topics or trends.
- The Board briefly discussed subpoena power. While subpoenas of police officers are not viable, there may still be value in retaining subpoena authority for obtaining third-party records such as security camera footage or other records.
- Dr. Fracher emphasized the need to memorialize the Board's current level of access to police records in the ordinance. He noted that the current Chief has been exceptionally cooperative, providing full unredacted access, but a future chief may not continue this practice. Mr. Walker confirmed that existing Standard

Operating Procedure language addressing access could be incorporated into the ordinance.

- Mr. Walker noted the board membership eligibility provision, which currently allows Albemarle County residents to serve. He explained this was a controversial decision made by City Council to address insufficient applicants from the city. While not an urgent issue with the Board now at full membership, Mr. Walker pointed out that the current language contains ambiguous “or” statements that could technically allow someone with no connection to the city to qualify and even qualify as a resident outside of both the city and county. He recommended cleaning up the language.
- Mr. Walker raised the commendations section for Board discussion, noting it is uncommon for oversight entities to include such a provision.
- Dr. Dobson expressed strong support for retaining commendations, arguing that recognizing exceptional police work is the flip side of accountability and helps counteract the perception that oversight boards are solely negative. Mr. Vaughan agreed, noting that a record of commendations would signal to a future chief that the Board is a legitimate and balanced oversight entity.
- Mr. LaFave raised concerns about Section C, which authorizes the Board to issue public citations to officers, questioning what standard would be applied and whether the Board should be the entity issuing public recognition versus relaying compliments to the Chief. The Board agreed the commendations section should be retained but clarified to define the process and standards.
- Mr. Walker noted that the Board currently receives approximately 3 to 5 contacts per month, including complaints, compliments, commentary, and general inquiries. He indicated he would like to resume providing monthly reports on this activity.
- Mr. Walker discussed the alternative resolution (mediation) provision in the ordinance. He explained that no other oversight entity in Virginia includes such a provision because the Board cannot compel officers to participate in mediation. The police union would advise officers against participating due to potential civil and criminal liability exposure. While the Chief could initiate mediation through his own authority, the Board cannot. Mr. Walker suggested this section may need to be removed or significantly reconceptualized.

#### **Process for Ordinance Revisions:**

- The Board discussed how to organize the work of producing a redlined ordinance for the May 18 City Council meeting. Mr. Walker proposed that he prepare proposed revisions and distribute them for feedback, noting that much of the language has already been drafted over preceding months.

- The Board agreed on a workflow in which Mr. Walker would prepare proposed revisions, a small working group of Board members would review and refine the proposals, and the full Board would then review and provide feedback before a final version is brought for a vote. Dr. Fracher and Mr. LaFave expressed interest in working on the ordinance with Mr. Walker.
- Mr. Walker noted that all proposed revisions are subject to review by the City Attorney's Office.

### **Communication and Work Organization:**

- Dr. Dobson emphasized the importance of scheduling dedicated work time with Mr. Walker at the PCOB Office rather than relying solely on email correspondence to advance Board priorities.
- Dr. Fracher proposed holding regular whole-board work sessions in addition to the monthly public meetings to maintain momentum and keep all members informed on small group work. The Board agreed that these should be scheduled at least a month in advance and that remote participation via Zoom would be available to an extent.
- Mr. Walker proposed sending a weekly email update to Board members every Tuesday, containing upcoming dates, community engagement events, and brief updates on work being done by any subgroups.
- Mr. Walker reiterated the importance of all Board members using their city email accounts for Board-related communications. Mr. Vaughan recommended using blind carbon copy (BCC) for group emails so that recipients can only reply to the sender, preventing the creation of group email threads that could be subject to FOIA. For collaborative work, members should use their city email or Microsoft Teams.

### **Community Outreach:**

- Dr. Dobson reported on his experience participating in a CPD community walk and recommended that the Board have a representative attend at least one walk per week. He described the walks as essentially canvassing, officers going door to door in neighborhoods asking residents about any concerns, which aligns with the Board's community engagement goals.
- Dr. Dobson suggested that Board members attending walks could introduce themselves separately from the officers and ask residents about their experiences with policing, potentially using a standard script or question.
- Mr. LaFave raised concern about the optics of Board members accompanying police on community walks, noting it could appear that the Board and the police department are too closely aligned, which could undermine the Board's role as

an independent oversight body. Several Board members acknowledged this tension.

- Dr. Dobson responded that Board members could be explicit about their independent role, explaining their presence as observing police activities and giving residents an opportunity to share feedback directly with the oversight board.
- Mr. Walker shared that Sergeant Thomas distributes a weekly email with community walk and event schedules, which he would forward to the Board. This week's activities included a community walk at Midway Manor, engagement at the Boys and Girls Club, a literacy night at Kindewood Apartments, and a public community statistics presentation at Trailblazer Elementary focused on the north district.
- Dr. Fracher expressed interest in conducting focus groups as an outreach method and noted he is awaiting an opinion from the City Attorney's Office on whether budget funds can be used to purchase gift cards as incentives for focus group participation.
- Discussion occurred regarding potential outreach to Point Church on Ridge Street, which was described as having a diverse congregation and active community outreach programs. The Board also discussed establishing contact with the Charlottesville Justice Coalition, which had recently hosted a presentation.
- Mr. Walker reviewed the Board's outreach plan and work plan documents, including the community directory for tracking organizational contacts, a community survey accessible via QR code, and the one-page overview of the Board's monthly process cycle: listen to the community, compile information, do the work (policy review, case review, community engagement), and share findings with the Chief, City Council, City Manager, and the public.
- Dr. Fracher raised the challenge of media and communications, noting the lack of strong local media coverage. The Board discussed options including press releases through the city's system, the Board's website, a potential story with C-VILLE Weekly once the ordinance revisions are complete, and the possibility of social media. Mr. Walker cautioned that social media accounts require significant management effort and may have legal implications.

### **Work Assignments:**

- **Ordinance Revisions:** Mr. Walker, Dr. Fracher, and Mr. LaFave. Mr. Walker to prepare proposed revisions for small group review, then distribute to the full Board for feedback.
- **Community Outreach:** Mr. LaFave and Mrs. LeNoir-Kelly expressed interest in outreach to faith communities and media contacts. Mr. Walker to coordinate

outreach efforts. Mr. Frye also expressed interest in community outreach through his spouse's connections with the Democratic Party and neighborhood associations.

- **CPD Policy Review:** Dr. Dobson and Mrs. Reaves volunteered to review CPD's duty to intervene policy and de-escalation policy, noting particular relevance to current events regarding immigration enforcement. Mr. Frye volunteered to conduct a broad review of CPD policies and report back to the group with questions. Mr. Walker to distribute a link to CPD policies to all Board members.
- **School Resource Officers (SROs):** The Board discussed the SRO Memorandum of Understanding between the city and schools, noting its vague language and the complex history of SROs in Charlottesville. The Board agreed to defer substantive work on this issue, as SROs are not expected to be in place until fall at the earliest. Dr. Dobson will continue relationship-building efforts with school administration through coordination with Lieutenant Greg Wade.
- **Glossary of Terms:** Mr. Vaughan and Dr. Dobson to continue developing the glossary document, which aims to define both acronyms and substantive terms used by the Board.
- **Ride-Alongs:** Mr. Walker encouraged Board members to sign up for ride-alongs with CPD using the form previously distributed, coordinating dates through Sergeant Thomas.

**Adjournment:**

- A motion to adjourn was made by Mr. Frye and seconded by Mr. LaFave. The motion was approved unanimously by all members present.
- Meeting adjourned at approximately 8:08 p.m.

Certified by James Walker, Acting PCOB Director

Date Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_

# CHARLOTTESVILLE POLICE CIVILIAN OVERSIGHT BOARD

## MEETING MINUTES

**Date:** March 12, 2026

**Scheduled Time:** 6:30 p.m.

**Location:** Parks and Recreation – 501 E Main Street, Charlottesville, VA 22902

**Board Members Attending:** Dr. Jeffrey Fracher (Chair), Dr. Kyle Dobson (Vice Chair), George Dillard Jr. (Remote), Andrew Frye, Albe LaFave, Caron LeNoir-Kelly, Nathalie Reaves, Ruairi Vaughan.

**Board Members Not Attending:** N/A

**Staff Present:** James Walker, Acting Director.

**Guests:** April Wimberley, City Attorney's Office.

### **Call to Order:**

- The meeting was called to order at 6:31 p.m. by Chair Dr. Fracher. Dr. Fracher reviewed the ground rules for meeting participation, including respectful conduct, the three-minute time limit for public comment, and the process for submitting written questions to the office.

### **Agenda & Minutes Approval:**

- A motion was made by Dr. Dobson to amend the proposed meeting agenda by removing the item titled "Review of Internal Affairs Case Number 2025-927" from the closed session portion. Motion seconded by Mr. Frye and approved unanimously by members present.
- A motion was made by Mr. Vaughan to approve the meeting minutes from the February 12, 2026 regular meeting. Motion seconded by Mr. Frye and approved unanimously by members present.

### **Announcements:**

- Mr. Walker announced the creation of a published Microsoft calendar providing a shared, view-only link for all Board-related events. The calendar will be accessible via a bookmarkable link sent to Board members, will update in real time as events are added or removed, and will include both public and non-public Board events. Mr. Walker indicated the link would be distributed in the following Tuesday email.

- Mr. Walker noted an upcoming community outreach event hosted by the Department of Human Services on Friday, March 20, 2026. The Board committed to setting up a table at the event. Mr. Walker confirmed he would attend and invited Board members to participate, noting up to two Board members could be present.
- Dr. Fracher announced that he had prepared a two-page document of talking points addressing three key topics: (1) why the Board cannot conduct independent investigations, (2) why the Board cannot hold hearings, and (3) why the Board cannot make binding disciplinary recommendations. The document explains the legal and structural limitations preventing the Board from fulfilling these functions under the current ordinance. Dr. Fracher requested that Mr. Walker review the document, after which it would be distributed to all Board members. Dr. Fracher asked Board members to familiarize themselves with the material for community engagement purposes and to provide any feedback.
- Discussion occurred regarding making the talking points document publicly available. Mr. Walker noted it could be added to the agenda packet and posted on the website. Dr. Fracher expressed interest in producing printed copies for distribution at community events.

#### **Public Comment (First Period):**

- No public comment was received, either in person or online.

#### **Work Plan Information:**

- Mr. Walker reported that he and Dr. Fracher have been meeting on a weekly basis to work through ordinance revisions on a section-by-section basis. Draft language has been developed for each section, with the current focus on refining specific details. The goal is to produce a full redlined version of the ordinance reflecting proposed strikes and additions, which will be reviewed by the City Attorney's Office. The timeline is as follows: a draft will be presented to the full Board at the April meeting for discussion, with a final vote at the May meeting to approve the version to be recommended at the May 18, 2026 joint meeting with City Council. Dr. Fracher emphasized that the final document will be brought to the full Board for approval and invited any interested Board members to participate in the Monday working sessions, which typically occur at 10:30 a.m.
- Mr. Walker discussed the Board's focus on community outreach, including messaging around the ordinance changes, general public awareness of the Board's role and mission, and identifying community events for Board participation throughout the spring, summer, and early fall. Events range from small neighborhood gatherings to larger events where attendees may receive informational materials in passing. Mr. Walker also highlighted the teen expo as a targeted opportunity to engage youth.

