



**Regular Meeting Agenda  
Police Civilian Oversight Board  
May 14, 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: May 14, 2026
  - Approval of minutes: April 9 and April 27, 2026
- III. Announcements**
  - Check the calendar link sent in weekly emails (bookmark it for easy access)
  - Update from Acting Director on coming weeks and June 11 meeting topic
- IV. First Public Comment Period**
- V. Presentation to Council of Proposed Ordinance Revisions**
  - Review of presentation to Council and framework for the May 18 joint session
- VI. Recommendation to Council of Proposed Ordinance Revisions**
  - Feedback, questions, comments, and discussion on ordinance revisions
  - Vote to recommend proposed revisions to Council pending legal review
- VII. School Resource Officers MOU**
  - Recap of SRO work session by Charlottesville City School Board
  - Overview of SRO Memorandum of Understanding
- VIII. Board Work Plan Updates**
  - Identifying community events for Board participation (summer and fall)
  - CPD policies most relevant to the Board's review function
  - Internal Board process and documentation update
- IX. Second Public Comment Period**
- 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 that 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 enter 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.
- Questions or additional comments can be sent to:
  - [pcob@charlottesville.gov](mailto:pcob@charlottesville.gov)
  - Using the “Email PCOB” form on the right side of our website homepage:  
<https://www.charlottesville.gov/1440/Police-Civilian-Oversight-Board>

CHARLOTTESVILLE POLICE CIVILIAN OVERSIGHT BOARD  
MEETING MINUTES

**Date:** April 9, 2026

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

**Location:** CitySpace – 100 5th Street NE, Charlottesville, VA 22902

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

**Board Members Not Attending:** Dr. Kyle Dobson (Vice Chair)

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

**Guests:** Martin Conn, Nasiba Bek, and Lisa McMurdo (Moran Reeves Conn).

**Call to Order:**

- The meeting was called to order at 6:31 p.m. by Chair Dr. Fracher. Mr. Walker conducted the roll call, with seven of eight Board members present. 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 in lieu of dialogue during public comment periods.

**Agenda & Minutes Approval:**

- A motion was made by Mr. Vaughan to approve the proposed meeting agenda for April 9, 2026. Motion seconded by Mr. LaFave and approved unanimously by members present.
- A motion was made by Mr. LaFave to approve the meeting minutes from the February 23, 2026 work session and the March 12, 2026 regular meeting. Motion seconded by Mrs. LeNoir-Kelly and approved unanimously by members present.

**Announcements:**

- Mr. Walker reminded the Board that the weekly Office update email includes the live, bookmarkable calendar link covering Board events and CPD community engagement opportunities (such as community walks). Mr. Walker noted that calendar invitations are also sent directly to Board members for events as they are added.
- Dr. Fracher announced that a Doodle poll would be distributed to schedule an additional work session. The session will have a looser agenda and is intended to provide an opportunity for Board members to become better acquainted and to brainstorm forward-looking items including outreach.
- Dr. Fracher announced that the first draft of the ordinance revisions had been distributed in the meeting packet. He explained that green text indicates new language, red strikethroughs indicate removed language, and unchanged sections are marked as

such. The draft will be reviewed by independent counsel, the City Attorney, the Chief of Police, the City Manager, and the Board before being presented to City Council.

- Dr. Fracher reminded all Board members who have not yet completed a ride-along to do so within the next six to eight weeks. Mr. Walker offered to help coordinate scheduling.

#### **Introduction of Independent Counsel:**

- Dr. Fracher introduced Martin Conn of Moran Reeves Conn (Richmond) as the Board's newly retained independent counsel, along with associates Nasiba Bek and Lisa McMurdo.
- Mr. Conn thanked the Board for the opportunity to serve, noting that his firm has been practicing since 1995 and shares the Board's mission. He described the firm's experience representing corporations, individuals, and governmental entities, and emphasized the team's role as support for the Board's work. Mr. Conn indicated his team would observe the meeting through the ordinance revision portion to get a feel for the Board's work.
- Dr. Fracher reviewed the selection process, noting that Mr. Walker and he had interviewed three attorneys forwarded by the City Attorney's Office, with unanimous agreement to retain Mr. Conn's team based on their enthusiasm and commitment to the Board's mission.
- Dr. Fracher instructed Board members to direct any questions or inquiries for independent counsel through the Office, given that engagement with independent counsel constitutes billable time that must be tracked and contained. Mr. Walker added that general legal questions can continue to go to the City Attorney's Office, which serves as the Board's primary legal representative, while independent counsel is engaged in matters where the City Attorney's Office would have a potential conflict of interest, such as the current ordinance revision.

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

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

#### **Internal Affairs Case Review Process:**

- Dr. Fracher noted that the Board had been unable to review the recent Internal Affairs case together in closed session due to current statutory limitations. Pending legislation on the Governor's desk may provide an exception permitting oversight boards to enter closed session. In the meantime, Board members reviewed the case file and body camera footage individually at the PCOB Office.
- Mr. Walker presented draft case review process materials, emphasizing the confidential nature of personal information reviewed and the consequences of any breach of confidentiality. He noted that the present discussion was focused on the review process itself, not the specifics of the case.
- Mr. Walker proposed the use of an individual scorecard, completed by each Board member prior to group discussion, to minimize peer influence on case review opinions. The same scorecard form would be used for each case, with categories and definitions developed and refined over time.

- Mr. Vaughan asked whether members would individually review case notes and footage outside of meetings, complete scorecards, and then discuss in closed session. Dr. Fracher confirmed that until statutory changes permit collective review, the individual review and scoring approach would be used, with collective discussion afterward.
- Mrs. LeNoir-Kelly asked whether the scorecard would be consistent across cases or developed case-by-case. Mr. Walker confirmed a consistent form would be used, with case-specific scoring.
- Discussion occurred regarding case selection. Given the volume of cases, Mr. Walker indicated he would use discretion, guided by Board input on prioritized categories, to select cases for review. Categories discussed included traffic stops, racial composition of incidents, and use-of-force cases. Dr. Fracher noted that current cooperation from the Chief provides the Office with full access to cases, interviews, and body camera footage, but that volunteer Board capacity necessitates prioritization.
- Mrs. LeNoir-Kelly asked whether there is a mechanism to align Board case-review focus with community-identified priorities. Dr. Fracher and Mr. Walker tied this back to ongoing community outreach efforts; the Board will be soliciting community input on areas of concern (e.g., traffic stops, bias-based policing) and using that input to shape priorities.
- Mr. Walker referenced a draft case review manual included in the digital meeting packet and noted he would continue refining it. He also indicated that a case review template is in development to ensure consistent, legally compliant, and meaningful outcomes.
- Mr. Dillard offered feedback on the case reviewed individually by Board members, observing that the officers involved had carried themselves in a respectable manner relative to other interactions he had observed. Mr. Walker noted the unique value of Mr. Dillard's law enforcement perspective in case review discussions and reminded the Board that the Law Enforcement Representative seat is a non-voting role specifically designed to provide that perspective.
- Mr. Walker announced that Lieutenant Via, who has served as the Internal Affairs liaison to the Board, is rotating out of the position this month. A new lieutenant will be stepping into the role. Dr. Fracher noted that the Board has an established positive relationship with the incoming lieutenant.
- Mr. Walker emphasized the importance of a collaborative relationship with the Police Department to maintain the access the Board needs, while noting that collaboration does not equate to bias toward the Department.

### **Ordinance Revision Summary:**

- Mr. Walker provided background on the ordinance revision process, noting that the September 2025 joint meeting with City Council had initiated the current revision work. The goal is to align the ordinance with the work the Board can practically and legally perform, cutting elements that have proven unworkable while strengthening those the Board can carry out meaningfully.
- Mr. Walker explained that the materials are organized in three levels of detail: (1) a high-level presentation summary of major changes, (2) a section-by-section table outline (still in development) describing each change and the reasoning behind it, and (3) the full red-line draft of the ordinance language itself. The intent for the May 18, 2026 joint work

session with City Council is to operate at the higher levels and not get into the detailed language.

- Mr. Walker outlined the timeline: final drafting and external review (independent counsel, City Attorney, Chief of Police, City Manager) ahead of the May 18 work session with Council and a likely Council vote (requiring two readings) in late summer. Dr. Fracher stated his preference to complete adoption by fall.
- Mr. Walker noted that he will be out on parental leave at the time of the May 18 work session and identified Dr. Fracher as the lead presenter in his absence.
- **Key changes discussed:**
  - **1. Consolidation of definitions.** Definitions currently scattered throughout the ordinance would be consolidated into a single "Definitions" section at the top. The Board expressed strong support for this change as non-controversial.
  - **2. Purpose statement.** Substantial discussion occurred regarding the proposed revised purpose statement. Concerns and feedback included:
    - The proposed language was characterized as wordy.
    - Mrs. LeNoir-Kelly questioned the word "enhance" as applied to transparency, accountability, and legitimacy, observing that these are defined concepts and that "enhance" is a "soft" word. She suggested the Board be more direct and use fewer soft words with more meaning. Mrs. LeNoir-Kelly later distinguished between using "enhance" in the context of process versus people, endorsing the word when applied to process (e.g., enhancing a process for accountability) but cautioning against applying it to people.
    - Mr. Vaughan suggested "facilitate." The word "facilitate" was well-received and discussed as accurately reflecting that the Board comes alongside the work of officers already building community trust, rather than presuming to establish that trust independently.
    - Mr. Vaughan elaborated that the existing language about the Board "establishing" trust between the Department, City Council, the public, and City Manager is too much of a lift and presumptuous, particularly given the work officers themselves have already been doing to build community trust. "Maintain" was suggested as more appropriate than "establish."
    - Mr. Dillard emphasized that the term "police" appearing first in the Board's name leads the public to associate the Board with the police and reiterated the importance of public-facing language that clearly communicates the Board is there to help the community. He shared that he is developing a community outreach plan, drawing on his earlier experience as a beat officer working in low-income neighborhoods in Charlottesville, and that he intended to engage in one such area following the meeting.

