

## Police Civilian Oversight - Overview

Proposed approach for a hybrid professional/volunteer Oversight Body:

1. Volunteer Civilian Review Board with staffed Executive Director
2. Auditor and Policy Advisor (staffed position that operates apart from but alongside the Review Board)
3. Community and Police Engagement (joint effort of volunteer Board, Auditor, and Executive Director)

### 1 Civilian Review Board

9 civilian voting members

Meets monthly to review all ongoing complaints and by majority vote holds hearings and/or direct the Executive Director to conduct independent investigations.

#### Executive Director

Staffed position

The Executive Director intakes all complaints and investigates at the direction of the board.

### 2 Police Auditor

Staff position

Auditor is a staffed position that can review all CPD data for the purposes of looking at long term trends.

### 3 Outreach and Engagement

Civilian Review Board, Executive Director, and Auditor will work together on public outreach that includes quarterly meetings with the public and regular reporting.

# 1

## **Civilian Review Board**

9 civilian voting members

Meets monthly to review status of on-going complaints as presented by Executive Director.

For complaints in progress:

- The board may vote by majority to ask the Executive Director to conduct investigation of complaint at any time. The Executive Director shall involve the Board to the extent possible in this investigation.
- At any time, the board may vote to hold a hearing at which the Board takes testimony, invites the complainant, witnesses, and target officer to attend, receives information from Internal Affairs as needed, etc.

For review of a finalized Internal Affairs investigation:

- Review the entire Internal Affairs file
- Refer cases to mediation
- Request additional investigation by the Executive Director or Internal Affairs Investigators
- Hold a hearing at which the Board takes testimony, invites the complainant, witnesses, and target officer to attend, receives information from Internal Affairs as needed, etc.

For any case the board has chosen to investigate or hold a hearing:

- Board may make findings that differ from IA's findings. In that instance, Board will make findings known to City Staff and CPD, with the expectation of a response from the CPD
- The Board may make policy recommendations as part of each report

## **Executive Director**

Staffed position

- Executive Director intakes and tracks all complaints
- Executive Director Receives weekly update from Internal Affairs with any new complaints—internal or external—coming from CPD
- Executive Director maintains communication with complainants throughout and after the complaint process
- Executive Director presents to the Board at monthly meetings the status of all complaints in Internal Affairs process
- Executive Director will conduct independent investigation at the request of the board
- Executive Director will organize the logistics of holding a hearing at the request of the board

## 2

### Police Auditor

Staff position

Police Auditor - staff position

Auditor is a staffed position that looks at long-term trends in policing. She has the authority to review any item, data, or document of significant public interest. Specifically, she shall endeavor to look at the following data, policies, and documents:

- All use of force incidents
- Arrest data
- All stop-and-frisk data
- All officer-involved-deaths
- Internal Affairs policies and procedures
- Has complete access to CPD files
- Has the possibility to audit training records, diversity of staff, reports on minority officer recruitment and hiring, etc.

Reporting:

- Reports findings and progress to CRB on at least a quarterly basis at public meetings
- Also creates at least one report annually: complete reporting on CPD's handling of all complaints filed, all Use of Force incidents, and all Officer-involved deaths. Detailed reporting on any policy recommendations made, the reasons why, and the outcomes of those policy recommendations

## 3

### Outreach and Engagement

The Executive Director, Auditor, and Board Member plan and execute robust quarterly community outreach to involve citizens in policing matters and records public input:

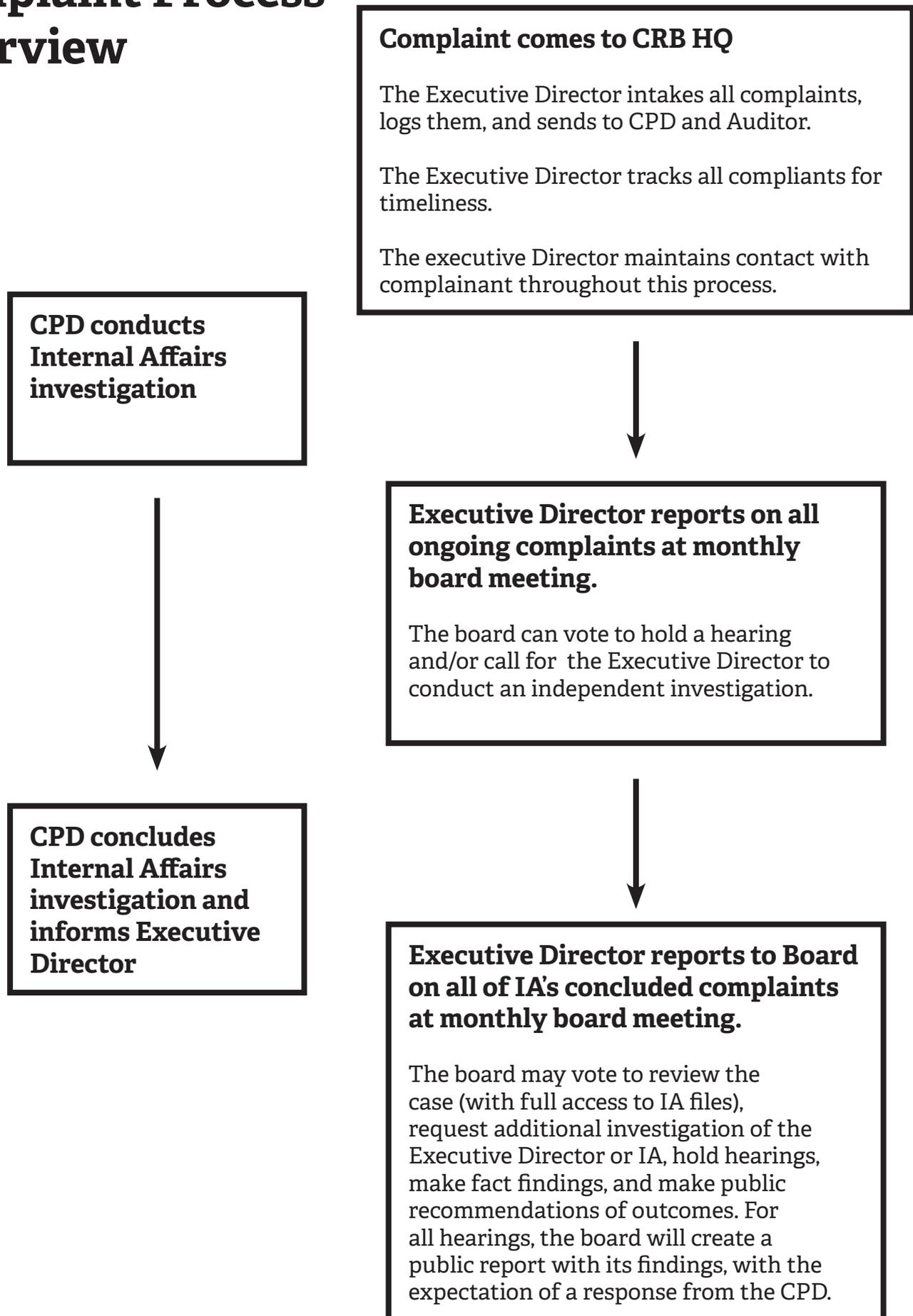
- Data Presentation, specifically: Stop and Frisk, Complaints, Use of Force
- Public comment is encouraged

*\*All CPD data and info is presented to the ED, Engagement Coordinator, and Auditor at least 3 weeks (?) prior to the Meeting for dissemination to public and review by the Oversight Body.*

ED, Auditor, and Board Members will prepare public reports:

- For every case the board voted to investigate or hold a hearing
- On all community engagement and CPD engagement.

# Complaint Process Overview



## Staff Position Job Details

### **Executive Director**

Staffed position

The Executive Director of Police Oversight plans, organizes, and supervises all work activities of the CRB to achieve its mission of building and sustaining public trust and building confidence in the complaint process and in policing in Charlottesville. She intakes complaints, maintains communications with complainants, develops office and data-keeping procedures, develops a procedure by which the processing and dissemination of complaints to the CPD is done efficiently and effectively, and provides a full range of professional support to the CRB such as conducting research, data reviews and policy analyses, and preparing public reports documenting the work of the CRB and its findings.