- Dr. Dobson advocated for developing structured, audience-specific templates and documents for outreach events. He suggested that materials be tailored for different audiences (e.g., youth events, school boards, media) and formatted for multiple uses, including social media and in-person distribution. Dr. Dobson proposed that such documents could help the Board present a more professional and unified message and volunteered to contribute to this effort. Mr. Walker expressed support and noted he would review materials for accuracy.
- Mr. Walker noted the Hispanic Community Police Academy session scheduled for the following Tuesday evening, which would focus on internal affairs and include a segment for the PCOB to speak. Dr. Fracher and Mr. Walker have typically attended in the past. Mr. Vaughan expressed interest in attending. Mr. Walker noted the event begins at approximately 6:00 p.m. within the CPD roll call room.
- Mr. Walker reported on ongoing work regarding the School Resource Officer Memorandum of Understanding (MOU) and its relationship to CPD general orders, over which the Board has direct oversight. Initial outreach has been made to the school district's representative, and the Board intends to follow up.
- Discussion occurred regarding immigration-related policy. Mr. Walker reported that he, Dr. Fracher, and Dr. Dobson met with Police Chief and Mr. Sam Roman, the new Assistant City Manager for Public Safety (a former police chief in Roanoke). Both the Chief and Mr. Roman confirmed that immigration is on the radar of city leadership. Dr. Dobson described the Board's approach as developing a thoughtful, vetted interpretation of officers' application of immigration-related policy, with multiple checks and balances involving the Police Department and the City Attorney's Office. Dr. Dobson indicated the Chief expressed openness to the Board's input.
- Dr. Dobson expressed interest in participating in use of force policy review, noting its relevance to case reviews. Mr. Walker confirmed the use of force policy and standards of conduct are the primary policies relevant to high-level incidents and complaints.
- Mr. Walker reported on efforts to develop process documents, including a glossary of terms. He noted that the glossary has expanded into two categories: (1) definitional terms and (2) more abstract or idealistic terms (e.g., what "trust" or "engagement" means to the Board), which will require broader Board input over time. Additionally, the Office is developing a case review template to ensure consistent, legally compliant, and meaningful outcomes each time the Board reviews a case.
- Mr. Walker explained that the Internal Affairs case originally scheduled for closed session review (Case No. 2025-927) would instead be reviewed individually or in groups of two by Board members at the PCOB Office outside of a public meeting session.

**Closed Session:**

- Dr. Fracher introduced April Wimberley, the City Attorney’s Office representative assigned to the Board.
- Pursuant to Virginia Code Section 2.2-3712, Mr. Frye moved that the Board convene in a closed session as authorized by the Virginia Freedom of Information Act, specifically under Virginia Code Section 2.2-3711(A)(8), for consultation with legal counsel retained by a public body regarding specific legal matters requiring legal advice, specifically advice regarding compliance with the Freedom of Information Act and requirements under state and local law regarding the confidentiality of records and information. Motion seconded by Mrs. LeNoir-Kelly and approved unanimously by members present.
- Upon reconvening in open session, a motion was made by Dr. Fracher to certify that only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion convening the closed session were heard, discussed, or considered. Motion seconded by Mr. Vaughn and approved unanimously by members present without dissent.

**Public Comment (Second Period):**

- No public comment was received.

**Adjournment:**

- A motion to adjourn was made by Mr. Frye and seconded by Dr. Dobson. The motion was approved unanimously by all members present.
- Meeting adjourned at approximately 8:17 p.m.

Certified by James Walker, Acting PCOB Director

Date Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_

**CITY OF CHARLOTTESVILLE**  
OFFICE OF POLICE CIVILIAN OVERSIGHT

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**COMPLAINT AND INCIDENT  
REVIEW MANUAL**

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Police Civilian Oversight Board  
Charlottesville City Code Article XVI  
Virginia Code § 9.1-601  
*Adopted: [Date]*

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## SECTION 1: PURPOSE AND AUTHORITY

This document establishes the process and procedures by which the Police Civilian Oversight Board (“PCOB” or “the Board”) conducts complaint and incident reviews. It is designed to ensure that reviews are consistent, transparent, evidence-based, and aligned with the Board’s statutory authority under Charlottesville City Code Article XVI and Virginia Code § 9.1-601.

Under Section 2-452(c) of the City Code, the Board is authorized to review Internal Affairs investigations of complaints against officers of the Charlottesville Police Department (“CPD”). The Board evaluates whether investigations meet accepted standards of **Accuracy**, **Completeness**, **Impartiality**, and **Sufficiency**, the four factors derived from the Board’s ordinance and grounded in standards recognized by the National Association for Civilian Oversight of Law Enforcement (NACOLE) and the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

The review process serves three core functions: it allows the Board to **reach findings** on the quality of an investigation, **make determinations** about broader policy or procedural concerns revealed by a case, and **issue recommendations** to the Chief of Police, City Manager, or City Council when warranted. These terms are defined in Section 2 of this document.

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## SECTION 2: KEY DEFINITIONS

The review process may produce three distinct types of Board output. Understanding the differences among these is essential to the integrity and clarity of the Board's work. Each serves a different purpose, carries a different level of significance, and is directed at a different audience.

### 2.1 Finding

A **finding** is the Board's conclusion about the quality and integrity of the Internal Affairs investigation itself. It answers the question: *Did the investigation meet acceptable standards?*

A finding is expressed in one of three outcomes for each of the four evaluation factors and for the case overall:

- **Concur** – The Board agrees that the investigation, on this factor, was conducted to an acceptable standard and that the resulting IA finding is supported by the evidence.
- **Do Not Concur** – The Board disagrees with the quality of the investigation on this factor or concludes that the IA finding is not adequately supported by the evidence.
- **Insufficient Evidence to Evaluate** – The Board concludes that the case file does not contain enough information for the Board to make a judgment on this factor. This is different from the IA finding of "Not Resolved"; it means the Board itself cannot complete its evaluation due to gaps in the materials provided.

### 2.2 Determination

A **determination** is the Board's conclusion about a broader systemic, policy, or procedural issue revealed through its review of the case. It answers the question: *Does this case reveal a problem beyond the individual investigation?*

Determinations go beyond the quality of the investigation to identify issues such as: a problematic or unclear CPD general order, a gap in department training, discipline that appears inconsistent with comparable cases or department standards, a pattern of recurring complaint types, or a supervisory practice that enables misconduct or fails to prevent it. A determination does not require the Board to have found the investigation itself deficient. Even a well-conducted investigation can reveal policy concerns.

#### Examples of determinations:

- "The Board determines that General Order [number] does not provide adequate guidance to officers on the use of discretion during traffic stops."
- "The Board determines that the disciplinary outcome in this case is inconsistent with outcomes in comparable sustained cases reviewed by the Board."
- "The Board determines that the absence of body-worn camera footage in this investigation materially limited the ability to evaluate the allegation."

### 2.3 Recommendation

A **recommendation** is a specific, actionable proposal the Board puts forward in response to a determination. It answers the question: *What should be done to address the problem identified?*

Recommendations are directed to the Chief of Police under Section 2-461 of the City Code. When outcomes involve matters of broader citywide significance, such as resource allocation, legislative changes, or interdepartmental coordination, the Board may also address recommendations to the City Manager and City Council. Under the ordinance, when the Chief of Police declines to implement a recommendation, the Chief must provide a written explanation to the Board.

#### Examples of recommendations:

- “The Board recommends that the Department revise General Order [number] to include specific criteria for when officers should issue warnings versus summonses.”
- “The Board recommends that Internal Affairs investigators receive additional training on interview techniques for complainant witnesses.”
- “The Board recommends that the Department establish a quarterly review of body-worn camera compliance rates and report findings to the Board.”

#### 2.4 How They Relate

These three outputs operate in sequence but are independent of each other. A finding does not require a determination, and a determination does not require a recommendation. The relationship can be understood as follows:

Output	Question Answered	Example
<b>Finding</b>	Was the investigation adequate?	The Board does not concur with the IA finding on Completeness.
<b>Determination</b>	Is there a broader problem?	The relevant general order lacks clear guidance on the procedure at issue.
<b>Recommendation</b>	What should be done?	The Department should revise the general order to include specific procedural steps.

## SECTION 3: CASE SELECTION AND REQUEST

### 3.1 Sources of Cases

Cases may be identified for Board review through the following sources:

1. **Director Referral.** The Director of Police Civilian Oversight identifies closed Internal Affairs cases for Board review through routine monitoring of complaint data, emerging patterns, or cases of particular public interest or significance.
2. **Board Request.** Any Board member may request that a specific case be placed on the review schedule. The request should be communicated to the Director, who will assess the case's availability and readiness for review.
3. **City Manager Referral.** The City Manager may refer cases to the Board for review in accordance with the ordinance.
4. **Community Complaint Intake.** When the Office receives a complaint from a community member, and the resulting Internal Affairs investigation is closed, the Director may place the case on the review schedule.

### 3.2 Eligibility Criteria

Only cases that have been fully closed by Internal Affairs with a final finding (Sustained, Unfounded, Exonerated, or Not Resolved) are eligible for Board review. Cases that are pending, under active investigation, or subject to ongoing legal proceedings are not eligible until those processes conclude. The Director will confirm eligibility before placing any case on the review schedule.

### 3.3 Annual Review Target

The Board should aim to review a minimum of one case per quarter. This target may be adjusted based on the volume of closed cases, Board capacity, and the complexity of cases selected. The Director will maintain a running list of cases eligible for review and present it to the Board at least quarterly.

## SECTION 4: CASE PREPARATION BY THE DIRECTOR

### 4.1 Case File Assembly

Once a case is selected for review, the Director is responsible for preparing a case file for each reviewing Board member. The case file will include, to the extent available and permitted by law:

1. The Internal Affairs investigative report, including all interview summaries and evidence logs.
2. Body-worn camera footage, dashboard camera footage, or other audio/video evidence (accessible in the PCOB office or through secure viewing arrangements).
3. Relevant CPD General Orders and standard operating procedures applicable to the allegations.
4. The IA finding and any discipline imposed or corrective action taken.
5. A case summary memorandum prepared by the Director, which provides a factual overview of the complaint, the investigation, and the outcome without editorial commentary.
6. A blank Case Review Scorecard for the Board member to complete.
7. A copy of the Scoring Rubric for reference.

### 4.2 Confidentiality and Handling

All case file materials remain the property of the Charlottesville Police Department under Section 2-453(f) of the ordinance. Board members must handle case files in accordance with the Board's Non-Disclosure Agreement and the confidentiality provisions of Section 2-453(e). Case files may not be copied, photographed, removed from the PCOB office, or shared with any person who is not authorized to access them. Board members should not reference confidential personal information about officers or complainants in any public discussion or written commentary on the scorecard.

### 4.3 Director's Case Summary Memorandum

The Director's case summary memorandum is an objective briefing document. It is not an argument or opinion. The memorandum should include the following elements: the complainant's allegations (without identifying information in the version shared publicly), the relevant CPD general orders, a chronological summary of the investigation, a summary of key evidence, the IA finding and classification, and any discipline or corrective action taken. The memorandum should note any areas where the Director believes the Board may wish to focus its attention, such as evidence gaps, potential policy concerns, or unusual procedural aspects, without directing the Board toward any particular conclusion.

## SECTION 5: INDIVIDUAL BOARD MEMBER REVIEW

### 5.1 Review Format Options

Board members review case files individually before the Board convenes for group deliberation. The Director will offer the following review format options to accommodate members' schedules and preferences:

1. **One-on-One Review.** A single Board member meets with the Director at the PCOB office to review the case file. The Director is available to answer procedural questions, clarify the contents of the file, and explain relevant CPD general orders. The Director does not offer opinions on the case's merits during this session.
2. **Two-on-One Review.** Two Board members meet together with the Director at the PCOB office. This format allows members to ask questions and discuss initial observations with each other during the review, while still maintaining the requirement that each member complete an independent scorecard. Board members should be mindful that substantive discussion of the case's merits between two or more members outside of a properly noticed meeting may trigger Virginia FOIA requirements if a quorum is present or if three or more members are involved.
3. **Independent Review.** A Board member reviews the case file at the PCOB office independently, without the Director present. The Director makes the file available during designated hours and follows up with the member to address any questions before the deliberation session.

### 5.2 Closed Session Review (Future Provision)

At the time of this document's adoption, Virginia FOIA does not provide a specific exemption for civilian oversight boards to conduct reviews in closed session. The Board may use existing exemptions under § 2.2-3711(A)(1) (discussion of specific personnel matters) or § 2.2-3711(A)(8) (consultation with legal counsel on specific legal matters) when the facts of a case meet those statutory criteria. Each use of closed session requires a specific motion, a recorded vote, and strict compliance with § 2.2-3712 procedures.

If the Virginia General Assembly enacts legislation providing a FOIA exemption for civilian oversight boards to conduct reviews in closed session, the Board will update this manual to incorporate that authority. Such an amendment would allow the Board to discuss the full details of a case, including confidential officer and complainant information, in a setting that protects the privacy interests of all parties while allowing for robust deliberation.

### 5.3 Completing the Scorecard

After reviewing the case file, each Board member independently completes the Case Review Scorecard. The scorecard requires the member to:

1. Assign a score of 0–100 for **Accuracy** and **Completeness**, using the Scoring Rubric as a guide.
2. Assign a **Yes** or **No** for **Impartiality** and **Sufficiency**.