- Mrs. LeNoir-Kelly noted that in many places where "the public" or "citizens" appears, the language places them last in the sentence rather than in more forward position.
- **3. Removal of independent investigation authority.** Mr. Walker explained the multiple legal, structural, and resource limitations that have prevented the Board from conducting independent investigations in its seven-year history. These include state and federal law, the police collective bargaining agreement, lack of authorized funding for an investigator, and the inability of the Board to compel officer testimony (a power held only by an authority that can terminate or discipline the officer). Mr. Walker noted that an officer's statement in an internal investigation is protected from criminal use against them, a protection the Board cannot extend, meaning any "independent" investigation could not realistically include the officer's statement. Dr. Fracher emphasized that, in place of investigations of a small number of cases, the revised ordinance would empower the Board to review every case and identify those meriting deeper attention, characterizing the change as offering more, not less.
- **4. Removal of case-specific disciplinary recommendations.** Mr. Walker explained that while state law permits localities to create entities with binding disciplinary authority, Charlottesville's locality has not granted that authority. Two practical barriers further limit the existing recommendation power: (1) a 45-day timeline from complaint receipt to the Chief's decision; and (2) the collective bargaining agreement provision that nullifies Board recommendations if an officer appeals or grieves the decision. The revised ordinance retains two related discipline-adjacent roles for the Board: assessing whether the Chief applied the discipline matrix correctly to a given case and assessing whether the discipline matrix itself needs revision.
- Mr. Walker noted that current outlets for publishing Board opinions include the Board's website, meeting livestreams (YouTube and other locations), and the meeting minutes. He emphasized that the revised reporting section identifies four audiences (Chief of Police, City Manager, City Council, and the public) and addresses required responses to Board recommendations, including potential requirements for the Chief to respond in writing to public-facing Board recommendations.
- **5. Hearings reduced in scope.** Mr. Walker and Dr. Fracher explained that the original ordinance contemplated hearings akin to an officer trial, which is not feasible for multiple legal, procedural, constitutional, union-related, and privacy reasons. The revised language preserves hearings for broader, policy-level topics: for example, automated license plate readers, where witness, expert, and community testimony can be received. The hearings provision would not be used to compel an individual officer to provide testimony.
- **6 & 7. Compelled testimony and subpoena authority.** The Board cannot compel officer testimony for the reasons discussed under independent investigations. Subpoena authority is retained in scope for third-party records (e.g., camera footage) where it may rarely be necessary. Dr. Fracher noted that further input from independent counsel and the City Attorney's Office will inform this provision. Mr. Vaughan asked who would be subject to subpoena if not the

complainant or the officer (witnesses); the discussion confirmed that the question of practical use remains open and would benefit from attorney input.

- **8. Board membership qualifications.** Mr. Walker indicated that the City Attorney's Office has flagged certain demographic-delineation language as constitutionally problematic and has taken on that revision. Beyond that, discussion centered on residency eligibility, currently broadened by City Council action to address recruitment challenges, but with current language sufficiently broad that an applicant living anywhere could potentially qualify. Mr. Walker noted that some community members do not agree with the current breadth. The discussion concluded that residency standards are ultimately a City Council determination. Mr. Walker also noted that any changes would not impact current Board membership, and that the revision would also include a minimum 30-day application window for Board vacancies.
- **9. Codifying access to records and monitoring of internal affairs.** Mr. Walker explained that core provisions currently contained in a standard operating procedure between the PCOB and the Chief, as well as a separate memorandum of understanding regarding monitoring of officer interviews, would be consolidated into the ordinance itself. Dr. Fracher emphasized the importance of codifying these access rights so that they are not contingent on the cooperation of any individual Chief; the current Chief's openness should be memorialized in the City Code rather than left to vary across administrations.
- **10. New language on monitoring, auditing, and review.** New sections clarify what it means for the Office and the Board to monitor the Department, audit the Department, and review cases and matters, including the office-to-board workflow and the relationship between the Board and the Department.
- **11. Enhanced public reporting and outcomes.** Mr. Walker noted that the existing ordinance did not adequately define what the Board reports out. The revised section establishes a framework for findings, determinations, and recommendations: what they consist of, where they go, the audience they address, and any required response (including potential written responses from the Chief to public Board recommendations).
- **12. Mediation and alternative resolutions.** The original mediation provision is reduced because the Board and Office cannot compel an officer's participation in a mediation session and any compelled mediation could place the officer's statements outside the protections of an internal investigation. The provision is reframed to recognize alternative resolutions, including inquiries (e.g., questions about Department process), complaints about other agencies, and matters where information-sharing resolves the concern without an investigation. Mr. Walker stated that nothing in this approach dissuades a complainant from filing a complaint; the goal is simply to provide accurate information so they can make an informed decision.
- **13. Commendations.** Discussion previously held in a Board work session continues, with the proposed language making the commendation provision more robust and clearer regarding the circumstances and information that would support a Board commendation of an officer or the Department as a whole. Mr. Walker indicated general Board support for retaining commendation authority.

- Dr. Fracher closed the section by emphasizing that the May 18 work session with Council is intended as a high-level overview to surface Council reactions, not to seek a decision. Feedback gathered from Council, attorneys, the Chief, and the City Manager will be incorporated into a final draft brought to the Board for a vote (target: May meeting) before submission to Council later in the summer.
- Mrs. LeNoir-Kelly and Dr. Fracher confirmed the May 18 work session is scheduled for 4:00 p.m. in City Council chambers and is understood to be open to the public.

**Remaining Work Plan Focus Area Updates:**

- Mr. Walker reported that he and Dr. Dobson met with Lieutenant Via to better understand how immigration-related procedures and policies, as set out by the City Attorney's Office, are being received at the officer level. The Office intends to continue these conversations with mid-level command staff. Mr. Walker reiterated that the Chief is open to Board input on this topic.
- Mr. Walker and Dr. Dobson met with a school district administrator responsible for implementing aspects of the School Resource Officer program. A School Board work session on SROs is scheduled for April 16 at the high school. Mr. Walker advised that, while individual Board members may form their own opinions, it is not the Board's role to take a position on whether SROs should be implemented. If SROs are placed in schools, however, the Board has a meaningful oversight role: any complaints involving SROs would route through Internal Affairs and the Board can hold accountability to the stated goals and intent of the program. Dr. Fracher expressed concerns about how SROs may play out in the schools and emphasized the Board's responsibility to be receptive to reviewing those cases. Mr. Dillard shared his prior experience as a school resource officer (when the role was tied to the DARE program), observing that the prior model provided structured instruction beyond presence alone.

**Public Comment (Second Period):**

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

**Adjournment:**

- A motion to adjourn was made by Mr. Frye and seconded by Mr. LaFave. The motion was approved unanimously by members present.
- Meeting adjourned at approximately 8:01 p.m.

Certified by James Walker, Acting Director

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

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

**CHARLOTTESVILLE POLICE CIVILIAN OVERSIGHT BOARD**  
**SPECIAL WORK SESSION MEETING MINUTES**

**Date:** April 27, 2026

**Scheduled Time:** 5:30 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), George Dillard Jr., Andrew Frye, Albe LaFave, Caron LeNoir-Kelly, Nathalie Reaves, Ruairi Vaughan.

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

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

**Guests:** N/A

**Call to Order:**

- The meeting was called to order at 5:38 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 at [pcob@charlottesville.gov](mailto:pcob@charlottesville.gov).
- Mr. Walker called the roll. All eight Board members were present, constituting a full Board.

**Approval of Agenda:**

- A motion was made by Mr. Frye to approve the special work session agenda for April 27, 2026. Motion seconded by Mr. LaFave and approved unanimously by members present.

**Announcements:**

- Mr. Walker highlighted three upcoming dates: (1) the next regular Board meeting on Thursday, May 14, 2026 at CitySpace at 6:30 p.m.; (2) a joint work session with City Council on Monday, May 18, 2026 in Council Chambers at 4:00 p.m.; and (3) the next CPD CompStat meeting on Thursday, May 14, 2026 at CitySpace at 9:00 a.m.
- Mr. Walker explained that the May 14, 2026 regular Board meeting would focus heavily on the ordinance revisions, with the goal of a final Board vote that evening to approve the version to be recommended at the May 18, 2026 joint session with City Council. He noted that attorneys would still be reviewing the document and minor modifications may follow, but the Board's endorsement of the proposed direction would allow the process to move forward.
- Dr. Fracher emphasized the importance of full Board attendance at the May 18, 2026 City Council work session as a demonstration of solidarity and unified Board purpose. He acknowledged the scheduling difficulty for working members but encouraged all members to make every effort to be present.

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

- No public comment was received. No members of the public were present.

### **Board Connections:**

- Dr. Fracher and Mr. Walker introduced an icebreaker exercise (“Two Truths and a Lie”) in which each Board member wrote three statements about themselves for the group to guess both authorship and identify the false statement. The exercise was undertaken to help Board members become better acquainted as a full eight-member body.
- Following the icebreaker, Dr. Fracher and Mr. Walker invited each Board member to share their reasons for joining the PCOB and what they seek to accomplish in the role.
- Mr. Vaughan stated that he cares deeply about his community and joined the Board to contribute to community safety and well-being, viewing service on the PCOB as a meaningful way to serve.
- Mr. Frye shared that he has had a longstanding interest in how law enforcement works, including taking law enforcement courses approximately thirty years ago, and that he encounters law enforcement through his work. He also noted the practical fit of the Board’s 6:30 p.m. meeting time with his work schedule and described his service as an additional contribution to the community.
- Dr. Fracher, who has served the longest of the current Board, described how his involvement grew out of consulting work he provided to front-line officers prior to the 2017 Unite the Right rally, focused on stress management. That experience gave him insight into the demands and responsibilities placed on officers and motivated him to help make the Department the best it could be.
- Mrs. LeNoir-Kelly recalled hearing the song “Who’s Watching the Watcher?” by Patti LaBelle when she first saw a news report about the PCOB. She described looking for a way to serve her community that would be meaningful and collaborative, with deep respect for the community. She noted her background as a journalist, her father’s career in politics, and her arrival in Charlottesville just before COVID, expressing that the PCOB offered an opportunity to use her skills, get to know residents, and demonstrate that the Board exists to serve.
- Mr. Dillard recounted that he had no prior interest in serving on the Board, but was recruited by the then-Mayor following testimony he gave in Circuit Court that the presiding judge praised for its honesty. He drew on his own background in law enforcement, observing that he had seen things on the street he was not comfortable with, and stated that he serves because he wants every member of the community to be treated fairly.
- Mrs. Reaves stated that she did not initially know she was eligible to apply for the Board. She described hearing many community complaints about police interactions without seeing resolution, including recent concerns surrounding the Tom Tom Festival. She expressed a commitment to fairness, indicating she is neither for nor against the police, and a willingness to act as a devil’s advocate to ensure both sides of an issue are considered.

- Mr. LaFave described his background in some form of law enforcement throughout his career, beginning as a probation officer and later working as a litigation specialist in the Public Defender’s Office. He was originally recruited for the Board by former City Council members, but was ineligible at the time as an Albemarle County resident; he became eligible following a change to the eligibility rules. He stated that policing is a hard job and that officers deserve to be heard, while also acknowledging that he has observed both excellent and poor police work.
- Dr. Dobson described his motivation as a desire to serve and to get to know the Charlottesville community beyond his own socioeconomic circle, in order to better understand the lived experiences of residents in communities different from his own.
- Mr. Walker summarized recurring themes from the introductions, noting that the word “community” came up most often, alongside service, well-being, fairness, objectivity, resolution of issues, and respect.
- Dr. Fracher added that his service has been an education in the lived realities of residents in low-income and historically marginalized neighborhoods, and stated that he believes much of white Charlottesville does not fully appreciate the challenges faced by Black and Brown residents in lower-income parts of the City. He encouraged members to participate in community walks with the Chief of Police as an opportunity to meet residents and hear their experiences directly.
- Mrs. LeNoir-Kelly noted that police officers are themselves members of the community but are not always perceived that way and emphasized the importance of recognizing that dimension.
- Mr. Dillard reflected on growing up in the area, describing how the neighborhood and the level of police activity there have changed significantly over time. He also recounted his early career walking a beat in the Prospect Avenue area, emphasizing that consistent presence, conversation, and earning respect were the foundation of effective community policing in his experience.
- When asked what members hope to achieve collectively, Mr. Frye offered the analogy that the Board’s goal might be to act as “sandpaper” smoothing out rough spots in the relationship between the police and the community.
- Mr. Dillard expressed optimism that with eight members now seated and engaged, the Board has the capacity to make a meaningful difference, provided members remain committed and do not give up.
- Dr. Fracher noted that the Board’s strength lies in its diversity of age, race, gender, education, professional background, and lived experience and expressed gratitude for the composition of the current Board.

### **Defining the Board’s Purpose and Mission:**

- Mr. Walker reviewed the five core pathways through which the Board is authorized to operate, as reflected on the agenda: (1) case, incident, systems, and data review; (2) policy, practice, and procedure review; (3) community outreach and engagement; (4) internal PCOB processes and policy; and (5) engagement with CPD.

- Mr. Walker provided an update on recent state legislative developments. The Governor signed House Bill 1476, which is specific to oversight entities formed under Virginia law and which permits oversight boards to convene in closed session for specific purposes. Mr. Walker noted the legislation also opens access to juvenile records, which may be significant for matters involving School Resource Officers (SROs).
- Dr. Dobson stated that the Board has a significant opportunity to provide reassurance and accountability in moments when community members feel powerless, such as concerns surrounding police presence in schools, the use of technology, or other points of community tension. He emphasized that the Board's task is to look closely not only at police behavior and policy but also at accountability, and to make sure community concerns are heard and acted upon.
- Dr. Dobson also stated that the PCOB has trust-building work of its own to do, and that the most effective way to build that trust is through credibility, consistency, and showing up to do the work.
- Significant discussion occurred regarding the School Resource Officer (SRO) Memorandum of Understanding (MOU) and the recent community conversation surrounding SRO placement at Charlottesville High School. Mr. Dillard stated his view that the presence of officers in schools serves an important function, both as a deterrent and as a known, trusted presence for students.
- Dr. Fracher noted that the SRO MOU is vague in important respects, including the procedures applicable when an SRO uses force on a student and a parent files a complaint. He indicated he had sent a letter to the School Board communicating that the PCOB takes no position on whether SROs should be placed in schools but will provide oversight if incidents arise.
- Mrs. LeNoir-Kelly recounted attending a community meeting on the SRO question with her daughter, who is graduating, and who spoke during public comment to say that students themselves had not been consulted. Mrs. LeNoir-Kelly emphasized the importance of cultural sensitivity in how police interactions are viewed and discussed the different conversations she has had to have with her daughters about interactions with police.
- Dr. Dobson stated that the Board's role with respect to SROs is not to take a position on whether they should be present, but to ensure that officers operating under the MOU are performing their duties consistent with its intent, building relationships with students, exercising judgment appropriately, and not stepping into matters that should be handled by school administrators. He emphasized that the Board's task is to ensure the high standards expected by the community are met in practice, not only on paper.
- Mr. Dillard provided historical context regarding policing in Charlottesville, including longstanding community concerns about the Charlottesville Police Department in earlier decades. He noted that some current attitudes within the community reflect intergenerational experience, and stated that significant work remains to address that history. He also recounted a recent personal incident in which Charlottesville Police officers responded professionally and respectfully to a situation in which he was involved.

- Mr. Dillard reported that he had asked Charlottesville City Schools Superintendent Dr. Royal Gurley Jr. about the SRO question at a recent NAACP meeting and felt he did not receive a clear response.
- Dr. Dobson stated that he would like to see the Board's inbox of community concerns be more active, not because he wishes for community concern, but because he believes the concerns exist and that the community does not yet trust the Board enough to bring them forward. He identified the development of clear, accessible channels for community input as a priority.
- Mrs. LeNoir-Kelly stated that she is preparing a digital and social media engagement plan, noting that many community members, particularly younger residents, consume information through their phones rather than through traditional channels.
- Mrs. Reaves asked whether the Board may consider concerns raised informally (for example, on social media) in addition to formal complaints. Mr. Walker confirmed that the Board may proactively reach out to individuals raising concerns to invite further conversation, while noting that whether a person chooses to file a formal complaint is a separate matter.
- Members discussed several specific community concerns raised informally, including a reported incident involving a DJ during the Tom Tom Festival, complaints about disparities in police presence at events associated with different demographic groups, and the upcoming proms of Charlottesville High School and Western Albemarle High School. Mr. Dillard indicated he would observe the Charlottesville High School prom on May 3, 2026. Mr. Walker noted that, where specific names or personal information are involved, the Board must exercise caution in open meeting and that the closed-session authority taking effect July 1 will allow for more substantive review of such matters.

#### **Messaging for Ordinance Revisions:**

- Mr. Walker reported that he has continued line-by-line refinement of the ordinance revision draft, addressing fine details such as consistency between "will" and "shall," internal cross-references, and similar matters, before the document is reviewed by the City Attorney's Office.
- Mr. Walker indicated he would distribute to all Board members both a redlined version showing proposed strikes and additions and a clean version reflecting how the ordinance would read if adopted as recommended. He requested that any Board member feedback be returned to him before the May 14, 2026 meeting so that all comments can be considered together.
- Mr. Walker described the format of the May 18, 2026 City Council work session presentation as a high-level, bullet-point overview of the recommended changes. He noted that the work session is scheduled for one hour or less and indicated the possibility of two-on-one meetings with individual Councilors in the lead-up, should Council request a deeper dive on particular questions.
- Dr. Fracher stated that the overarching message to Council should be that the proposed revisions request "more oversight, not less," and that they are aimed at removing barriers that have prevented the Board from carrying out the work it was originally created to do. He noted that aspirational language in the original ordinance, while well-

intentioned, was not fully vetted at the time of adoption and includes provisions that are not legally workable.

- Dr. Fracher reiterated his request that as many Board members as possible attend the May 18, 2026 work session in person, both to demonstrate unity and to ensure Council has the opportunity to see the full Board engaged.
- Mr. Walker confirmed that, following the May 18, 2026 work session, the Board would consider additional community engagement opportunities for the summer and early fall, with the intention of beginning more substantive case and incident review work in closed session once the new state law takes effect July 1, 2026.

**Open Discussion:**

- Mrs. LeNoir-Kelly mentioned an upcoming Healthy Streets, Healthy People community event scheduled for Saturday, May 30, 2026 at Washington Park, as a potential opportunity for PCOB representation and distribution of outreach materials. Members discussed the possibility of staffing a table at the event.
- Mr. Dillard expressed appreciation for the engagement of the current full Board and indicated that the increased cohesion and momentum of the body had renewed his own enthusiasm for the work.