3. Provide written commentary of one to three sentences for each factor, explaining the reasoning behind the score.
4. Note any policy, procedure, or practice recommendations the member believes the Board should consider.

Scorecards must be completed and returned to the Director at least five (5) business days before the scheduled deliberation session. This allows the Director to compile results for the aggregate review.

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## SECTION 6: SCORE AGGREGATION AND PRE-DELIBERATION SUMMARY

After receiving all completed scorecards, the Director will prepare a Score Aggregation Summary for use during deliberation. This summary does not represent a final outcome; it serves as a starting point for structured Board discussion.

### 6.1 Aggregation Method

For Accuracy and Completeness, the Director will calculate the average score across all reviewing Board members. For Impartiality and Sufficiency, the Director will report the count of Yes and No responses. The Director will also compile a summary of commentary themes from each factor, grouping similar observations together without attributing them to individual members.

### 6.2 Presentation Format

The Score Aggregation Summary will be presented to the Board in the following format at the beginning of the deliberation session:

Factor	Member A	Member B	Member C	Member D	Average / Tally
Accuracy	[score]	[score]	[score]	[score]	[avg] / 100
Completeness	[score]	[score]	[score]	[score]	[avg] / 100
Impartiality	[Y/N]	[Y/N]	[Y/N]	[Y/N]	[#] Y / [#] N
Sufficiency	[Y/N]	[Y/N]	[Y/N]	[Y/N]	[#] Y / [#] N

Individual member names will be used in the internal summary but will be replaced with “Member A,” “Member B,” etc. in any version shared publicly unless a member consents to attribution.

## SECTION 7: BOARD DELIBERATION PROCESS

Deliberation is the structured discussion during which the Board moves from individual assessments to collective findings, determinations, and recommendations. This section describes the steps and principles that govern deliberation.

### 7.1 Setting the Stage

The Chair calls the deliberation agenda item. The Director presents the Score Aggregation Summary (see Section 6.2), identifying where Board members are in general agreement and where scores or responses diverge significantly. The Director does not advocate for any position but highlights areas of divergence to focus discussion productively.

### 7.2 Factor-by-Factor Discussion

The Board discusses each of the four evaluation factors in turn. For each factor, the discussion follows this structure:

1. **Opening Statements.** Members with notably different scores or responses are invited to explain their reasoning first. For example, if three members scored Accuracy between 80–90 and one member scored 55, the member with the divergent score speaks first to explain their perspective.
2. **Evidentiary Discussion.** Members discuss the specific evidence from the case file that supports their positions. All arguments must be grounded in the investigative record, relevant CPD general orders, or applicable legal standards, not personal opinion or speculation about facts not in evidence.
3. **Response and Clarification.** Members may ask questions of each other, request clarification, or point to specific portions of the case file. The Director may provide factual clarification or reference relevant general orders when asked.
4. **Movement Toward Position.** After discussion, the Chair asks whether any members wish to adjust their scores or positions based on the discussion. Adjusted scores are recorded.

### 7.3 Reaching Consensus

The Board aims for consensus, defined as general agreement among members, on each factor before moving to a formal vote. Consensus does not require unanimity. The Chair should gauge consensus by asking whether any member objects to the emerging majority position. If a majority position is clear and no member objects to it being recorded as the Board's position, consensus has been reached.

If consensus cannot be reached on a factor, the Board proceeds to a formal vote. A simple majority of members present and voting determines the Board's position.

### 7.4 Dissent

Any Board member who disagrees with the majority position on any factor, determination, or recommendation has the right to file a written dissent. Dissents are included in the Case Review

Report alongside the majority position and must meet the same evidentiary standard: they must be grounded in the investigative record and articulate a clear basis for disagreement. Dissents are not subject to approval by the majority.

A dissent should identify the specific factor or issue, state the dissenting member's position, provide the evidence and reasoning that supports that position, and explain why the dissenting member believes the majority's conclusion is incorrect or incomplete.

### 7.5 Identifying Determinations and Recommendations

After the factor-by-factor discussion, the Chair opens the floor for discussion of any broader determinations the Board wishes to make. Members may propose determinations based on policy concerns, training gaps, disciplinary inconsistencies, or systemic issues identified during the review. Each proposed determination is discussed and must be supported by evidence from the case file.

For each determination adopted, the Board then considers whether a corresponding recommendation is appropriate. Not every determination requires a recommendation. The Board should issue recommendations only when it can identify a specific, actionable proposal that would address the concern. Vague or aspirational statements should be refined into concrete proposals before being adopted as recommendations.

### 7.6 Final Vote

At the conclusion of deliberation, the Board votes on the following as a package or individually, at the Chair's discretion:

1. **The Board's overall finding** for the case (Concur, Do Not Concur, or Insufficient Evidence to Evaluate).
2. **Any determinations** the Board has adopted.
3. **Any recommendations** the Board has adopted.

Votes are taken in open session by roll call. The results are recorded in the meeting minutes. Members who dissent from any portion of the vote may request that their dissent be noted in the minutes.

## SECTION 8: CASE REVIEW REPORT

Following the Board's vote, the Director drafts the Case Review Report, which serves as the Board's official written record of its review. The report is a public document. It is designed to communicate the Board's work to multiple audiences: the Chief of Police, the City Manager, City Council, and the public.

### 8.1 Audience and Distribution

Every Case Review Report is addressed to the Chief of Police, as the Board's primary findings and recommendations are directed to the operational leadership of the Charlottesville Police Department. When the Board's findings, determinations, or recommendations involve matters of broader significance, such as resource allocation, legislative changes, recurring patterns across multiple cases, or citywide policy implications, the report is also addressed to the City Manager and City Council. The Director, in consultation with the Board Chair, determines whether the matter rises to this level. All reports are made available to the public.

### 8.2 Report Structure

The Case Review Report follows a standard structure, detailed in the template at Appendix A. The template includes the following sections:

1. **Header and Distribution.** Identifies the recipient(s), the Board, the case number, the date of the review, and the date of issuance.
2. **Case Summary.** Provides the basic case details, including the complaint type, allegations, officer(s) involved (by badge number or identifier, not name, in the public version), the IA finding, and any discipline imposed. Also references the applicable CPD general orders.
3. **Scorecard Results.** Presents the aggregated scorecard results from all reviewing Board members, showing individual member scores (identified by letter designation) and the average or tally for each factor.
4. **Board Findings.** States the Board's overall finding (Concur, Do Not Concur, or Insufficient Evidence to Evaluate) for each factor and for the case overall, with a narrative explanation supported by evidence from the case file.
5. **Determinations.** States any broader determinations the Board has made, with supporting analysis. This section is omitted if no determinations were adopted.
6. **Recommendations.** States any recommendations to the Chief of Police (or City Manager/City Council), with clear descriptions of the proposed action and the reasoning behind it. This section is omitted if no recommendations were adopted.
7. **Dissenting Opinions.** Includes the full text of any dissenting opinions filed by Board members. This section is omitted if there are no dissents.
8. **Signature Block.** Signed by the Board Chair and witnessed by the Director.

### 8.3 Drafting and Approval

The Director drafts the report within ten (10) business days following the deliberation session. The draft is circulated to all Board members who participated in the review for comment. Members have five (5) business days to submit corrections or clarifications. The Board Chair approves the final version for release. If substantive disagreements about the report's content arise, the Chair may place the report on the agenda for the next Board meeting for final approval by vote.

#### **8.4 Response from the Chief of Police**

When the report includes recommendations, the Chief of Police is expected to provide a written response indicating whether each recommendation is accepted, partially accepted, or declined, along with the rationale for the decision. Under Section 2-461 of the ordinance, the Chief must provide a written explanation when declining to implement the Board's recommendations. The Director will track all recommendations and responses and include them in the Board's annual report to City Council.

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## SECTION 9: RECORD KEEPING AND TRANSPARENCY

The Director maintains a complete record of each case review, including: the case file materials (maintained in accordance with confidentiality requirements), all completed scorecards, the Score Aggregation Summary, the final Case Review Report, any written dissents, and any response received from the Chief of Police or other recipients.

Case Review Reports, excluding any confidential attachments, are public documents and will be published on the PCOB website and included in the Board's annual report. Completed scorecards containing only de-identified scores and commentary (no confidential case details) may be released upon request under FOIA. The Director will consult with independent legal counsel on any FOIA request that involves review materials.

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## APPENDIX A: CASE REVIEW REPORT TEMPLATE

The following template is used by the Director to draft the Board's official Case Review Report after deliberation and vote. The report is a public document addressed to the Chief of Police and, when warranted, to the City Manager and City Council. It incorporates the Board's findings, determinations, recommendations, and any dissenting opinions. The completed Case Review Scorecard (included below) is embedded in the report to show individual and aggregate scoring.

### CITY OF CHARLOTTESVILLE POLICE CIVILIAN OVERSIGHT BOARD COMPLAINT CASE REVIEW REPORT

<b>To:</b>	Chief of Police, Charlottesville Police Department
<b>CC:</b>	<i>[City Manager and City Council, if applicable]</i>
<b>From:</b>	Police Civilian Oversight Board
<b>Case Number:</b>	[PCOB Case #] / [IA Case #]
<b>Date of Review:</b>	[Date]
<b>Date of Issuance:</b>	[Date]

### CASE REVIEW SCORECARD

#### Case Information

<b>Case Number:</b>		<b>Date of Complaint:</b>	
<b>IA Case Number:</b>		<b>Date Opened:</b>	
<b>Complaint Type:</b>		<b>Date Closed:</b>	
<b>Officer(s) Involved:</b>		<b>Allegation(s):</b>	
<b>IA Finding:</b>	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded <input type="checkbox"/> Exonerated <input type="checkbox"/> Not Resolved	<b>Discipline / Outcome:</b>	
<b>Evidence Reviewed:</b>			
<b>Reviewing Board Member:</b>		<b>Date of Review:</b>	

#### Evaluation Scores

Rate each factor on a scale of 0–100 using the Scoring Rubric (Appendix B). Provide written commentary explaining your rationale for each score. See the rubric for definitions, scoring bands, and guiding questions. Do not include personal information or confidential information in your commentary.

Evaluation Factor	Score	Commentary / Reasoning (1–3 Sentences)
<b>1. Accuracy</b> <i>Factual basis of the investigation</i>	____ / 100	
<b>2. Completeness</b> <i>Thoroughness of evidence collection</i>	____ / 100	
<b>3. Impartiality</b> <i>Was the process objective</i>	Yes / No	
<b>4. Sufficiency</b> <i>Was the discipline imposed appropriate</i>	Yes / No	

### Recommendations

Policy, procedure, practice recommendations, if any:

Board Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Reference: Internal Affairs Finding Definitions

Internal affairs complaint investigations may result in one of the following findings. Board members should consider these definitions when evaluating the Sufficiency of the investigation's outcome.

- **Sustained** – The allegation is supported by the evidence and violated Department policy.
- **Unfounded** – The allegation is not supported by the evidence.
- **Exonerated** – The allegation is supported by the evidence but is within Department policy.
- **Not Resolved** – There is not enough evidence to render a clear finding.

### Board Findings

*[For each factor, state the Board's finding and provide evidence-based reasoning. If the Board's finding is "Do Not Concur" or "Insufficient Evidence," the explanation should be detailed enough for the recipient to understand the basis for that conclusion.]*

**Accuracy:** *[Board's finding and reasoning]*

**Completeness:** *[Board’s finding and reasoning]*

**Impartiality:** *[Board’s finding and reasoning]*

**Sufficiency:** *[Board’s finding and reasoning]*

**Overall Finding:** *[Concur / Do Not Concur / Insufficient Evidence to Evaluate, with summary reasoning]*

**Determinations**

*[State any determinations adopted by the Board. If none: “The Board made no determinations beyond its findings on the four evaluation factors.”]*

**Recommendations to the Chief of Police**

*[State any recommendations. If none: “The Board made no recommendations in connection with this case.” If recommendations are also directed to the City Manager or City Council, note this.]*

**Dissenting Opinions**

*[Include the full text of any dissenting opinions. If none: “No Board member filed a dissenting opinion.”]*

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**Board Chair** **Date**  
Printed Name: \_\_\_\_\_

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**Director, Office of Police Civilian Oversight (Witness)** **Date**  
Printed Name: \_\_\_\_\_

## APPENDIX B: SCORING RUBRIC

This rubric provides definitions, scoring bands, and guiding questions for each of the four evaluation factors derived from the Board's oversight authority under Charlottesville City Code Article XVI. These factors reflect standards recognized in professional oversight practice, including frameworks from NACOLE, the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and the DOJ Office of Community Oriented Policing Services (COPS Office).