**Public Comment (Second Period):**

- No public comment was received.

**Adjournment:**

- A motion to adjourn was made by Mrs. LeNoir-Kelly and seconded by Mr. LaFave. The motion was approved unanimously by all members present.
- Meeting adjourned at approximately 7:11 p.m.

Certified by James Walker, Acting Director

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

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

# Police Civilian Oversight Board

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Proposed Transition of Oversight Model

**Joint Work Session with City Council**  
**May 18, 2026**



# Purpose of Work Session

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A joint work session between City Council and the Police Civilian Oversight Board to present and discuss a series of recommended ordinance revisions to Article XVI of the City Code. The purpose of these revisions is to:

- 1. Transition the PCOB to a “Monitor, Audit, and Review” model of oversight.
- 2. Remove barriers to implementation of the current investigation-dominant model.
- 3. Clarify the duties, processes, and outcomes of the new model with a robust framework.

## **Review**

PCOB will review the core ordinance revisions recommended.

## **Discuss**

PCOB will discuss recommended revisions with City Council to provide details.

## **Inform**

Council will inform and advise the PCOB with feedback regarding proposed revisions.

# Purpose Statement Reimagined

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## Recommended Change

The Board's purpose changes from a generalized vision of trust to a mission-oriented statement focused on definable oversight actions with measurable outcomes.

## Why

The current purpose statement asks the PCOB to “establish and maintain trust” among several city stakeholders and the community. This is not reflective of the PCOB's ability or authority nor does it clearly provide a sense of objective tasks taken to achieve measurable outcomes. This revision sets the tone for a clarified ordinance giving the PCOB a purpose which is actionable and aligned to core principles of a Monitor, Audit, and Review Model of Oversight.

# Transition to a Monitor, Audit, and Review Framework

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## Recommended Change

New ordinance sections lay a framework for a Monitor, Audit, and Review Model of Oversight with clear expectations and procedures.

- Clarifies Department monitoring of internal affairs, meetings, briefings, training, data systems, budget, etc.
- Audit process formalized with audit plans, department cooperation requirements, and structured reporting.
- Board review section establishes parameters for the Board's review authority and process.

## Why

The current ordinance includes all of these authorities at a theoretical level but does not provide a framework for how each is to be conducted. New sections form the foundation of what “oversight” is expected of the Police Civilian Oversight Board and supporting Office staff.

# Emphasis on Public Reporting and Oversight Outcomes

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## Recommended Change

A new section consolidates the Board's outcomes, including findings on internal affairs case review (three determination options), incident review outcomes, disciplinary policy recommendations, audit and policy outcomes, hearing process, a 30-day Department response requirement, follow-up review authority, and mandatory public reporting.

## Why

The current ordinance does not clearly define the work product of the PCOB or supporting Office staff, and what was included was scattered among a variety of sections. This revision brings all expected outcomes from the PCOB under a single section and clarifies the format and process for each.

# Workable Scope for Board Hearings

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## Recommended Change

Hearings remain authorized but are refocused. They may no longer be convened to adjudicate individual complaints or make findings of misconduct against specific Department officers or employees. Instead, hearings may examine policies, practices, patterns, audit findings, and systemic concerns. Participation is voluntary for department representatives.

## Why

The hearing structure in the current ordinance presented an inherent conflict between confidentiality and public meeting requirements. It also represented a trial-based framework which was not actionable. This transition bolsters the value of hearings, makes them functional, and aligns them to the Monitor, Audit, and Review Model of Oversight while also removing existing conflicts.

# Alignment of the Subpoena Authority

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## Recommended Change

Subpoena power is clarified as applying only to third-party (not under Department control) witnesses, third-party records, and department records. The authority to compel department employee attendance or statements is removed. This aligns with the broader Monitor, Audit, and Review Model of Oversight and represents a more realistic legal feasibility.

## Why

The ability to subpoena Department officers or employees to attend hearings and provide statements in response to questions contained an inherent conflict with the guaranteed rights of officers and confidentiality provisions in Virginia Code, case law, and the local CPD Collective Bargaining Agreement. This authority could not be practically applied within the legal limits of the PCOB.

# Barrier Removal: Independent Investigation Model

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## Recommended Change

The model of oversight contained in the ordinance is refined and focused to a Monitor, Audit, and Review Model of Oversight, rather than an investigation-dominant model. All references to the Board, Director, or Office conducting independent investigations of complaints, incidents, or employee conduct have been removed. This change flows through elements of the full ordinance.

## Why

The Monitor, Audit, and Review Model of Oversight allows the PCOB to prioritize its time and resources on achievable outcomes and removes the vast majority of existing barriers or conflicts which arise from the independent investigation component, which include: (1) no framework to compel officer testimony; (2) resource and staffing limitations; (3) investigation procedures required by Virginia Code, CPD General Orders, and the CPD Collective Bargaining Agreement; (4) lack of a relevant binding disciplinary authority negating the purpose of an independent investigation.

# Barrier Removal: Case Disciplinary Recommendations

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## Recommended Change

The authority to recommend specific disciplinary action against an identified employee of the Department at the conclusion of an investigation has been removed. In its place, the Board may issue recommendations regarding the Department's disciplinary policy and its consistent application by the Chief.

## Why

Case-specific disciplinary recommendations are not feasible for two reasons: (1) the timeline of when a case is closed and when discipline is determined by the Chief is unrealistic for the Board to meet on such short notice (timeline set by policy); and (2) Sec. 29.8(G) of the CPD Collective Bargaining Agreement removes Board recommendations from any appeal or grievance proceeding. This limits the role of Board input, especially in high-profile cases, and creates a negative incentive for disciplinary appeals.

# Clarifications to Board Membership

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## Recommended Change

Revisions provide clarification to Board membership and terms, including: (1) The mandated demographic composition requirements are removed with counsel from the City Attorney's Office; (2) Residency eligibility is clarified: voting members must reside in the City or Albemarle County with clarified priority to city residents. Includes an exception clause (VA residents) to address lack of applications; (3) A 30-day application window is added; (4) Terms are shortened from 3 years to 2 years, with up to 4 consecutive terms (aligns with City Code).

## Why

These revisions resolve concerns related to the clarity of priority levels for appointments, address legal concerns, and provide shorter term lengths as a result of feedback from current and former Board members. The 30-day application window is added to address prior concerns of shortened application windows which did not provide time to advertise the Board seats effectively.

# Consolidation of SOP and MOU

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## Recommended Change

Provisions currently found in a separate Standard Operating Procedure (for department records access, delivery, and format) and a separate Memorandum of Understanding (for real-time administrative interview monitoring) have been consolidated and codified directly into the revised ordinance.

## Why

This revision creates a more robust framework to support the Monitor, Audit, and Review Model of Oversight beyond the current Chief of Police and Department culture, which provides broad access as a current practice. This revision prevents document sprawl of conditional agreements and offers sustainability to the new model.

# Transformed Mediation and Alternative Resolution

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## Recommended Change

The former mediation and informal resolution subsections are replaced. The Office may now offer early resolution through information, education, or referral before formal investigation. If the department maintains a mediation or alternative dispute resolution program, the Office may inform complainants of its availability. Participation is voluntary, and the right to pursue a formal complaint is preserved.

## Why

The existing mediation structure was not functional as it placed the authority in the PCOB without the ability to implement it due to budgetary and legal concerns. The new structure reflects current practice and allows for more flexibility with informal resolution which is practical and actionable.

# Clarification of Commendation Process

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## Recommended Change

The former three brief subsections are replaced with a detailed framework: a stated purpose, five specific bases for commendation (de-escalation, community engagement, corrective action, critical incident performance, and other exemplary conduct), three information sources (public nominations, oversight activities, department data), and a verification and issuance process.

## Why

The existing commendation framework was not robust enough to be objective, but was retained as a function of objectivity in the work of the PCOB as it relates to the Department. It also offers an actionable way to respond to positive community input regarding the Department and officers.

# Addition of Definitions Section

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## **Recommended Change**

Moves existing ordinance definitions and references to this section, and adds new key concepts (authorized purpose, hearing, records, personal information, securely retained, etc.)

## **Why**

Consolidates all defined terms and references into a single section, resolving the issue of sporadic definitions throughout the ordinance and merging any definitions from the PCOB's Standard Operating Procedure and Memorandum of Understanding. Provides a location for any future term clarification without disrupting other sections.

# Next Steps

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## Following the Joint Work Session

- All Council feedback on proposed revisions will frame any further revisions necessary.
- Continued work with City Attorney's Office and Independent Counsel to finalize specific language in the proposed revision.
- Answers provided to any questions posed by Council or the public.
- Present to City Council for first and second reading by July-August 2026.

# PCOB Ordinance Revision Comparison Table

Updated May 11, 2026

Includes Appendices A–C with Detailed Reasoning on Core Model Revisions

**Green rows** = New sections or subsections | **Pink rows** = Struck or relocated sections | **Blue rows** = High impact sections

Original Section	New Section	New Title	Summary of Change	Reasoning
450	450	Title	No change.	N/A
(New Section)	451	Definitions	Add and consolidate defined terms: (a) authorized purpose, (b) closure letter, (c) complainant, (d) complaint, (e) hearing, (f) in writing, (g) personal information, (h) records, (i) references, (j) securely retained, and (k) serious abuse of authority or misconduct (relocated from former 453(c)).	Added for organization, clarity, and to consolidate definitions throughout the ordinance into a single location. Some definitions brought over from consolidation of the SOP and MOU. Definitions (b), (c), (d), and (j) are new to the ordinance.
451	452	Police civilian oversight board established	Section renumbered. Strike 'the board' and ' <i>within</i> ' → 'in'. Strike and replace 'by' → 'in'.	Reference to 'the board' moved to Sec. 2-451. Revision made for internal consistency.
452	453	Office of police civilian oversight established	Section renumbered. No other change.	N/A
452(a)	453(a)	Office established	Strike 'the office' and 'the department'. Capitalize "City Manager's Office". Strike and replace 'functions' → 'purpose'. Strike ' <i>within</i> ' → 'in'.	Reference to 'the office' and 'the department' moved to Sec 2-451. Revision made for internal consistency.
452(b)	453(b)	Director	Strike and replace 'will' → 'shall'.	Revision made for internal consistency.
452(b)(1)	453(b)(1)	Director — Appointment	No change.	N/A
452(b)(2)	453(b)(2)	Director — Interview process	Strike 'director'.	Revision made to improve grammar. Struck language implied by subsection (b) title.
452(c)	453(c)	Duties of the city manager	No change.	N/A
452(c)(1)	453(c)(1)	Duties of the city manager — Operating procedures	Strike and replace consultation clause to separate into its own sentence and expand application to both establishment and amendment of procedures, and to apply to both city council and city manager actions.	Revision made to improve clarity and grammar. Ensures the consultation obligation clearly applies to all scenarios.
452(c)(2-3)	453(c)(2-3)	Duties of the city manager — Supervision; Vacancy	No change.	N/A
452(d)	453(d)	Duties of the director	No change.	N/A

Original Section	New Section	New Title	Summary of Change	Reasoning
452(d)(1)	453(d)(1)	Duties of the director — Duties	No change.	N/A
452(d)(2)	453(d)(2)	Duties of the director — Director's authority to conduct audits	Add cross-reference 'as provided in Sec. 2-463 of this article, including'. Strike and replace 'powers and duties of the board ... in this' → '... purpose of the board' and 'will' → 'shall'.	Added cross-reference ties audit authority to new dedicated audit section. Revision made for internal consistency.
452(d)(3)	453(d)(3)	Duties of the director — Director's authority to engage in oversight activities on behalf of the board	Add cross-reference 'as provided in Sec. 2-462'. Strike and replace 'powers and duties of the board ... in this article' → '... purpose of the board' and 'lawful' → 'authorized'. Strike 'outlined ... § 2-454 of'.	Added cross-reference ties oversight authority to new dedicated monitoring section. Revision made for internal consistency. Removal of specific section reference replaced with general article reference.
453	454	Powers and duties of the police civilian oversight board	Section renumbered. No other change.	N/A
453(a)	454(a)	Purpose	Rewrite. Broad trust-based purpose replaced with community focused mission language: transparency, accountability, monitoring, audit, review, with issuance of public reports on recommendations and best practices.	Rewrite based on significant Board member discussion. The existing purpose statement is general, not focused on mission objectives for the Board, and emphasized an ideal outcome rather than actionable implementation of oversight. Moves community focus to the top.
453(b)	454(b)	Powers and duties	No change.	N/A
453(b)(1)	454(b)(1)	Powers and duties (receive complaints)	Strike ', investigate and issue findings on'. Add refer-and-monitor model language.	<b>[See Appendix A for more detailed reasoning]</b> Revision made to remove independent investigation model language and add monitoring model component. 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 ineffective as an oversight tool.
453(b)(2)	454(b)(2)	Powers and duties (review and issue findings on incidents)	Strike and replace 'investigate' → 'review' and 'section' → 'article'. Add 'department'.	Revision made to remove independent investigation model language and add review model component.
453(b)(3)	— (Struck)	Powers and duties (recommend disciplinary action)	Strike entirely. Replace with new Sec. 2-466(d) outcome-based disciplinary application assessment and policy recommendations.	<b>[See Appendix B for more detailed reasoning]</b> Strike made to remove specific disciplinary recommendations regarding the misconduct of

Original Section	New Section	New Title	Summary of Change	Reasoning
				a Department employee, which is not viable for reasons detailed in struck section 2-463 below.
453(b)(4)	454(b)(3)	Powers and duties (review policies, practices, procedures)	Subsection renumbered. Strike and replace 'investigate' → 'review'. Add ','.	Revision made to align language to review model component. Added ',' for internal consistency of grammar.
453(b)(5)	454(b)(4)	Powers and duties (review department investigations)	Subsection renumbered. No change.	N/A
453(b)(6)	454(b)(5)	Powers and duties (review annual expenditure reports)	Strike and replace 'request' → 'review'.	Revision made to align language to review model component.
453(b)(7)	454(b)(6)	Powers and duties (make public reports)	Strike and replace 'investigations' → 'reviews'.	Revision made to align language to review model component.
453(b)(8)	454(b)(7)	Powers and duties (hold hearings and subpoena authority)	Add 'with the exception of employees of the department' re: compelled attendance. Add 'records or' in two instances.	<b>[See Appendix C for more detailed reasoning]</b> Addition made to align language to review model component and clarify subpoenas. Using the subpoena power to compel testimony or statements from department employees is not viable for two reasons: (1) inherent conflict between the Board's ability to compel Department employees and the Board's ability to adhere to and provide protections guaranteed to law enforcement personnel under CPD General Orders, the CPD Collective Bargaining Agreement, and VA Code; (2) under a review model, this function would be generally irrelevant as disciplinary action would have already been taken, if any.
453(b)(9)	454(b)(8)	Powers and duties (undertake other duties)	Strike 'for'. Add clause authorizing delegation of admin support, monitoring, auditing to the office.	Revision made to clarify the role of the Office and Director to act on the Board's behalf to conduct monitoring, auditing, and other oversight functions authorized by the Board's powers and duties. Specifies the Office's authority as a support and advise function for the Board.
453(c)	— (Relocated)	Definition of serious abuse of authority or misconduct	Strike entirely. Relocate to new Sec. 2-451(k).	Strike and relocate made to consolidate internal definitions.
455	455	Board membership, appointment, and terms	Add ','.	Addition made for internal consistency of grammar.

Original Section	New Section	New Title	Summary of Change	Reasoning
455(a)	455(a)	Objectivity	Rewrite. Reframed as appointment directive to council.	Rewrite made to convert non-operative statement of importance into an operative appointment standard, tying objectivity directly to the council's selection duty under this section. Also aligns to internal consistency of grammar.
455(b)	455(b)	Appointment process	Add 'city' and 'the city'. Add 30-day minimum application window. Strike and revise 'will' → 'shall' and 'and' → 'or'. Strike 'fair-minded and objective'.	Additions and revision made for internal consistency. Added the thirty-day application window as a response to prior inconsistencies. In summer 2025, an application window for PCOB appointments, from the time of public notice to the time of application closure, was less than two weeks. Strike made to fair and objective language as redundant to (a). The 'and' to 'or' revision is intended to clarify an applicant does not need all listed experience.
455(c)	455(c)	Board composition	Strike 'as'. Add language of conduct and board's operating procedures.	Strike made for internal consistency of grammar. Addition made to clarify where the code of ethics resides and shifts removal-for-cause framing from exhaustive ('as specified in') to illustrative ('including conduct specified in'), consistent with the existing catch-all 'other good cause' provision.
455(c)(1)	— (Struck)	Board composition (public housing or disadvantaged community seats)	Strike entirely.	Strike made for legal concern of limiting criteria.
455(c)(2)	— (Struck)	Board composition (racial or social justice seat)	Strike entirely.	Strike made for legal concern of limiting criteria.
455(c)(3)	455(c)(2)	Board composition (non-voting member with policing expertise)	Subsection renumbered. Moved from (3) to (2). No change.	N/A
455(c)(4)	455(c)(1)	Board composition (residency or employment requirement)	Subsection renumbered. Moved to (1). Rewrite: City or Albemarle County resident priority; Albemarle must be employed in or tied to city. Priority first given to city residents. Add exception for VA residents if insufficient eligible applicants after public application process.	Rewrite based on significant Board member discussion. Rewrite made to clarify priority of member appointment. Resolves a concern about priority level but ultimately does not change the impact on eligibility.
455(c)(5)	455(c)(3)	Board composition (disqualifying affiliations)	Moved from (5) to (3). Minor edits: 'council' changed to 'the city council' (2 instances); 'will' changed to 'shall.'	Addition made for grammatical and terminology consistency.

Original Section	New Section	New Title	Summary of Change	Reasoning
455(d)	455(d)	Terms	Revised. 3-year terms → 2-year terms. Transition clause for current members. Prospective application of composition requirements, term length, and term limit.	Term lengths have often been cited by Board members as too long. Decreases length and increases number of terms possible (4) based on Sec. 2-8 of the City Code. Does not affect current member term.
455(e)	455(e)	Conflicts of interest	Add ','	Addition made for grammatical consistency.
456	456	Meetings	No change to entire section.	N/A
457	457	Board legal counsel	Strike and replace investigation-oriented language ('cases, hearings, controversies') with framing that describes the board's oversight powers and duties. Also simplifies the conflict-of-interest exception.	Revision made to reframe counsel's role around the board's oversight powers and duties, retaining a catchall for other matters involving the board's interests. The closing exception is clarified.
454	458	Information access and limitations	Section renumbered. No other change.	N/A
454(a)	458(a)	Access to department information	Rewrite. Strike SOP mandate and replace with SOP language in ordinance throughout section (see below). Add 'subject to narrow limitations' framing; 'authorized powers and responsibilities' → 'authorized purpose.' Clarify confidentiality provisions found in 'this article' and 'operating procedures.'	Rewrite and revision made to remove language related to the establishment of a Standard Operating Procedure (SOP) governing access to Department information as the language of the SOP has been consolidated into the ordinance itself. Additional revisions made for internal consistency.
(New)	458(b)	Records to be routinely provided	Add from SOP. Department must provide four record types to Director within 5 days: contact letter, closure letter, 4 <sup>th</sup> Amendment Auditor report, monthly IA report.	Additions made to consolidate existing SOP with the Department into ordinance. Defines how information access is provided, allowing for the agreement to become solidified into city code, rather than an extension of it. Creates a more robust framework to support the monitor, audit, review model of oversight beyond the current Chief of Police and Department culture, which provides broad access as a current practice.
(New)	458(c)	Requests for department records	Add from SOP and new language to support monitor, audit, review model. Formal written notification process for IA reviews, policy reviews, and audits.	
(New)	458(d)	Delivery of records	Add from SOP. Include 5-day delivery; alternative timelines by agreement; vacancy provisions; dept. liaison.	
(New)	458(e)	Format of department records	Add from SOP and new language to support monitor, audit, review model. BWC and dashcam access rules; originals or exact copies; secure retention, return, destruction.	
454(b)	458(f)	Dept. info. to which the board may not have access	Subsection renumbered. Strike (b)(1) juvenile records. Revise capitalization in (f)(2) to 'Commonwealth's Attorney'. Strike in (f)(4): '(1) through (C)(6)'. Strike in (f)(5) 'police'.	