### Factor 1: Accuracy

**Definition:** Accuracy measures the degree to which the investigation's conclusions, observations, characterizations, and findings are grounded in documented, verifiable facts rather than assumptions, opinions, or unsupported inferences. An accurate investigation distinguishes between what the evidence establishes and what the investigator interprets, and it represents witness statements and other evidence faithfully in its analysis and summary.

Score Range	Rating	Description
90–100	Excellent	All factual claims in the investigative report are supported by documented evidence. No unsupported assumptions, speculative conclusions, or opinions presented as fact. Statements attributed to witnesses and officers are verifiable against recorded testimony.
70–89	Satisfactory	Most factual claims are well-supported. Minor instances where investigator language could be read as interpretive rather than purely factual, but these do not materially affect the findings or outcome.
50–69	Marginal	Some conclusions or characterizations in the report appear to rest on assumption or inference rather than documented evidence. The factual record is present but the report's narrative occasionally oversteps what the evidence directly establishes.
25–49	Deficient	Multiple conclusions lack clear evidentiary support. The report contains speculative language, characterizes witness credibility without adequate basis, or presents investigator opinion as established fact in ways that could affect the outcome.
0–24	Unacceptable	The investigation's conclusions are largely disconnected from the documented evidence. Findings appear to be based on assumptions or conjecture rather than facts. The factual record is insufficient to support the reported outcome.

#### Examples:

- "Quote / Excerpt" – [Score]% [Factor], because [...]

### Factor 2: Completeness

**Definition:** Completeness measures the thoroughness of the evidence-gathering effort. A complete investigation identifies and pursues all reasonably available sources of evidence

including testimonial, physical, documentary, and digital. Interviews must be sufficiently detailed to address every element of each allegation. It also considers timeliness: whether evidence was collected before it could be lost, degraded, or contaminated.

Score Range	Rating	Description
90–100	Excellent	All identifiable witnesses were interviewed. All available physical, documentary, and digital evidence was collected and preserved. Interview questions were thorough, probing, and designed to establish the full factual record for each allegation.
70–89	Satisfactory	The evidence collection effort was substantial. Most witnesses were interviewed and key evidence was gathered. Minor gaps exist (e.g., a peripheral witness not contacted, a non-critical document not obtained) that do not undermine the ability to reach a well-supported finding.
50–69	Marginal	Noticeable gaps in evidence collection. One or more available witnesses were not interviewed, or relevant evidence was not obtained. Interview questions, while adequate on the surface, did not probe deeply enough to resolve ambiguities central to the allegation.
25–49	Deficient	Significant evidence was not collected. Key witnesses were not interviewed, or interviews were superficial and failed to address material issues. The evidentiary record has substantial gaps that leave major factual questions unresolved.
0–24	Unacceptable	The investigation made little meaningful effort to gather evidence. Critical witnesses were ignored, essential documents or recordings were not obtained, and interview questions were perfunctory. The evidentiary record is insufficient to support any finding.

#### Examples:

- "Quote / Excerpt" – [Score]% [Factor], because [...]

### Factor 3: Impartiality

**Definition:** Impartiality measures the objectivity and fairness of the investigative process and its outcome. An impartial investigation treats all parties consistently, weighs evidence without favoritism, avoids prejudgment, and reaches a conclusion that follows from the evidence rather than from a predetermined narrative. It encompasses both procedural fairness (how the investigation was conducted) and analytical fairness (how the evidence was interpreted).

Response	Description
Yes	The investigation was conducted and concluded without any indication of bias, prejudgment, or favoritism toward any party. All witnesses, complainant and officer alike, were treated consistently. The evidence was weighed and interpreted evenhandedly, and the finding flows logically from the evidence without any appearance of a predetermined outcome. No substantive indicators of bias. Minor concerns may exist (e.g., slightly different interview tone with different parties), but these do not appear to have influenced the analysis or outcome. The finding is consistent with the evidence.

<b>No</b>	Some indicators suggest potential imbalance in the investigation. For example, one party's account may have been given greater weight without clear justification, or the framing of the investigator's summary may favor one interpretation over others equally supported by the evidence. Clear indicators of bias or partiality may include leading questions directed at one party, selective emphasis on evidence favoring a particular outcome, or dismissal of credible testimony without adequate explanation. In the most severe cases, the investigation demonstrates pervasive bias, the process and conclusions appear to have been driven by a predetermined outcome rather than the evidence, and testimony or evidence unfavorable to the preferred outcome was ignored, discredited without basis, or not sought at all.
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**Examples:**

- "Quote / Excerpt" – [Score]% [Factor], because [...]

**Factor 4: Sufficiency**

**Definition:** Sufficiency measures whether the investigation's outcome, the finding classification and any resulting discipline, corrective action, or policy recommendation, is adequately supported by and proportionate to the evidence gathered. It asks whether the final result makes sense given the investigative record and whether the investigation captured the full implications of its findings, including systemic issues.

Response	Description
<b>Yes</b>	The finding (Sustained, Unfounded, Exonerated, or Not Resolved) is clearly and logically supported by the evidence gathered. If the allegation was sustained, the disciplinary outcome is proportionate and consistent with departmental standards. Where the evidence reveals policy gaps or training needs, the investigation identifies them and appropriate corrective action is taken or recommended.
<b>No</b>	The finding is arguably supported but raises questions. The connection between evidence and outcome could be stronger. Discipline may appear somewhat disproportionate (too lenient or too severe) relative to the evidence and comparable cases, or the investigation missed an opportunity to flag a systemic issue revealed by the facts. In more serious cases, the finding does not convincingly follow from the evidence, the outcome appears disconnected from what a reasonable reviewer would conclude, and systemic issues apparent from the evidence were overlooked. In the most severe cases, the outcome is unsupported, the finding contradicts the weight of the evidence, the disciplinary action (or lack thereof) is grossly disproportionate, and the investigation failed to identify or address clear policy, training, or systemic concerns revealed by the case.

**Examples:**

- "Quote / Excerpt" – [Score]% [Factor], because [...]

## Police Civilian Oversight Board Ordinance Revisions Summary

The following recommendations include all content changes proposed. All ordinance section headings are shown, even if there are no recommended changes to content in that section, in which case the section indicates this in [Brackets]. If a subsection is not listed in the recommendations, it means there is NO change to that subsection. ONLY strikes, additions, and replacements are included. Subsections where the only change is the numbering classification are not included.

### Sec. 2-450. Title.

[No change]

### Sec. 2-451. Definitions.

- (a) Authorized purpose. Those powers and duties delineated in Sec. 2-454. Powers and duties of the police civilian oversight board., and those powers and duties reasonably necessary to support these activities delineated in Sec. 2-453. Office of police civilian oversight established.
- (b) Hearing. For purposes of this article, a "hearing" shall be defined as any public session conducted by the board to review the facts, issues, and findings of a department internal affairs investigation, a report of the director related to a complaint, incident, policy, procedure, or topical audit investigation.
- (c) In writing. For purposes of this article, electronic mail (e-mail) shall constitute communication in writing.
- (d) Personal information. For purposes of this article, "personal information" shall have the same meaning as that provided by Virginia Code § 2.2-3801.
- (e) Records. For purposes of this article, "records" shall be constructed to broadly include writings, files, photographs, audio and/or visual recordings, and any other data or information within the possession of the department requested by the director for an authorized purpose of the board.
- (f) References. For purposes of this article, the following references shall be used:
  - (1) The board. The established and authorized Charlottesville Police Civilian Oversight Board shall be referred to as "the board."
  - (2) The chief. The City of Charlottesville Chief of Police shall be referred to as "the chief."
  - (3) The commander. The Charlottesville Police Department's Commander of Internal Affairs shall be referred to as "the commander."
  - (4) The department. The Charlottesville Police Department shall be referred to as "the department."
  - (5) The director. The appointed Director of the Office of Police Civilian Oversight under the division of the City Manager's Office shall be referred to as "the director."
  - (6) The office. The established and authorized Office of Police Civilian Oversight shall be referred to as "the office" for purposes of this article.
- (g) Securely retained. Any data storage format, location, or device which shall require a physical key or digital password authentication to access. Any such data storage format, location, or device containing department records shall be secured at all times and accessed only by and in the presence of the director.
- (h) Serious abuse of authority or misconduct. For purposes of this article, "serious abuse of authority or misconduct" shall include:
  - (1) Verbal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age, disability, sexual orientation, or gender identity and expression;

**Commented [JW1]:** Added for organization, clarity, and to consolidate definitions throughout the ordinance into a single location. Some definitions were also brought over from consolidation of the Standard Operating Procedures and Memorandum of Understanding into the ordinance itself.

- (2) Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability;
- (3) Acting in a rude, careless, angry, retaliatory or threatening manner;
- (4) Reckless endangerment of a citizen, detainee, or person in custody;
- (5) Violation of laws or ordinances;
- (6) Criminal or other misconduct occurring on or off the job which is related to job performance or is of such a nature that to continue the employee in the assigned position or in any city employment capacity would constitute negligence in regard to the city's duties to the public or to other city employees;
- (7) In any matter within the jurisdiction of any officer, department or agency of the city:
  - (i) The knowing falsification, concealment or cover-up of a material fact; and/or
  - (ii) The knowing making of any false, fictitious or fraudulent statement or representation, and/or the making or using of any writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry;
- (8) Sexual activity, including consensual sexual activity, on the job; and
- (9) Other serious violations of Charlottesville or department policies or procedures, including the department code of conduct.

**Sec. 2-4512. Police civilian oversight board established.**

Commented [JW2]: Strike added to definitions section.

Pursuant to Virginia Code § 9.1-601, there is hereby established a Charlottesville Police Civilian Oversight Board, ~~which shall be referred to as "the board,"~~ with powers granted as provided within this article. The board is a body established and appointed by the city council of Charlottesville pursuant to Virginia Code § 9.1-601(B) to perform functions authorized by the city council in accordance with Virginia Code § 9.1-601(C). It shall not be able to bring suit or to be sued in its own name, except to the extent needed to request and defend subpoenas as authorized by this article.

**Sec. 2-4523. Office of police civilian oversight established.**

Commented [JW3]: Strikes added to definitions section.

(a) Office established. There is hereby established an Office of Police Civilian Oversight, ~~which shall be referred to as "the office,"~~ which is a division of the city manager's office, and shall have the powers granted as provided within this article to facilitate and support the authorized functions of the board. The office shall have the authority to carry out its duties and responsibilities under this article with respect to all law enforcement activities and all sworn and civilian personnel operating under the authority of ~~the Charlottesville Police Department, which shall be referred to as "the department."~~

(d) *Duties of the director.*

- (3) *Director's authority to engage in oversight activities on behalf of the board.* The director may engage in additional oversight activities which support and inform the functions of the board, consistent with the powers and duties of the board authorized in this article. This may include, but is not limited to, review of department data systems, attendance at department meetings, review of department policies, practices, and procedures, participation in interviews of candidates for employment with the department, participation in use of force and similar conduct review panels, and other activities which are reasonably necessary for the board to effectuate its lawful purpose. The board may request the director to conduct additional oversight activities by majority vote. The director shall report all activities to the board and the city manager in accordance with the limitations outlined in ~~§ 2-454 of~~ this article.

**Sec. 2-4534. Powers and duties of the police civilian oversight board.**

(a) ~~Purpose. The purpose of the board is to establish and maintain trust between and among the department, the city council, the city manager, and the public.~~

**Commented [JW4]:** The existing purpose statement was general, not focused on mission objectives for the Board, and focused on an ideal outcome rather than implementation of oversight.

(a) Purpose. The purpose of the board is to enhance transparency, accountability, and legitimacy in policing in the City of Charlottesville through monitoring, audit, review, and public reporting authority with the mission of providing meaningful assessments and corrective recommendations on department policies, practices, and procedures.

(b) Powers and duties.

(1) To receive, ~~investigate, and issue findings on~~ complaints from civilians regarding the conduct of law enforcement officers and civilian employees of the department;

**Commented [JW5]:** Removal of independent investigation language. Independent investigations are not feasible for a range of reasons, including (1) no ability to compel officer testimony, (2) resource and staffing constraints, (3) procedures of investigations defined in VA Code, CPD General Orders, and the CPD Collective Bargaining Agreement, (4) lack of a relevant binding outcome making an independent investigation effective as an oversight tool.

(1) To receive complaints from civilians regarding the conduct of law enforcement officers and civilian employees of the department, and to refer such complaints to the department for investigation with monitoring by the office on behalf of the board;

(2) To investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, serious abuse of authority or misconduct as defined in this section, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the department;

(2) To review and issue findings on department incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, serious abuse of authority or misconduct as defined in this section, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the department;

(3) ~~At the conclusion of any investigation conducted pursuant to paragraphs (1) and (2), above, if the board has found that an employee has committed misconduct, to recommend disciplinary action to the chief of police;~~

(4) To investigate policies, practices, and procedures of the department and to make recommendations regarding changes to such policies, practices and procedures;

(4) To review policies, practices, and procedures of the department and to make recommendations regarding changes to such policies, practices and procedures;

(6) To request reports of the annual expenditures of the department, and to make recommendations to the city council concerning future appropriations;

(6) To review reports of the annual expenditures of the department, and to make recommendations to the city council concerning future appropriations;

(7) To make public reports on the activities of the board, including ~~investigations~~, hearings, findings, recommendations, determinations and oversight activities;

(7) To make public reports on the activities of the board, including reviews, hearings, findings, recommendations, determinations and oversight activities;

- (9) To undertake other duties, as reasonably necessary, for the board to effectuate its lawful purpose as provided for in this article, to effectively oversee the department.
- (9) To undertake other duties, as reasonably necessary, for the board to effectuate its lawful purpose as provided for in this article, to effectively oversee the department, including the delegation of administrative support functions, department monitoring, auditing, and other routine oversight activities to the office established in this article.

**Sec. 2-455. Board membership appointment, and terms.**

- (b) *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) *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. The application window shall remain open for a minimum of thirty (30) calendar days from the date of public announcement and application availability. 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, or the sociology of historically overpoliced communities.

**(c) Board composition.**

- ~~(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.~~
- ~~(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.~~
- (1) The seven (7) voting members of the board shall be residents only of the City of Charlottesville or Albemarle County. Residents of Albemarle County appointed to membership on the board shall be employed in the City of Charlottesville or those with significant and demonstrable ties to the city. Priority will be given to city residents.

**Commented [JW6]:** Simplifies board composition requirements and removes limiting criteria. Resolves a problem with the existing wording to clarify that members must be residents of the city or county, but if a resident of the county, must demonstrate ties to the city. Before, it could have been read as other counties as well.

- (d) *Terms.* Each board member shall be appointed for a term of ~~three (3) years~~. Appointments and terms shall be subject to the provisions of chapter 2, article I § 2-8 of the city code.
- (d) *Terms.* Each board member shall be appointed for a term of eighteen (18) months. City council may reappoint members to serve up to a total of three (3) consecutive terms. Appointments and terms shall be subject to the provisions of chapter 2, article I § 2-8 of the city code. Members serving on the board as of the effective date of this amendment shall continue to serve the remainder of their current term. The eighteen (18) month term length and consecutive term limit shall apply to all appointments and reappointments made on or after the effective date of this amendment.

**Commented [JW7]:** Term lengths have often been cited by Board members as too long. Decreases length and increases number of terms possible. Does not effect current member term.

## Sec. 2-456. Meetings.

[No change]

## Sec. 2-457. Board legal counsel.

[No change]

## Sec. 2-458. Information access and limitations.

- (a) *Access to department information.* ~~The board, administered~~ by the director, is authorized to receive, and shall be provided full access to, all department reports, files and records determined by the board or the director to be necessary to carry out its authorized powers and ~~responsibilities~~. All records, documents and materials in the possession of or provided to the board or the director shall be subject to board procedures adopted for the protection of confidential information as defined in such procedures. ~~The city manager, in consultation with the chief of police and the board, shall establish a standard operating procedure setting forth how this access shall be given by the department to the board, how personal information shall be managed and protected by the board in accordance with the requirements of Virginia Code § 2.2-3800 et seq., and under what circumstances or conditions it may be made available to the parties.~~
- (a) *Access to department information.* Subject to certain narrow limitations described in the enabling legislation and through administration by the director, the board is authorized to receive, and shall be provided full access to, all department reports, files and records determined by the board or the director to be necessary to carry out its authorized powers and duties. All records, documents and materials in the possession of or provided to the board or the director shall be subject to board procedures adopted for the protection of confidential information as defined in such procedures.

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(b) Records to be routinely provided. The department shall provide the following records to the director within five (5) calendar days of the receipt or creation of the record by the department:

- (1) Initial complainant contact letter;
- (2) Complaint closure letter;
- (3) Monthly report by the fourth amendment auditor; and
- (4) Monthly report by the office of internal affairs.

(c) Requests for Department records. The department shall provide all records specifically identified by the director, as well as those related to the subject matter and reasonably necessary to permit the board to investigate or review the identified subject matter. The director shall notify the chief or a designee in writing when the following occurs, as applicable, which shall constitute a request for records for purposes of this article:

- (1) The review of an internal affairs investigation has been scheduled. The notice shall provide sufficient information to allow the department to identify the investigation and any related complaints or disciplinary records.
- (2) The review of a specific department policy, practice, or procedure. The director shall provide the chief or a designee with basic information about the subject of the investigation sufficient to allow the department to identify records in its possession relevant to the review.
- (3) An audit has been initiated by the director or requested by the board. The director shall provide the chief or a designee with a copy of the audit plan, which shall indicate the general nature of the contemplated audit such that the department may identify records relevant to the audit.

(d) Delivery of records. Upon the provision of such written requests for records, the department shall provide the director with the requested records within five (5) calendar days of the director's written request or, if applicable, within five (5) calendar days of the city manager's written ruling regarding a dispute about access to records. In

**Commented [JW8]:** Significant changes to this section which consolidate the existing Standard Operating Procedure (SOP) agreement between the Board and CPD defining how information access is provided.

any case, the director and the chief or a designee may agree to a different timeline for the delivery of requested records. In the absence of a director or appointed designee, written requests shall be accepted from the chair of the board with majority vote of its members. The chief or a designee shall appoint an employee of the department to administer records access to the board until such time a new director or designee is appointed to such role by the city manager.

(e) Format of Department records. The board shall be provided department records, administered by the director, in the following formats:

- (1) Body-worn and dashboard camera video. The director shall be provided with independent access privileges to any relevant department systems to view all footage from cameras worn or operated by the department if relevant to the subject of an authorized purpose of the board. The director may not share the access credentials with any other person, and the director may not allow any person to view such video footage, other than a member of the board who has signed a confidentiality agreement, which the director shall verify, and in which case the board member may review the video footage in the presence of the director.
- (2) Originals or exact copies. The director shall be provided with the original version of the requested department records or, if feasible, may be provided copies of such records, at the department's discretion. If copies of the original records are provided to the director, they shall be exact duplicates of the original versions other than minor formatting or cosmetic differences that do not impact the content of the records.
- (3) Secure retention, return, or destruction. The original records and any copies thereof provided by the department to the director shall be returned to the chief or a designee as the custodian of the original records within five (5) business days of completion of the board review or audit, except that upon agreement in writing by the director and chief or a designee, copies of department video and records provided to the director may be securely retained or destroyed instead of returned to the department. A review or audit shall be deemed complete upon occurrence of the following, as applicable:
  - (i) Public release of the final findings and recommendations of a review; or
  - (ii) Presentation by the director of a final audit report to the board; or
  - (iii) In a case in which (i) or (ii) above does not apply, such other time that the director notifies the chief or a designee in writing that the authorized purpose for which the records were requested is complete.

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(e) Disputes over access. If the director and the board seek access to information the disclosure of which the department believes would compromise ongoing investigations, disclosure may be withheld until such time as the need for maintaining confidentiality is no longer present, or until the city manager has determined that the matter will not be compromised by the release of the information. If the board believes that the city manager is unreasonably withholding such information, the board may consider whether to seek a subpoena requiring the production of such information ~~pursuant to section 2-459.~~

(g) Disputes over access. If the director and the board seek access to information the disclosure of which the department believes is outside the scope of, or expressly prohibited by the authorities granted in this article, and the director and chief cannot resolve this dispute after mutual discussion and consultation, then the city manager shall resolve the dispute consistent with the purposes and provisions of the enabling legislation. The city manager may conduct an informal hearing, at which both the director and chief may be heard, and the city manager shall issue a written ruling within three (3) business days thereafter. If the department believes disclosure of information would compromise ongoing investigations, disclosure may be withheld until such time as the need for maintaining confidentiality is no longer present, or until the city manager has determined that the matter will not be compromised by the release of the information. If in either case, the board believes that the city manager is unreasonably withholding such information, the board may consider whether to seek a subpoena requiring the production of such information.

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(d) Confidentiality. Each member of the board and the director 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 chief or city attorney's office has deemed confidential.

This requirement to maintain confidentiality continues indefinitely or until the information no longer meets the definition of confidential or privileged as defined in relevant board procedures.

(h) *Confidentiality.* Each member of the board and the director shall maintain the confidentiality of all personal information, in addition to 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 chief or city attorney's office has deemed confidential.

This requirement to maintain confidentiality continues indefinitely or until the information no longer meets the definition of confidential or privileged as defined in relevant board procedures.

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(i) Protocols to prevent improper dissemination.

(1) The director and board shall not use or disseminate non-public personal information regarding any person, for any purpose or in any manner, other than as authorized by applicable state and federal law, local ordinances, and the authority to release public records defined in this article

(2) The director and board shall take all appropriate measures to maintain the security and confidentiality of all non-public personal information contained within Department records to which access has been provided.

(3) Within any written reports to be presented at a board meeting and/or released to the public, and during any public comments about matters currently or likely in the future to be the subject of an investigation or audit by the board or director, the board and director may disclose the following "personal information" about any person, except as otherwise prohibited by state or federal law:

(i) personal information previously publicly disclosed (by a party or parties other than the PCOB or Executive Director) and

(ii) non-public personal information regarding a CPD officer or employee with the prior written consent of the officer or employee.

(4) In all other cases, written reports to be presented at a PCOB meeting and/or released to the public, and public comments about matters currently or likely in the future to be the subject of an investigation or audit by the PCOB or Executive Director, shall refer only to anonymized information regarding a particular CPD officer or employee, and/or information that would not permit the particular officer or employee to be personally identified.

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(e) *Records to remain department records.* The chief ~~of police~~, as the custodian of ~~the~~ original records, 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 guidelines for public disclosure of certain types of information contained within department records. In the ~~standard~~-operating procedure, the

city manager shall issue guidelines for what information may be included in board or office reports or otherwise publicly disclosed.

- (j) *Records to remain department records.* The chief, as the custodian of all original department records, 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. In the event of a request pursuant to the Virginia Freedom of Information Act (FOIA) for records in the possession of the board and/or director, the director, as applicable, shall consult with the city attorney's office and claim all relevant exemptions allowed by FOIA to withhold the records or portions thereof from public disclosure, including Virginia Code §§ 2.2-3705.1 and 2.2-3706, except in cases where public disclosure is authorized in writing by either the chief of police or the city manager and is otherwise lawful. Nothing in this paragraph shall preclude the city manager from including with the operating procedure guidelines for public disclosure of certain types of information contained within department records. In the operating procedure, the city manager shall issue guidelines for what information may be included in board or office reports or otherwise publicly disclosed.

**Sec. 2-4589. Investigation eExclusions, limitations, and suspension.**

- (a) *Compliance.* Any ~~investigation~~ shall comply with all federal, state, and local laws, as well as with requirements for the initiation and conduct of investigations described in the procedures promulgated by the city council as authorized in this article.
- (a) *Compliance.* Any oversight activities shall comply with all federal, state, and local laws, as well as with requirements for the initiation and conduct of investigations described in the procedures promulgated by the city council as authorized in this article.