Original Section	New Section	New Title	Summary of Change	Reasoning
				(f)(2) and (f)(5) for internal consistency and grammar.
454(c)	458(g)	Disputes over access	Subsection renumbered. Strike 'pursuant to section 2-459'. Add director-chief consultation, city manager informal hearing, 3-day written ruling.	Addition provides process clarity from the SOP to situations in which there is a dispute over access to Department information.
454(d)	458(h)	Confidentiality	Subsection renumbered. Adds 'personal information' to scope. Subpoints unchanged. Closing paragraph strike and revise 'relevant board procedures' → 'this article.'	Add and revision made to clarify FOIA limitation and for internal consistency.
(New)	458(i)	Protocols to prevent improper dissemination	Add from SOP. Four-part: unauthorized use prohibition; security measures; limited exceptions (prior disclosure, employee consent); anonymization.	Additions made to consolidate existing SOP with the Department into ordinance.
454(e)	458(j)	Records to remain department records	Subsection renumbered. Strike 'of police'; 'the' → 'department'; 'standard'. Add from SOP the FOIA response provision requiring exemption claims.	Revision made for internal consistency. Additions made to consolidate existing SOP with the Department into ordinance.
458	459	Exclusions, limitations, and suspension	Section renumbered. Strike 'Investigation e'.	Revision made to align to monitor, audit, review model of oversight.
458(a)	459(a)	Compliance	Strike and revise of investigation language and replace with general oversight language. Strike and revise article and operating procedures reference.	Revision made to align to monitor, audit, review model of oversight and for internal consistency.
458(b)	459(b)	Compelled statements	Strike ', other than by means of its subpoena powers'.	<b>[See Appendix C for more detailed reasoning]</b> Strike made to remove 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 guaranteed to officers when giving a compelled statement afforded to them as part of administrative investigations.
458(c)	459(c)	Exclusions	Subsections renumbered. Strike (c)(2) 75-day bar and (c)(6) prior investigation bar. Add potential violations not listed in policy as stated in CPD GO.320.7.	Revision made to align to monitor, audit, review model of oversight. Modified the limitation of violations of policy to adopt CPD language, which could include other violations not listed.
458(d)	459(d)	Exceptions to time limits	Strike reference to (c)(2). Add 'and incidents' after 'investigations.' Revise audit reference from 'subsection 2-452(d)' to 'Sec. 2-463'.	Revision made to address item no longer relevant as original reference language was also struck above. Addition of 'incidents' aligns

Original Section	New Section	New Title	Summary of Change	Reasoning
				with review model scope. Audit cross-reference updated to new dedicated section.
458(e)	459(e)	Suspension of oversight activity	Strike 'investigations' → 'powers and duties' or 'oversight activity.' Add 'director.' Strike subpoints (1)–(2) and consolidated into single provision.	Revision made to align to monitor, audit, review model of oversight.
459	460	Subpoenas	Section renumbered. No other change.	N/A
459(a)	460(a)	Application for subpoenas	Add 'to a public hearing held in accordance with Sec. 2-466(f) of this article'. Revise 'other evidence' → 'other records or evidence.'	Revision made to tie subpoena authority for witness attendance to the new hearing framework. 'Records or evidence' aligns terminology throughout the ordinance.
459(b)	460(b)	Requests for access	Add language that subpoena power cannot compel Department employee attendance or statements. Strike 'witness' references.	<b>[See Appendix C for more detailed reasoning]</b> Revision made to clarify the subpoena power to eliminate compelling officer testimony detailed above and in the appendix.
459(c)	460(c)	Scope of subpoenas	Strike 'witnesses' references. Revised 'other evidence' → 'other records or evidence.'	Revision made to align subpoena scope to model consistency above; witness compulsion addressed separately in 460(a) and limited to non-department witnesses at public hearings.
459(d)	460(d)	Retention of subpoena records	Rewrite. Strike original provisions for digital recording of interviews and depositions, delegation of subpoena authority to director, and non-public forum requirements. Add streamlined provision: if subpoena compels production of records, the board shall make and share copies with the department.	Revision made to resolve original language tied to independent investigation model and compelled testimony framework. Now aligns with review model where subpoena authority is focused on records production.
(New Section)	460(e)	Conduct of compelled attendance by witnesses	Add three provisions for subpoenaed witness attendance at public hearings: (1) subpoena must include statement that testimony is under oath and witness has right to attorney; (2) failure to comply subjects witness to contempt; witness may petition to quash; (3) board may petition Circuit Court for enforcement.	Addition made to establish procedural safeguards and enforcement mechanisms for the board's subpoena authority over non-department witnesses at public hearings.
(New Section)	461	Intake and referrals	Add comprehensive intake process with six categories: (1) complaint referral with monitoring and complainant updates; (2) review requests of concluded IA investigations; (3) non-department/other jurisdiction referrals; (4) inquiry, recommendation, and comment responses; (5) compliment and commendation routing; (6) out-of-scope referrals.	Addition made to clarify the role of the Office regarding the intake and referral of complaints or other submissions both within and outside of the Board's jurisdiction and authority.
460	462	Conduct of department monitoring	Section renumbered. Strike 'investigations' → 'department monitoring'.	Revision made to align to monitor, audit, review model of oversight.
460(a)	462(a)	Referral of complaints	Retitle. Strike redundant case closure letter sentence. Strike and revise 'will' → 'shall'.	Revision made to align to monitor, audit, review model of oversight. Strike of second sentence

Original Section	New Section	New Title	Summary of Change	Reasoning
				due to redundancy with other content in the ordinance. Revision made for internal consistency.
460(b)	462(b)	Monitoring of investigations and incidents	Retitle. Add 'and incidents'. Monitoring items broken into (1)–(6). Strike Director feedback provisions. Strike and revise 'section' → 'article' and 'board, any board member'.	Revision made due to model application consistency and legal conflict of compelling testimony. The role of feedback is altered to a retrospective action addressed later but removed in this context because internal affairs cannot act as an agent of the PCOB or Office during the investigation itself. The ability to provide feedback is retained at a later step in the review process and no longer resides in the monitoring phase. Revision to last line because it is inconsistent with the authorized role of the Board.
(New)	462(c)	Observation of internal affairs interviews	Add from consolidated MOU. 5-part: IA notification; 24-hr notice; director notice of intent; observation logistics; post-interview feedback (non-binding).	Addition made to consolidate language from the Memorandum of Understanding (MOU) which was an offshoot policy derived from the SOP. This provides a more robust and clearer ordinance and removes the need for secondary and tertiary policies.
460(c)	— (Struck)	Investigative reports	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
(New)	462(d)	General oversight of department operations	Add director observation of meetings, briefings, UoF panels, hiring, training, data, policies. Add notice requirements, observational/advisory limits, and dispute resolution.	Revision made to clarify aspects of the monitoring role of the PCOB Office and Director, which had already been implied in the ordinance when the Director acts on behalf of the Board, but creates more robust language defining the scope of that authority.
460(d)	— (Struck)	Conduct of incident investigations	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
460(e)	— (Struck)	Duration of investigations	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
(New Section)	463	Conduct of department audits	Add (a) purpose/scope; (b) initiation; (c) audit plan; (d) dept. cooperation; (e) audit report with 4 required elements.	Addition made to clarify aspects of the auditing role of the PCOB Office and Director, which had already been implied in the ordinance when the Director acts on behalf of the Board, but create more robust language defining the scope of that authority.