**Commented [JW9]:** Updated section to remove independent investigation references.

- (b) *Compelled statements.* The board may not compel a statement from any department employee, ~~other than by means of its subpoena powers.~~
- (b) *Compelled statements.* The board may not compel a statement from any department employee.

**Commented [JW10]:** Removal of the subpoena power specifically for compelling officer testimony, which was an existing contradiction in the hearings section. Officer testimony cannot be compelled for many of the same reasons independent investigations are not feasible. Primarily, however, neither the Board nor Office can extend civil and criminal liability protections to officers when giving a compelled statement afforded to them as part of administrative investigations within CPD.

- (c) *Exclusions.* The board shall not consider specific complaints, incidents, claims or issues involving the following:
- ~~(2) Except as otherwise authorized by subsection (d) of this section, a matter that was the subject of an investigation where more than seventy five (75) days has elapsed since the department sent notice to the complainant informing the complainant that the department's internal affairs investigation is complete (unless the board determines that there is good cause to extend the filing deadline);~~
- ~~(6) Any complaint, incident, claim or issue that has previously been the subject of an investigation by the board, unless substantial new information has come to the attention of the board;~~
- ~~(8) An allegation of conduct that does not violate the Charlottesville Police Policies and Guidelines, Disciplinary Orders, or Code of Conduct;~~
- (d) *Exceptions to time limits.* With the concurrence of the city manager, the board may review investigations beyond the time limits specified in subsections (c)(1) ~~and (c)(2)~~ if:

- ~~(e) *Suspension of investigations.* If a complaint asserts criminal conduct by an employee of the department, or if at any point in an investigation of a complaint or incident the board becomes aware that an employee may have committed a criminal offense, the board shall:~~
- ~~(1) Suspend the investigation and notify the chief of police and commonwealth's attorney of the alleged conduct, ensuring that no statements obtained from the police department employee(s) whose actions are the subject of the matter are shared with criminal investigators or any prosecuting authority except in accordance with applicable law; and~~

~~(2) Evaluate, in consultation with board legal counsel, the city attorney, and the commonwealth's attorney, whether competing public interests and civil rights involved permit the resumption of continued, parallel investigation by the board.~~

#### **Sec. 2-45960. Subpoenas.**

- (b) *Requests for access.* If the director is denied access to material witnesses, records, books, papers, or other evidence within the control of the department that the director deems necessary to perform their duties and the duties of the board, the director may request the city manager to require the department to produce the requested witnesses and documents. The city manager, or their designee, shall not unreasonably deny such a request, but may place conditions on the production of the requested witnesses and documents as necessary to preserve confidentiality ~~for the reasons set forth in this article~~. The city manager, or their designee, shall issue a decision on the director's request within five (5) business days from the date of that request.
- (b) *Requests for access.* If the director is denied access to material witnesses, records, books, papers, or other evidence within the control of the department that the director deems necessary to perform their duties and the duties of the board, the director may request the city manager to require the department to produce the requested witnesses and documents in accordance with this article. The city manager, or their designee, shall not unreasonably deny such a request, but may place conditions on the production of the requested witnesses and documents as necessary to preserve confidentiality. The city manager, or their designee, shall issue a decision on the director's request within five (5) business days from the date of that request.

**Commented [JW11]:** A revisions to subsection (a) is still needed to clarify that subpoenas will not be used to compel officer testimony. This will resolve a core conflict which existed in the ordinance. Subpoenas can still be used for third-party witnesses, evidence, records, and also for records within possession of CPD.

#### **Sec. 2-461. Complaint intake and referrals.**

[New Section]

#### **Sec. 2-4602. Conduct of ~~investigations~~ department monitoring.**

[Revised Section]

#### **Sec. 2-463. Conduct of department audits.**

[New Section]

#### **~~Sec. 2-461. Matters on which the board may conduct hearings.~~**

[Strike Section]

#### **Sec. 2-464. Public reporting.**

[New Section]

#### **Sec. 2-4625. Alternative resolution.**

~~(a) *Mediation.* The board may propose procedures for the use of mediation or other alternative dispute resolution techniques to resolve complaints against employees of the department. Such procedures shall not affect the ability of complainants to pursue remedies under other sections of this article.~~

**Commented [JW12]:** These sections are still under draft and constitute the largest revision and addition of new content. The goal is to transition these sections from an independent investigation focus to a monitor, audit, and review model. While the section on hearings is removed, hearings remain a tool of the Board and are included in the public reporting section, which also describes all ways the Board reports its findings, determinations, recommendations, etc. These sections also consolidate language from the existing MOU with CPD.

**Commented [JW13]:** Replaced existing content to allow for more realistic options for alternative resolution as neither the Board nor the Office could enforce what was currently in this section.

~~(b) *Informal resolution.* At any time after receiving a complaint and before issuance of the written findings required at the conclusion of a hearing, the board and any party may propose an informal resolution within the scope of the express authority granted to the board within this article, which informal resolution may be adopted if all parties and the board agree to such a resolution. At any time, the parties may agree to refer the matter to mediation or other alternative dispute resolution methods, without prejudice to the right to have a hearing on the review request.~~

(a) *Informal resolution.* Upon receiving a complaint or review request, the office may, before initiating or requesting a formal investigation, offer the complainant information, education, or referral to appropriate resources, including department programs, other city services, or community resources that may address the complainant's concerns. Any informal resolution shall be documented by the director and reported to the board. Nothing in this section shall prevent or discourage a complainant from filing or pursuing a formal complaint at any time, and the office shall inform the complainant of that right when offering early resolution options.

(b) *Mediation and alternative dispute resolution.* If the department maintains a mediation or alternative dispute resolution program, the office may inform the complainant of the availability of such program as an option. Participation in any such program shall be voluntary for all parties. A complainant's decision not to participate in mediation or alternative dispute resolution shall not affect the complainant's right to pursue remedies under other sections of this article.

**~~Sec. 2-463. Disciplinary recommendations.~~**

[Strike Section]

**~~Sec. 2-4656. Request a Annual reports review of police budget and expenditures.~~**

[No change to content]

**~~Sec. 2-4687. Commendations for exceptional community service.~~**

~~(a) *Soliciting public comment.* The board may solicit comments from the public concerning incidents of exceptional performance by employees of the department.~~

~~(b) *Exemplary employees.* The board may consult with the chief of police regarding individual employees who have made outstanding contributions exemplary of equitable, just, and professional policing.~~

~~(c) *Recognition of outstanding contributions.* The board may issue public citations recognizing individuals deemed to have made such contributions.~~

(a) *Purpose.* The board recognizes that effective oversight includes acknowledging excellence in policing. Commendations issued under this section are intended to highlight conduct by department employees that exemplifies the principles of equitable, constitutional, and community-oriented policing.

(b) *Bases for commendation.* The board may consider commendations for department employees based on any of the following:

- (1) *Conduct reflecting exceptional de-escalation, crisis intervention, or resolution of volatile situations in a manner that preserved the safety and dignity of all persons involved;*
- (2) *Demonstrated commitment to community engagement, problem-solving, or relationship-building that has measurably strengthened trust between the department and the communities it serves;*
- (3) *Actions taken to identify, report, or correct deficiencies in department policies, practices, or conduct that contributed to improved accountability or public safety outcomes;*
- (4) *Performance during a critical incident, including life-saving actions, that demonstrated professionalism and adherence to department policy and training; or*

**Commented [JW14]:** Case-specific disciplinary recommendations are not feasible for two reasons (1) timeline of when a case is closed and when discipline is determined by the Chief, (2) aspects of the CPD's Collective Bargaining Agreement which remove Board recommendations from any grievance proceeding. The focus instead should be on the application of discipline by the Chief and the Disciplinary Matrix used as part of CPD General Orders. This has been moved to the public reporting section.

**Commented [JW15]:** Only a change to the title, content is unchanged.

**Commented [JW16]:** Made to be more concrete and clear on what constitutes a commendation and how the Board is to arrive at that conclusion.

(5) Other conduct that the board determines to be exemplary of the principles stated in subsection (a).

(c) Sources of information. The board may identify commendation-worthy conduct through any of the following:

(1) Written nominations from members of the public, provided that such nominations describe the specific conduct or incident forming the basis for the commendation;

(2) Information obtained by the director or the board in the course of performing oversight, audit, or review functions authorized under this article; or

(3) Data, reports, or records made available to the board by the department in the ordinary course of the board's work.

(d) Review and issuance. Before issuing a commendation, the board shall verify, to the extent practicable using information available to the board, that the conduct forming the basis for the commendation is supported by more than a single unsubstantiated assertion. The board may issue public citations or other forms of recognition to employees whose conduct meets the criteria in subsection (b). The board shall notify the chief and the city manager of any commendation prior to its public issuance.



- CODE  
Chapter 2 - ADMINISTRATION  
ARTICLE XVI. POLICE CIVILIAN OVERSIGHT BOARD

**ARTICLE XVI. POLICE CIVILIAN OVERSIGHT BOARD<sup>1</sup>**

**Sec. 2-450. Title.**

This article shall be known as the Charlottesville Police Civilian Oversight Board Ordinance.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

**Sec. 2-451. Police civilian oversight board established.**

Pursuant to Virginia Code § 9.1-601, there is hereby established a Charlottesville Police Civilian Oversight Board, which shall be referred to as "the board," with powers granted as provided within this article. The board is a body established and appointed by the city council of Charlottesville pursuant to Virginia Code § 9.1-601(B) to perform functions authorized by the city council in accordance with Virginia Code § 9.1-601(C). It shall not be able to bring suit or to be sued in its own name, except to the extent needed to request and defend subpoenas as authorized by this article.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

**Sec. 2-452. Office of police civilian oversight established.**

- (a) *Office established.* There is hereby established an Office of Police Civilian Oversight, which shall be referred to as "the office," which is a division of the city manager's office, and shall have the powers granted as provided within this article to facilitate and support the authorized functions of the board. The office shall have the authority to carry out its duties and responsibilities under this article with respect to all law enforcement activities and all sworn and civilian personnel operating under the authority of the Charlottesville Police Department, which shall be referred to as "the department."
- (b) *Director.* There shall be a full-time director of the office. The director will be responsible for and report to the board on the day-to-day operational activities of the board and the office. The director shall report to the city manager, and the city manager shall delegate to the director the authority to employ such additional staff as funded by the city council for the board to effectively fulfill its obligations under this article, and any such additional staff shall report to the director.
  - (1) *Appointment.* The city manager shall appoint a director with the approval of a majority vote of the city council.

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<sup>1</sup>Editor's note(s)—Ord. No. O-21-183, §§ 1, 2, adopted Dec. 20, 2021, repealed the former Art. XVI, §§ 2-450—2-464, and enacted a new Art. XVI as set out herein. The former Art. XVI pertained to the police civilian review board, and derived from an ordinance adopted Nov. 4, 2019(1)); and Ord. No. O-21-062, 5-3-21.