Original Section	New Section	New Title	Summary of Change	Reasoning
(New Section)	464	Conduct of board reviews	Add (a) purpose; (b) matters subject to review; (c) information provided to the board; (d) evaluation and deliberation; (e) standard of review; (f) department participation; (g) public participation; (h) procedures.	Addition made to clarify the review authority of the Board. The existing ordinance lacked a formal delineation of the board's review authority and how it is conducted at a broad level. With emphasis on a review model, this newly added section is critical to define the scope, authority, and conduct of a board review.
461	— (Struck)	Matters on which the board may conduct hearings	Strike entirely. Hearing authority reconceived in new Sec. 2-466(f).	Strike made to consolidate remaining aspects of hearings to newly created Sec. 2-466. See below for further details to amended content.
464	— (Struck)	Board review of policies, practices, procedures	Strike entirely. Review authority reconceived in new Sec. 2-464. Conduct of board reviews.	Strike made to remove redundant and unnecessary language; replaced under newly created sections detailing the conduct of review and reporting.
465	465	Annual review of police budget and expenditures	Revise title: 'Request annual reports' → 'Annual review of police budget and expenditures.' Strike '/or'.	Aligns title to review model language. Revision made for consistency of reporting.
(New Section)	466	Findings, determinations, recommendations, and public reporting	Add to replace aspects of old Secs. 2-461 & 2-463. Eleven subsections: (a) outcomes framework; (b) internal affairs outcomes; (c) incident outcomes; (d) disciplinary policy outcomes; (e) audit and policy outcomes; (f) hearings; (g) department response; (h) follow-up monitoring; (i) public reporting; (j) annual report; (k) legislative recommendations.	Addition made to clarify the outcomes and public reporting of the Board and Office. The existing ordinance lacked a formal delineation of the outcomes available to the board and the reporting of such outcomes to various stakeholders. This section is added to consolidate existing language which contains this content and add a more robust framework to it for clarity of the Board's role in making findings, determinations, and recommendations. Also clarifies public reporting authority.
462	467	Alternative resolution	Section renumbered. No other changes.	N/A
462(a)	467(a)	Informal resolution	Rewrite. New early resolution: info, education, referral before formal investigation. Right to formal complaint preserved.	Rewrite made to replace existing content to allow for more realistic options for alternative resolution and moved voluntary mediation to next section.
462(b)	467(b)	Mediation and alternative dispute resolution	Rewrite. Limited to informing complainant of dept. programs. Voluntary. Non-participation protections.	Rewrite made to resolve conflict that mediation cannot be compelled by the Board, but rather an offering of CPD, if available, to which the Board or Director can refer a complainant. The Board can recommend and advocate for such a program but not compel it. Aligns language to this scope of authority.

Original Section	New Section	New Title	Summary of Change	Reasoning
463	— (Struck)	Disciplinary recommendations	Strike entirely. Replaced by new Sec. 2-466(d).	<b>[See Appendix B for more detailed reasoning]</b> Strike made to resolve existing conflict. 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 is unrealistic for the Board to meet on such short notice (by CPD policy and collective bargaining); and (2) Sec. 29.8(G) of the CPD Collective Bargaining Agreement removes Board recommendations from any appeal or grievance proceeding, limiting the role of Board input, especially in high-profile cases, and creating an appeal incentive. The replacement for this is instead focused on: (1) the application of discipline by the Chief; and (2) the Disciplinary Matrix within CPD General Orders. This has been moved to the newly created public reporting section.
466	468	Community engagement	Section renumbered. Title change: Strike 'legislative recommendations and reporting' and strike section (b) 'Legislative recommendations' → 2-466(k); strike (c) 'Reporting' → Sec. 2-466(j).	Revision and strike made to consolidate all reporting to one section, including annual reporting previously in this section and legislative recommendations as a product of the Board to Sec. 2-466.
467	469	Board member training	Section renumbered. No other change.	N/A
467(a)	469(a)	NACOLE training	Strike ', '.	Strike made for grammatical accuracy.
467(b)	469(b)	City and department training	Strike and revise title 'City and CPD training' → 'City and department training.' Rewrite subsection (b)(2) 'Explaining police department procedures, policies, and regulations' changed to 'Explaining department policies, practices, and procedures.' Add comma.	Revision made to align terminology: 'CPD' replaced with 'department' for consistency; 'regulations' replaced with 'procedures' to match ordinance terminology throughout. 'Practices' added.
467(c)	469(c)	Additional training	No change.	N/A
468	470	Commendations for exceptional community service	Section renumbered. Rewrite all subsections: (a) purpose; (b) 5 bases for commendation; (c) 3 info sources; (d) verification/issuance procedures.	Rewrite made to clarify what constitutes a commendation and how the Board is to arrive at that conclusion.
469–2-479	471–2-479	Reserved	Renumbered.	N/A

## Appendix A: Independent Investigations

### Overview

The existing ordinance authorizes the Board to “receive, investigate, and issue findings on complaints” and to “investigate and issue findings on incidents.” The revised ordinance replaces this independent investigation authority with a receive-and-refer model in which complaints are routed to the Charlottesville Police Department (CPD) for internal affairs investigation, with concurrent monitoring by the Office of Police Civilian Oversight. The Board retains the authority to review completed investigations and to issue findings regarding their accuracy, completeness, and impartiality. This appendix sets forth the legal, operational, and structural reasons for this change.

### **1. Inability to Compel Officer Testimony**

The most fundamental barrier to independent investigations is the Board’s inability to compel statements from officers of the Department. Under the current ordinance, Section 2-458(b) (renumbered 2-459(b)) expressly states that the Board may not compel a statement from any department employee. The revised ordinance strengthens this limitation by removing the prior qualifier “other than by means of its subpoena powers,” which created an internal contradiction with the practical and legal constraints on subpoena authority discussed in Appendix C.

Without compelled testimony, any independent investigation conducted by the Board would be structurally incomplete. Officers are under no obligation to participate voluntarily, and the practical likelihood of voluntary cooperation is low given the protections afforded to officers under both the Charlottesville Police Department Collective Bargaining Agreement and the Law-Enforcement Officers Procedural Guarantee Act (Virginia Code §§ 9.1-500 et seq.). An investigation that cannot obtain statements from the officers whose conduct is at issue cannot produce findings sufficient to support disciplinary action or to provide meaningful accountability.

### **2. Conflict with Existing Investigative Frameworks**

Administrative investigations of law enforcement officer conduct are governed by multiple overlapping frameworks that define the scope, process, and protections applicable to such investigations. These include:

**Virginia Code §§ 9.1-500 through 9.1-507 (Law-Enforcement Officers Procedural Guarantee Act):** This chapter establishes procedural requirements for investigations that could lead to dismissal, demotion, suspension, or transfer for punitive reasons. Section 9.1-501 requires that questioning occur at a reasonable time and place, that the officer be informed of the investigating officer’s identity and the nature of the investigation, and prescribes procedures for specimen collection. Section 9.1-502 requires written notice of charges and an opportunity to respond before any adverse action may be imposed. While there is an exception for law-enforcement oversight boards in Section 9.1-507(B), due to the obligations of Article Four of the CPD Collective Bargaining Agreement, independent investigation by the Board would need to comply with these procedural requirements to produce findings actionable for discipline, but the Board lacks the institutional framework to do so and lacks binding disciplinary authority.

***Garrity v. New Jersey, 385 U.S. 493 (1967):*** Under *Garrity*, statements compelled from public employees during administrative investigations cannot be used against them in criminal proceedings. The Department’s internal affairs process is structured to provide these protections as part of its administrative investigation framework. The Board has no authority to extend *Garrity* protections, meaning that any statement an officer provides to the Board, even if obtained through subpoena, could lack the evidentiary protections that would otherwise apply in an internal affairs investigation, creating both legal risk for the officer and procedural vulnerability for any resulting disciplinary action.

**CPD General Orders and Collective Bargaining Agreement:** The CPD’s internal affairs procedures, codified in its General Orders, define the investigative process for complaints of officer misconduct. The Collective Bargaining Agreement further defines the procedural rights of officers during investigations and the disciplinary process. An independent investigation by the Board would operate outside both of these frameworks, and its findings would lack standing in any subsequent disciplinary or grievance proceeding.

### **3. Resource and Structural Constraints**

The Board is a volunteer body that meets on a periodic basis. The existing ordinance required investigations to be completed within seventy-five days of receipt of a complaint or notice of an incident. Conducting a thorough administrative investigation within this timeline requires full-time investigative staff, access to forensic and evidentiary resources, and the capacity to schedule and conduct witness interviews on short notice. The Office of Police Civilian Oversight, while providing professional staff support to the Board, is not resourced or structured to serve as an independent investigative agency. Directing limited staff resources toward duplicative investigations that cannot produce binding outcomes diverts those resources from monitoring, auditing, and review functions that can produce systemic improvements.

#### **4. Absence of a Binding Outcome**

Even if the Board could overcome the testimony, procedural, and resource barriers described above, the findings of an independent investigation would remain advisory. Virginia Code § 9.1-601(C)(3) authorizes civilian oversight bodies to make “binding disciplinary determinations” only “concordant with any investigation conducted” and “after consultation with such officer’s or employee’s direct supervisor or commander.” While the statute authorizes this possibility, the operational and legal constraints specific to Charlottesville, including the Collective Bargaining Agreement and the exclusive disciplinary authority of the Chief of Police, make binding determinations impracticable in practice. Section 29.8(G) of the Collective Bargaining Agreement excludes Board findings and recommendations from any grievance or dispute proceeding, further severing independent investigation findings from the disciplinary process.

#### **5. The Review Model as a More Effective Alternative**

The revised ordinance replaces independent investigations with a structured review model that leverages the Board’s institutional strengths: the ability to evaluate completed investigations for thoroughness, accuracy, and impartiality; the authority to conduct audits of patterns in complaints, use of force, and other police-community interactions; and the capacity to issue public findings and recommendations that address systemic issues rather than individual case outcomes. This model is consistent with the approach taken by several Virginia comparator jurisdictions, including Fairfax County, whose Police Civilian Review Panel reviews completed internal administrative investigations rather than conducting independent ones.

## **Appendix B: Disciplinary Recommendations**

### **Overview**

The existing ordinance, at Section 2-463, authorized the Board to make case-specific disciplinary recommendations regarding individual department employees following a finding of misconduct. The revised ordinance strikes this section and replaces it with a disciplinary policy outcome framework in new Section 2-466(d), which authorizes the Board to issue recommendations regarding the application of discipline by the Chief of Police and the adequacy of the Department’s Disciplinary Matrix within its General Orders. This appendix sets forth the reasons for this shift from case-specific to policy-level disciplinary recommendations.

#### **1. Exclusive Disciplinary Authority of the Chief of Police**

Under Virginia law and the City of Charlottesville’s municipal structure, the Chief of Police holds exclusive authority to impose discipline on department employees. Virginia Code § 15.2-1722 charges the chief of police with maintaining records related to law enforcement activity, and the Chief’s disciplinary authority derives from the broader delegation of police management authority under the city’s charter and municipal code. The Board’s recommendations are, by their nature, advisory. The existing ordinance acknowledged this reality at Section 2-463(b), which required the Chief to provide a written explanation if declining to implement the Board’s disciplinary recommendations. However, the advisory nature of these recommendations means that the process of formulating case-specific recommendations consumes significant Board time and resources for outcomes that the Chief may decline to implement without further recourse.

## **2. Collective Bargaining Agreement Limitations**

The CPD operates under a Collective Bargaining Agreement (CBA) with its officers. Section 29.8(G) of the CBA explicitly excludes Board findings and recommendations from any appeal or grievance proceeding. This provision has two significant consequences for case-specific disciplinary recommendations:

**First**, it eliminates any practical weight the Board's recommendations might carry in the disciplinary process. If an officer grieves a disciplinary action, the Board's recommendation that discipline be imposed cannot be cited, referenced, or relied upon in the grievance proceeding. This creates a structural asymmetry: the Board's recommendation may prompt the Chief to impose discipline, but the recommendation itself is inadmissible in any subsequent challenge to that discipline.

**Second**, the exclusion creates a perverse incentive in high-profile cases. Where the Board has publicly recommended discipline, an officer may be more likely to grieve the resulting disciplinary action precisely because the Board's recommendation, which may have generated public pressure for discipline, cannot be introduced in the grievance proceeding, potentially weakening the Department's position.

## **3. Timeline and Operational Infeasibility**

Under CPD General Orders and the Collective Bargaining Agreement, the disciplinary process operates on defined timelines following the completion of an internal affairs investigation. The Chief must make a disciplinary determination within a prescribed window from the time the complaint was received and an investigation started. The Board, as a volunteer body that meets periodically, cannot reliably convene, review an investigative file, deliberate, and issue a case-specific recommendation within the operational timelines required by the Department's disciplinary process. The existing ordinance's requirement that the Board provide notice to the subject employee and offer an opportunity to be heard prior to deliberation further extends the timeline. In practice, this means the Board's recommendation would frequently arrive after the Chief has already made a disciplinary determination, rendering the recommendation moot.

## **4. Confidentiality Constraints on Public Accountability**

Case-specific disciplinary recommendations necessarily involve identifiable employee personnel matters. Virginia Code §§ 2.2-3705.1 and 2.2-3711(A)(1) provide exemptions from public disclosure for personnel records and authorize closed sessions for discussion of specific employees' performance, but there is legal ambiguity as to whether the Board can claim this exemption without having authority over personnel decisions for Department employees. While the existing ordinance required the Board to protect personnel information against public disclosure, this requirement is in tension with the Board's core transparency function. A case-specific disciplinary recommendation that must be discussed in closed session, if allowed by law, and reported in a manner that protects employee identity provides limited public accountability value compared to a policy-level recommendation that can be fully discussed, deliberated, and reported in public.

## **5. The Policy-Level Alternative**

The revised ordinance's approach in new Section 2-466(d) refocuses disciplinary recommendations at the policy level. Rather than recommending specific discipline for individual officers, the Board may evaluate whether discipline imposed by the Chief in a given case was consistent with the Department's Disciplinary Matrix and General Orders, and may issue recommendations regarding the adequacy and consistency of the Disciplinary Matrix itself. This approach offers several advantages:

It applies across the Department rather than to a single case, producing systemic accountability improvements. It can be conducted and reported publicly without the confidentiality constraints that attend individual personnel matters. It does not depend on meeting the compressed timelines of the case-specific disciplinary process. And its recommendations address the standards and policies that govern all future disciplinary decisions, rather than a single past decision that may already be the subject of grievance proceedings from which the Board's input is excluded.

This approach is consistent with the direction taken by comparator jurisdictions. Fairfax County's Police Civilian Review Panel does not make case-specific disciplinary recommendations; it reviews completed investigations and recommends policy changes. Arlington County's ordinance conditions disciplinary recommendations on legislative change empowering the Board to meet in closed session to discuss investigative and personnel records (Arlington County Code § 69-9(c)(vii)), effectively deferring this function pending future enabling authority provided by amended Virginia Code.

## Appendix C: Subpoenas

### Overview

The existing ordinance grants the Board subpoena authority pursuant to Virginia Code § 9.1-601(D), which authorizes civilian oversight bodies to apply to the circuit court for subpoenas compelling the attendance of witnesses and the production of documents after making a good faith effort to obtain voluntary cooperation. The revised ordinance retains this subpoena authority but narrows its application to exclude the compelled attendance or testimony of employees of the Department. This appendix sets forth the reasons for this limitation.

### 1. Conflict with Officer Procedural Protections

Using the subpoena power to compel testimony from department employees creates an inherent conflict with the procedural protections guaranteed to law enforcement officers under multiple overlapping legal frameworks:

**Law-Enforcement Officers Procedural Guarantee Act (Virginia Code §§ 9.1-500 et seq.):** The Act establishes specific procedural requirements for investigations of officer conduct that may lead to adverse employment actions. Section 9.1-501 prescribes the conditions under which an officer may be questioned, including requirements regarding the time, place, and manner of questioning, and the officer's right to be informed of the investigating officer's identity and the nature of the investigation. Section 9.1-502 requires written notice of charges and an opportunity to respond before any discipline may be imposed. A Board subpoena compelling officer testimony operates outside this procedural framework. Officer statements obtained through Board subpoena, rather than through the Department's internal affairs process, would not carry the procedural protections that the Act requires for statements to be used in disciplinary proceedings.

***Garrity v. New Jersey, 385 U.S. 493 (1967):*** As discussed in Appendix A, the *Garrity* doctrine protects public employees from the use of compelled administrative statements in criminal proceedings. The Department's internal affairs process is structured to provide these protections. The Board lacks the institutional authority to extend *Garrity* protections to officers compelled to testify before it. An officer subpoenaed by the Board faces a dilemma: testimony given under subpoena may not carry *Garrity* protection, potentially exposing the officer to criminal liability based on compelled statements. This creates both a legal risk for the officer and a due process vulnerability that could undermine any subsequent disciplinary or legal proceeding.

**CPD Collective Bargaining Agreement:** The Collective Bargaining Agreement defines the procedural rights of officers during administrative investigations, including the right to representation, advance notice requirements, and limitations on the scope and manner of questioning. Board subpoenas directed at department employees would operate outside the CBA framework, creating a parallel process that does not afford officers the contractual protections negotiated through collective bargaining, which includes a provision in Article Four guaranteeing adherence to the forementioned Law-Enforcement Officers Procedural Guarantee Act, regardless of the exception for oversight bodies which exists in the Act.

### 2. Functional Irrelevance Under a Review Model

Under the revised ordinance's review model, the Board's primary function with respect to individual complaints and incidents is to review completed internal affairs investigations for accuracy, completeness, and impartiality. By the time a matter reaches the Board for review, the Department's investigation has concluded and disciplinary action, if any, has been determined by the Chief of Police. In this posture, compelling officer testimony

serves limited purpose: the relevant officer statements have already been obtained through the internal affairs process under appropriate procedural protections, and those statements are available to the Board as part of the investigative file, subject to the confidentiality provisions of the ordinance.

The Board's subpoena authority remains available for its intended and effective purpose: compelling the attendance of non-department witnesses and the production of documents from third parties that the Board is unable to obtain voluntarily. This may include testimony or records from community members, businesses, or other entities relevant to the Board's review of systemic policing issues, policy evaluations, or audits. The Board's subpoena authority to obtain Department records in its possession also remains, but is a final and secondary step which can only be engaged after an initial dispute resolution process administered and determined by the Charlottesville City Manager.

### **3. Existing Internal Contradiction in the Ordinance**

The existing ordinance contained an internal inconsistency regarding compelled officer statements. Section 2-458(b) (now renumbered 2-459(b)) stated that the Board "may not compel a statement from any department employee, other than by means of its subpoena powers." Simultaneously, the subpoena provision at Section 2-459 (now 2-460) authorized the Board to seek subpoenas for "the attendance of such witness or the production of such books, papers, and other evidence." Read together, these provisions created ambiguity about whether the Board could, in fact, compel officer testimony through subpoena, despite the express prohibition on compelled statements.

The revised ordinance resolves this contradiction by removing the subpoena qualifier from the compelled statements provision (Section 2-459(b) now states that the Board may not compel a statement from any department employee, without exception) and by adding an express exclusion in the subpoena and hearings provisions clarifying that the subpoena power and compelled attendance authority do not extend to employees of the Department.

### **4. Comparator Jurisdiction Approaches**

The limitation on compelling officer testimony is consistent with the approach taken by comparable Virginia jurisdictions. Fairfax County's Police Civilian Review Panel bylaws expressly provide that the Panel "shall not take testimony or receive evidence" at review meetings (Fairfax County PCR Bylaws, Article VI.F.1.(e)), relying instead on completed investigative files and presentations by department representatives.

A common recognition exists among Virginia civilian oversight bodies that compelling officer testimony raises legal and procedural complications that are best addressed through the existing internal affairs framework, with the civilian oversight body's role focused on monitoring, reviewing, and evaluating the adequacy of that framework and its outcomes.