- (2) *Interview process.* As a part of the director appointment process, the city manager shall convene an interview panel that includes two (2) members of the board. If those two (2) members recommend a candidate for appointment as director, the city manager shall provide a written justification to the board if a different candidate is appointed.
- (c) *Duties of the city manager.* The city manager shall have the following duties:
  - (1) *Operating procedures.* The city council authorizes the city manager to establish operating procedures for the performance of duties by the board and the office, in consultation with the board and the director. Those procedures may be amended from time to time by the city council or by the city manager, in consultation with the board and the director.
  - (2) *Supervision.* The city manager or a designee shall supervise the work of the director. The city manager's annual evaluation of the director's performance shall consider a written performance review submitted by the board to the city manager. The board may request that the city manager meet with the board's chair to discuss the director's performance.
  - (3) *Vacancy.* If there is a vacancy in the position of director, the city manager may designate some other city employee who is not an employee of the department to act as director until a new director is hired.
- (d) *Duties of the director.* The director shall have the following duties:
  - (1) *Duties.* The director shall support the board in the implementation and exercise of its oversight functions and undertake or ensure the performance of specific tasks assigned by majority vote of the board, pursuant to the powers and duties of the board authorized in this article. The director shall be responsible for management of all administrative and fiscal needs of the board and the office as authorized by the city manager.
  - (2) *Director's authority to conduct audits.* The director may conduct retrospective examinations and audits of patterns in internal affairs investigations, arrests and detentions, department expenditures, and other public-police interactions pursuant to the powers and duties of the board authorized in this article. The board may request the director to conduct additional audits by majority vote. The director will provide a summary report of any audit conducted to the board and the city manager upon completion.
  - (3) *Director's authority to engage in oversight activities on behalf of the board.* The director may engage in additional oversight activities which support and inform the functions of the board, consistent with the powers and duties of the board authorized in this article. This may include, but is not limited to, review of department data systems, attendance at department meetings, review of department policies, practices, and procedures, participation in interviews of candidates for employment with the department, participation in use of force and similar conduct review panels, and other activities which are reasonably necessary for the board to effectuate its lawful purpose. The board may request the director to conduct additional oversight activities by majority vote. The director shall report all activities to the board and the city manager in accordance with the limitations outlined in § 2-454 of this article.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Sec. 2-453. Powers and duties of the police civilian oversight board.**

- (a) *Purpose.* The purpose of the board is to establish and maintain trust between and among the department, the city council, the city manager, and the public.
- (b) *Powers and duties.* The board shall have the following powers and duties:
  - (1) To receive, investigate, and issue findings on complaints from civilians regarding the conduct of law enforcement officers and civilian employees of the department;
  - (2) To investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, serious abuse of authority or misconduct as

- defined in this section, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the department;
- (3) At the conclusion of any investigation conducted pursuant to paragraphs (1) and (2), above, if the board has found that an employee has committed misconduct, to recommend disciplinary action to the chief of police;
  - (4) To investigate policies, practices, and procedures of the department and to make recommendations regarding changes to such policies, practices and procedures;
  - (5) To review investigations conducted internally by the department and to issue findings regarding the accuracy, completeness, and impartiality of the investigations and the sufficiency of any discipline resulting from such investigations;
  - (6) To request reports of the annual expenditures of the department, and to make recommendations to the city council concerning future appropriations;
  - (7) To make public reports on the activities of the board, including investigations, hearings, findings, recommendations, determinations and oversight activities;
  - (8) To hold hearings and, if, after making a good faith effort to obtain the voluntary attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties, the board is unable to obtain such attendance or production, to apply to the Circuit Court for the City of Charlottesville for a subpoena compelling the attendance of such witness or the production of such books, papers and other evidence; and
  - (9) To undertake other duties, as reasonably necessary, for the board to effectuate its lawful purpose as provided for in this article, to effectively oversee the department.
- (c) *Definition of "serious abuse of authority or misconduct."* "Serious abuse of authority or misconduct" shall include the following:
- (1) Verbal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age, disability, sexual orientation, or gender identity and expression;
  - (2) Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability;
  - (3) Acting in a rude, careless, angry, retaliatory or threatening manner;
  - (4) Reckless endangerment of a citizen, detainee, or person in custody;
  - (5) Violation of laws or ordinances;
  - (6) Criminal or other misconduct occurring on or off the job which is related to job performance or is of such a nature that to continue the employee in the assigned position or in any city employment capacity would constitute negligence in regard to the city's duties to the public or to other city employees;
  - (7) In any matter within the jurisdiction of any officer, department or agency of the city:
    - a. The knowing falsification, concealment or cover-up of a material fact; and/or
    - b. The knowing making of any false, fictitious or fraudulent statement or representation, and/or the making or using of any writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry;
  - (8) Sexual activity, including consensual sexual activity, on the job; and
  - (9) Other serious violations of Charlottesville or department policies or procedures, including the department code of conduct.

## **Sec. 2-454. Information access and limitations.**

- (a) *Access to department information.* The board, administered by the director, is authorized to receive, and shall be provided full access to, all department reports, files and records determined by the board or the director to be necessary to carry out its authorized powers and responsibilities. All records, documents and materials in the possession of or provided to the board or the director shall be subject to board procedures adopted for the protection of confidential information as defined in such procedures. The city manager, in consultation with the chief of police and the board, shall establish a standard operating procedure setting forth how this access shall be given by the department to the board, how personal information shall be managed and protected by the board in accordance with the requirements of Virginia Code § 2.2-3800 et seq., and under what circumstances or conditions it may be made available to the parties.
- (b) *Department information to which the board may not have access.* The director and the board shall not have access to:
- (1) Juvenile records;
  - (2) Records that may reveal the identity or personal information, as defined in Virginia Code § 2.2-3801, of a confidential informant;
  - (3) Investigative files for an active civil or criminal investigation by the commonwealth attorney, the Virginia Attorney General, the Virginia State Police, or the United States Department of Justice;
  - (4) Files related to an active EEOC claim, human rights commission investigation, or civil claim involving a department employee;
  - (5) Files containing information exempt from public disclosure pursuant to Virginia Code §§ 2.2-3706(B)(2), (3), (4), (5), (6), (7), (8), (10), (11); 2.2-3706(C); 2.23706.1(C)(1) through (C)(6); 2.2-3706.1(D); and 2.2-3706.1(E); or
  - (6) Any information that the police department is not legally authorized to share.
- (c) *Disputes over access.* If the director and the board seek access to information the disclosure of which the department believes would compromise ongoing investigations, disclosure may be withheld until such time as the need for maintaining confidentiality is no longer present, or until the city manager has determined that the matter will not be compromised by the release of the information. If the board believes that the city manager is unreasonably withholding such information, the board may consider whether to seek a subpoena requiring the production of such information pursuant to section 2-459.
- (d) *Confidentiality.* Each member of the board and the director 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 chief or city attorney's office has deemed confidential.
- This requirement to maintain confidentiality continues indefinitely or until the information no longer meets the definition of confidential or privileged as defined in relevant board procedures.
- (e) *Records to remain department records.* The chief of police, as the custodian of the original records, 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 guidelines for public disclosure of certain types of information contained within department records. In the standard operating

procedure, the city manager shall issue guidelines for what information may be included in board or office reports or otherwise publicly disclosed.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Sec. 2-455. Board membership appointment, and terms.**

- (a) *Objectivity.* It is of fundamental importance that members of the board be fair and objective in the conduct of their duties, and that they be perceived as fair and objective in the conduct of their duties.
- (b) *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.
- (c) *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.
  - (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.
  - (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.
- (d) *Terms.* Each board member shall be appointed for a term of three (3) years. Appointments and terms shall be subject to the provisions of chapter 2, article I § 2-8 of the city code.
- (e) *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.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21; Ord. No. O-24-155, 11-18-24)

## **Sec. 2-456. Meetings.**

- (a) *Number of meetings.* The board shall hold public meetings at least once per calendar quarter. Additional meetings may be called by the chair or any two (2) board members.
- (b) *FOIA.* The board shall comply with all applicable requirements of the Virginia Freedom of Information Act ("FOIA") pertaining to disclosure of public records and the conduct of its meetings, including the requirement that all meetings shall be open to the public except under circumstances when the topic is authorized by FOIA to be discussed in a closed meeting.
- (c) *Quorum.* A quorum of the board shall be four (4) members.
- (d) *Minutes.* The board shall keep minutes of its meetings, which shall include:
  - (1) The date, time, and location of the meeting;
  - (2) The members present and absent;
  - (3) A summary of the discussion on matters proposed, deliberated, or decided;
  - (4) A record of any votes taken.
- (e) *Rules and procedures.* Meetings of the board shall be conducted in accordance with Robert's Rules of Order or such other procedures as the board may adopt.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

## **Sec. 2-457. Board legal counsel.**

The director may retain independent legal counsel to represent the board in all cases, hearings, controversies, or matters involving the interests of the board. Such independent legal counsel shall be chosen from a list of attorneys recommended by the city attorney. The director is authorized to execute a contract in the name of the board for legal services if the contract has first been approved by the board and endorsed by the city's finance director to verify that funding is available and has been appropriated to support performance of the payment obligations of the board under such contract. The board's legal counsel shall be paid only from funds that have been appropriated to the board's budget by city council. The board and the director are encouraged to consult the office of the city attorney for legal advice except in cases, hearings, investigations, controversies that are before the board, or in any other matter in which the board's and the department's interests may conflict.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

## **Sec. 2-458. Investigations exclusions, limitations, and suspension.**

- (a) *Compliance.* Any investigation shall comply with all federal, state, and local laws, as well as with requirements for the initiation and conduct of investigations described in the procedures promulgated by the city council as authorized in this article.
- (b) *Compelled statements.* The board may not compel a statement from any department employee, other than by means of its subpoena powers.
- (c) *Exclusions.* The board shall not consider complaints, incidents, claims or issues involving the following:
  - (1) Any incident that occurred more than one (1) year before the filing of the complaint, or one (1) year before the board received notice of the incident, except as otherwise authorized by subsection (d) of this section;
  - (2) Except as otherwise authorized by subsection (d) of this section, a matter that was the subject of an investigation where more than seventy-five (75) days has elapsed since the department sent notice to

- the complainant informing the complainant that the department's internal affairs investigation is complete (unless the board determines that there is good cause to extend the filing deadline);
- (3) Matters that are the subject of a pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a notice of claim or a filed complaint), or any pending City of Charlottesville grievance proceeding;
  - (4) Any financial management related issue;
  - (5) Any complaint, incident, claim or issue where the complainant requests that the board not have access to their files;
  - (6) Any complaint, incident, claim or issue that has previously been the subject of an investigation by the board, unless substantial new information has come to the attention of the board;
  - (7) An allegation of misconduct only by employees of law enforcement agencies other than the department. Such complainants should be referred to the appropriate law enforcement agency;
  - (8) An allegation of conduct that does not violate the Charlottesville Police Policies and Guidelines, Disciplinary Orders, or Code of Conduct;
  - (9) Any other claim outside the scope of the board's authority expressly set forth within this article.
- (d) *Exceptions to time limits.* With the concurrence of the city manager, the board may review investigations beyond the time limits specified in subsections (c)(1) and (c)(2) if:
- (1) The board determines that there is good cause for doing so; or
  - (2) As part of an audit taking place under subsection 2-452(d).
- (e) *Suspension of investigations.* If a complaint asserts criminal conduct by an employee of the department, or if at any point in an investigation of a complaint or incident the board becomes aware that an employee may have committed a criminal offense, the board shall:
- (1) Suspend the investigation and notify the chief of police and commonwealth's attorney of the alleged conduct, ensuring that no statements obtained from the police department employee(s) whose actions are the subject of the matter are shared with criminal investigators or any prosecuting authority except in accordance with applicable law; and
  - (2) Evaluate, in consultation with board legal counsel, the city attorney, and the commonwealth's attorney, whether competing public interests and civil rights involved permit the resumption of continued, parallel investigation by the board.

## **Sec. 2-459. Subpoenas.**

- (a) *Application for subpoenas.* If the board determines that there is evidence (including witnesses) not within the control of the department that the board is unable to obtain voluntarily, the board by two-thirds ( $\frac{2}{3}$ ) vote may authorize the director, on behalf of the board, to apply to the Charlottesville Circuit Court for a subpoena compelling the attendance of such witness or the production of such books, papers, and other evidence.
- (b) *Requests for access.* If the director is denied access to material witnesses, records, books, papers, or other evidence within the control of the department that the director deems necessary to perform their duties and the duties of the board, the director may request the city manager to require the department to produce the requested witnesses and documents. The city manager, or their designee, shall not unreasonably deny such a request, but may place conditions on the production of the requested witnesses and documents as necessary to preserve confidentiality for the reasons set forth in this article. The city manager, or their designee, shall issue a decision on the director's request within five (5) business days from the date of that request.

- (c) *Scope of subpoenas.* If the city manager, or their designee, denies the director's request made pursuant to subparagraph (2b) above, the board by two-thirds ( $\frac{2}{3}$ ) vote may authorize the director, on behalf of the board, to apply to the Charlottesville Circuit Court for a subpoena compelling the attendance of such witnesses or the production of such books, papers, and other evidence. The board shall give the city manager and the department reasonable notice of its intent to subpoena such witness or records and shall give the city attorney a copy of the request for subpoena. The board shall not unreasonably withhold its agreement to limitations on the scope of the subpoena requested by the city manager that may be necessary to protect confidential information. The parties may request that any hearing to be held in the circuit court on the request for a subpoena be conducted in a closed courtroom, to the extent permitted by state law. Upon request, the court file for any such subpoena request shall be kept under seal to the extent permitted by state law.
- (d) *Retention of subpoena records.* If a subpoena is granted, the board shall digitally record any interviews or depositions conducted pursuant to the subpoena and shall make copies of any documents obtained by subpoena. The board shall provide the department with copies of any such interview/deposition recordings and documents. The board shall delegate its authority to subpoena and question witnesses to the director, who shall conduct any interviews, depositions, or questioning of witnesses in a non-public forum that adequately protects the privacy of the individual being subpoenaed, the confidentiality or sensitivity of information shared or sought, and the integrity of any pending or concurrent investigation.

## **Sec. 2-460. Conduct of investigations.**

- (a) *Conduct of complaint investigations.* If the complainant asks that their complaint be investigated by the department, the complaint will be investigated by the department with monitoring by the director. When the department's investigation is concluded, the department will provide the complainant with a closure letter of its findings and the resolution of the complaint and will provide the board a summary of the department's resolution of the complaint.
- (b) *Monitoring of investigations.* The director may actively monitor investigations of complaints of employee misconduct conducted by the department and shall have access to records and witnesses to the same extent as the department, subject to the limitations or requirements set out in this article. Such monitoring may include reviewing the investigative plan of the department, reviewing any records within the department's digital evidence management system, reviewing any pertinent law enforcement records within the department's records management system, observing any real-time interviews of witnesses with the department, reviewing any recorded interviews which the director chooses not to attend in real time, providing feedback during the interview to be relayed to department staff conducting the interview, providing feedback to department staff in determining next steps in the investigative process, and reviewing facts gained from investigation. For active criminal investigations, the director shall be limited in their participation to the same extent the department is limited in its participation in such investigations. The director may monitor the department's administrative investigation of employee misconduct after the close of the active criminal investigation in the same manner as all other investigations of employee conduct handled by the department as described in this section. When monitoring department investigations, during the pendency of the investigations the director shall not disclose information about the investigation to the board, any board member, or any person other than as authorized in writing by the chief of police or the city manager.
- (c) *Investigative reports.* If the complainant asks that the complaint be investigated only by the board, the director shall initiate an investigation on behalf of the board. The director will provide the chief of police with enough identifying information to allow the department to give the director access to information, records and witnesses as may be relevant to the complaint. When the investigation is concluded, the director will provide the board, the complainant and the department with an investigative report that includes a summary of the circumstances of the incident(s) of alleged misconduct, the evidence related to whether there was any misconduct, and any suggested findings related to each allegation.

- (d) *Conduct of incident investigations.* If the board is investigating an incident, the board may request information from the department, may seek subpoenas as authorized above, and may conduct an investigation of the incident. When the investigation is concluded, the director will provide the board, the department, and (if a complaint has been filed) the complainant, with an investigative report that includes, at a minimum, a summary of the circumstances of the incident, the evidence related to whether the incident involved any police or employee misconduct, and any suggested findings related to the incident. The director may make recommendations as to whether an allegation, if substantiated, could constitute serious abuse of authority or misconduct as defined in subsection 2-453(c). The investigative report shall also be provided to any employees identified within the investigative report as having committed employee misconduct.
- (e) *Duration of investigations.* Investigations of complaints and incidents will be completed, and any investigative report will be submitted, within seventy-five (75) days from the date the complaint is received, or the board received notice of the incident. The board may extend the seventy-five-day period upon request of the police chief or the director to protect an ongoing investigation or prosecution, or for other good cause, with notice to the complainant and the city manager.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21; Ord. No. O-22-164, § 1, 12-19-22)

### **Sec. 2-461. Matters on which the board may conduct hearings.**

- (a) *Hearings.* Hearings of the board shall be conducted in accordance with board operating procedures.
  - (1) At the conclusion of an investigation of an incident or a complaint the board may conduct a review hearing whose scope and procedures are described in the board's operating procedures. Review hearings shall be defined as any hearing conducted by the board to review the facts, issues and findings of a closure letter of the department related to an internal affairs investigation, or of an investigative report of the director related to a complaint or incident investigation.
  - (2) The board may conclude that no hearing, or a hearing only on a limited issue, is necessary to support the board's decision related to a particular complaint or incident. If so, the board may issue a report without a hearing.
- (b) *Hearing findings.* Within thirty (30) days of a review hearing of an internal affairs investigation, the board shall report their findings publicly and to the city manager, the police chief, and the complainant with respect to each allegation or issue under review as follows:
  - (1) That the board finds that the investigation of the complaint was satisfactory, and the board concurs with the findings of the investigation;
  - (2) That the board finds that the investigation of the complaint was satisfactory, but the board does not concur with the findings of the investigation, in which case the board may make recommendations to the city manager concerning disposition of the review request; or
  - (3) That the board finds that the investigation is incomplete or otherwise unsatisfactory and provides a detailed written explanation of the basis for such finding.
- (c) *Independent investigation findings.* If the board makes a finding under subsection (b)(3) above, the board may conduct an independent investigation of the matter that is the subject of the complaint. The board shall report publicly and to the city manager, the chief of police and the complainant that the board has made one (1) of the following findings:
  - (1) That the board now finds that, despite the defects in the original internal affairs investigation, the board's own investigation has produced no material evidence to dispute the original findings of the internal affairs department.
  - (2) The board's independent investigation has produced substantive new information that causes them to disagree with the findings of the internal affairs investigation. In this case, the board shall make recommendations to the city manager concerning disposition of the complaint; or

- (3) That despite the board's best efforts, the evidence is insufficient to allow the board to determine whether the findings of the internal affairs investigative report are correct.
- (d) *Allegation findings.* Within thirty (30) days of a review hearing of a complaint or incident investigation, the board shall report their findings publicly and to the city manager, the police chief, and the complainant with respect to each allegation or issue under review as follows:
  - (1) That the board finds that the department employee committed misconduct;
  - (2) That the board finds that no department employee committed misconduct; or
  - (3) That despite the board's best efforts, the evidence is insufficient to allow the board to determine whether any department employee committed misconduct.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21; Ord. No. O-22-164, § 2, 12-19-22)

**Sec. 2-462. Alternative resolution.**

- (a) *Mediation.* The board may propose procedures for the use of mediation or other alternative dispute resolution techniques to resolve complaints against employees of the department. Such procedures shall not affect the ability of complainants to pursue remedies under other sections of this article.
- (b) *Informal resolution.* At any time after receiving a complaint and before issuance of the written findings required at the conclusion of a hearing, the board and any party may propose an informal resolution within the scope of the express authority granted to the board within this article, which informal resolution may be adopted if all parties and the board agree to such a resolution. At any time, the parties may agree to refer the matter to mediation or other alternative dispute resolution methods, without prejudice to the right to have a hearing on the review request.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

**Sec. 2-463. Disciplinary recommendations.**

The board shall be authorized to make disciplinary recommendations regarding department employees in a manner that protects personnel information regarding identifiable employees against public disclosure, in accordance with the operating procedures established pursuant to subsection 2-452(c) and the standard operating procedures established pursuant to subsection 2-454(a). Subject to the foregoing provisions, the following process may be used, as appropriate:

- (a) *Board recommendations for discipline.* Upon making a finding that a department employee has engaged in a serious breach of departmental and professional standards, the board shall meet to discuss appropriate recommendations for disciplinary action. Prior to commencement of any such disciplinary deliberations, the subject employee shall be given notice of the proceedings and of the range of disciplinary actions under consideration for recommendation, and the employee shall be offered an opportunity to be heard. If permitted by FOIA, some or all of the disciplinary hearing may be held in closed session. No department employee, and no other city employee, shall be compelled to provide statements to the board during its deliberations. Disciplinary action to be considered for recommendation by the board shall only include those specified within any applicable disciplinary matrix utilized by the department. After considering these sources of information, the board may make a disciplinary recommendation to the department.
- (b) *Decline of discipline recommendations.* If the board makes a disciplinary recommendation to the department, and the department declines to implement the board's disciplinary recommendations, the chief of police shall, within thirty (30) days of the board's recommendation, provide a written explanation of their reason for declining to implement the board's recommendation. This explanation shall be made available to the board, the city council, the city manager, and the public.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Sec. 2-464. Board review of law enforcement policies, practices and procedures.**

The board may review and make recommendations regarding policies, practices, and procedures of the department, including written policies, procedures and standing orders. The board shall present in writing its findings and recommendations with supporting rationale to the city manager and chief of police. If the department declines to implement any changes recommended by the board, the chief of police shall explain in writing, which shall be made available for public inspection, why the department declines to implement the board's recommendation, unless the board instead withdraws the recommendation based on the rationale provided. The board's withdrawal of any such recommendation shall be made available for public inspection.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Sec. 2-465. Request annual reports of police expenditures.**

During the city manager's preparation of a proposed city budget, the budget office shall provide the director with annual expenditure estimates and future year projections for the department, itemized to the same level of detail as provided to the city manager. The estimates shall be presented to the board by the director. The board may review the estimates and may make budgetary recommendations to the city manager and/or to the city council during the annual budget process.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Sec. 2-466. Community engagement, legislative recommendations, and reporting.**

- (a) *Community engagement.* The board and the director shall engage in regular community outreach and collaboration to seek the assistance and input of community members and to provide education, awareness, and guidance on policing matters. The board may host public community listening and discussion sessions ~~to~~ regarding policing matters of pressing public concern, such as questions about transparency, availability, legitimacy, mutual respect and trust, and community safety and order. The board and the director may also host or participate in public police-community relations meetings focused on topics such as the impacts of local policing on historically disadvantaged communities that currently experience or traditionally have experienced disparate policing.
- (b) *Legislative recommendations.* The board may make recommendations to city council of any proposed changes in state law, for the council's consideration to include in its annual legislative program to present to the General Assembly. These recommendations shall be presented to the city attorney's office by August 15 of each year.
- (c) *Reporting.* Each calendar year, the director shall provide the board and city council with an annual report of activities conducted during the preceding calendar year. The report shall detail activities of the board and the office in the prior calendar year, with sections related to the appointment of committees and their actions; the establishment of any community advisory panels; an overview of complaints received during the calendar year including the number of complaints, the complaints' findings, and the number of complaints deferred due to pending proceedings; the number and outcome of any independent investigations; an overview of proposed policy recommendations and amendments to department policies and whether the recommendations and amendments were implemented by the department; the number, type, and attendance at community listening sessions; a summary of public input and recommendations of the public during those sessions; recommendations of the board about policing within the city; and any other information necessary to provide an overview of board and office activities. The director may provide the board, city council, and the city manager additional reports as deemed appropriate by the director to provide transparency into oversight activities of the board and the office.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Sec. 2-467. Board member training.**

- (a) *NACOLE training.* At least once every two (2) years, and within six (6) months of any new board appointments, the director, shall facilitate or provide board members with at least four (4) hours of training, presented using training content from the National Association for Civilian Oversight of Law Enforcement or a comparable professional organization. The training shall be consistent with the board's mission, this article, and the board's operating procedures.
- (b) *City and CPD training.* At least once every two (2) years, and within six (6) months of any new board appointments, the city, the director, and the chief of police or their designees, shall facilitate or provide board members with at least two (2) hours of training or information:
  - (1) Describing the legal and ethical obligations of members of a public board, including the need to comply with FOIA and other statutes and ordinances governing their service;
  - (2) Explaining police department procedures, policies, and regulations;
  - (3) Describing the substance of police department personnel record-keeping;
  - (4) Describing such other city policies, procedures and systems relevant to the duties of the board; and
  - (5) Explaining the board's operating procedures and code of ethics.
- (c) *Additional training.* As needed, the board may request additional relevant training by subject matter experts on subjects that may include mental health, trauma-informed policing, civil rights and constitutional law, race and racism, community outreach, mediation, investigation, and policing practices. The board may also request opportunities for ride-along experiences with the department and participation in the Community Police Academy. The director shall facilitate or provide this training as is feasible with available funding and other relevant considerations.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Sec. 2-468. Commendations for exceptional community service.**

- (a) *Soliciting public comment.* The board may solicit comments from the public concerning incidents of exceptional performance by employees of the department.
- (b) *Exemplary employees.* The board may consult with the chief of police regarding individual employees who have made outstanding contributions exemplary of equitable, just, and professional policing.
- (c) *Recognition of outstanding contributions.* The board may issue public citations recognizing individuals deemed to have made such contributions.

(Ord. No. O-21-183, §§ 1, 2, 12-20-21)

### **Secs. 2-469—2-479. Reserved.**