The Executive Director is responsible for managing various administrative functions of the CRB such as procurement and records management. She also develops office procedures, works alongside the CRB Chairperson, and serves as a voting CRB member. She organizes and arranges training and compliance for all Board members. She assists CRB members in developing agendas, meeting summaries, reports, outreach activities, and correspondence with the public on behalf of the CRB.

### **Police Auditor**

Staff position

The Auditor monitors and reviews internal investigations of CPB complaints and use of force cases at which an individual is killed or seriously injured. She provides recommendations for improvements in CPD policies, training, and practices, and develops and issues public reports of her findings. The Auditor consults as needed with the Chief of Police, Internal Affairs Bureau, and others in the police department while conducting investigation reviews. At the request of the Review Board, City Council, or the City Manager, the Auditor also conducts examinations of relevant CRB policies or data.

# Budget Memo

Prepared by: Josh Bowers

Date: April 14, 2019

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This memo is intended to accompany a budget spreadsheet I prepared, detailing the budgets for different oversight boards. The memo details my findings from that spreadsheet (and relevant notes on how I created the spreadsheet). Additionally, I propose an annual budget for the Charlottesville CRB of **\$180,000+ per year** (a rate of ~1% of the CPD budget).

The source of the data on my budget spreadsheet come from a spreadsheet provided to us by National Association for Civilian Oversight of Law Enforcement (NACOLE), which included budget and staffing numbers for every oversight board for which NACOLE could find such information. The NACOLE spreadsheet included a fair amount of extraneous stuff and some gaps that I did my best to fill in through outside research. (E.g., I used the Internet to fill in missing population numbers for some municipalities.)

NACOLE made clear to us that its spreadsheet is only a work in progress. It is the product of a grant NACOLE received from the Department of Justice to produce a user-friendly database, comparing different oversight boards and models. NACOLE's spreadsheet included all of its findings to date. But, again, those findings were only somewhat complete, so I did what I could with them.

## Findings

Working off of my spreadsheet, I calculated the following:

- Average budget of oversight boards (~\$967,000)
- Average department size (~980 officers and staff)
- Average department budget (~\$162,338,000)
- Average population size of municipality (~417,000 people)

Using those averages and Charlottesville's department size (~ 165 officers and staff), department budget (proposed ~\$18,000,000), and population size (~48,000 people), I calculated the following:

- Based upon average department size and oversight budget, a department of CPD's size corresponds with an oversight budget of **~\$163,000**.
- Based upon average department budget and oversight budget, a department of CPD's size corresponds with an oversight budget of **~\$111,000**.
- Based upon average municipal population size and oversight budget, a city of Charlottesville's size corresponds with an oversight budget of **~\$107,000**.

**An alternative metric:** Our NACOLE trainers indicated that many oversight boards are funded at a budget that is **1% of the department's budget**, which corresponds with an oversight budget of **~\$180,000** for Charlottesville.

## Summary

According to the metrics described above, our budget should be somewhere in the range of **~\$107,000-\$180,000**.

However, there is a **very good reason why our budget needs to be at the top of that range or above**. There is a commonly understood financial concept called “economies of scale” which dictates that larger enterprises can do more with less money than smaller enterprises. For instance, if we were forming a bakery, we would need to build and staff a kitchen whether we were producing 100 or 1000 donuts per day. The bigger bakery needs a bigger oven but not an oven that cost ten times as much. The same is true for oversight boards. A board in a big city might be able to get away with a budget only five times our size, even if its civilian population and police department are ten times our size. By contrast a board in a very small town (much smaller than Charlottesville) may flounder without the permanence and expertise of a full-time staff member, even if its proportional budget would not seem to justify the expenditure. Again, bigger enterprises can do more with less. We are not a big city, and this is not a big enterprise, so we don’t have the luxury to do a lot with a little. With that economic logic in mind, our annual funding should be as follows:

- **PROPOSED BUDGET —\$180,000 or more.**

## Additional Notes

In the interest of full disclosure, I wanted to provide additional notes about the NACOLE spreadsheet and the relevant changes I made to it:

- I removed all oversight boards that only provide oversight over specialized forces (like corrections officers and transit forces). Any comparison between our board and these boards would be apples to oranges.
- I removed one board for which no budget numbers were listed—that is, San Diego.
- I removed all boards for jurisdictions with a population over one million people (with the exception of Fairfax County, since it is one of the only two Virginia boards). Again, the logic is that it would be apples-to-oranges to compare our board to boards in very large jurisdictions, like New York City, Chicago, and Los Angeles.
- I included only the most recent year of data for jurisdictions with separate entries for multiple years of data.
- I assumed all budget numbers on the original spreadsheet were annual budget numbers. (Sometimes a specific year was not listed.)
- Some of the numbers on the initial spreadsheet were approximate, others were exact. I went with exact numbers where provided. However, I approximated my findings to avoid distracting decimals, etc. (rounding off to the nearest thousand dollars and hundredth of an employee).
- The NACOLE spreadsheet included no information or data for Virginia Beach—the other Virginia oversight board. Likely, this is because the Virginia Beach board is funded through its Human Resources Department on an as-needed basis, which means there are no set funding numbers. (At least, this is our understanding of the Virginia Beach model, based on our discussion with its board members.)

City & State	Total sworn personnel under jurisdiction:	Civilian population under jurisdiction:	Total budget for oversight agency:	Total budget for all law enforcement agencies overseen:
Akron, OH	437	197,846	\$80,000	\$55,000,000.00
Albuquerque, NM	900	550,000	\$1,000,090.00	\$19,200,000.00
Austin, TX	1,900	900,000	\$1,300,000.00	\$442,000,000.00
Berkeley, CA	178	121,240	\$722,180.00	\$66,747,004.00
Burbank, CA	160	104,834	0	Unknown
Cambridge, MA	288	110,651	\$96,137.50	\$55,191,025.00
Cincinnati, OH	1,074	301,301	\$670,510.00	\$146,601,670.00
Denver, CO	2,266	680,000	\$1,616,911.00	\$375,751,391.00
Detroit, MI	2,550	680,250	\$3,682,410.00	\$312,756,405.00
Fresno, CA	830	527,438	\$268,100.00	\$180,875,300.00
Indianapolis, IN	1,600	855,164	\$266,000.00	\$276,000,000.00
Kansas City, MO	1,340	488,943	\$482,501	\$223,279,980.00
Knoxville, TN	300	187,000	\$52,500.00	Unknown
Miami, FL	1,100	450,000	\$1,170,000.00	\$200,000,000.00
New Orleans, LA	1,216	393,292	\$1,034,080.00	\$179,744,771.00
Oakland, CA	780	450,000	\$5,000,000.00	\$290,000,000.00
Portland, OR	950	639,863	\$2,095,887.00	\$211,271,126.00
Richmond, CA	178	109,813	\$553,000.00	\$67,000,000.00
Riverside, CA	372	327,728	\$271,746.00	\$75,240,522.00
Rochester, NY	728	210,500	\$145,500.00	\$118,490,286.00
Roxbury, MA	2,000	59,626	\$100,000.00	\$90,500,000.00
Sacramento, CA	751	466,488	\$339,838.00	\$100,000.00
Saint Paul, MN	626	302,398	\$4,483,517.00	\$132,200,000.00
Salt Lake City, UT	501	375,000	\$200,000.00	\$111,581,970.00
Santa Rosa, CA	454	484,000	\$496,106.00	Unknown
Sarasota, FL.	160	56,601	\$68,393.00	\$181,000,000.00
Seattle, WA	1,376	686,800	\$3,599,865.00	\$34,619,453.00
Spokane, WA	316	215,973	\$318,668.00	\$330,922,012.00
St. Louis, MO	1,328	308,000	\$319,000.00	\$58,005,618.00
St. Petersburg, FL	600	300,000	\$100,000.00	\$30,304,303.00
Syracuse, NY	375	143,378	\$140,077.00	\$103,000,000.00
Syracuse, NY	290	468,463	\$137,608.00	\$47,400,535.00
Tucson, AZ	950	600,000	\$301,950.00	\$51,433,702.00
Washington DC	4,000	690,000	\$2,400,000.00	\$188,594,000.00
Fairfax, VA	1,434	1,148,433	\$316,000.00	\$540,000,000
<b>AVERAGES:</b>	<b>980.229</b>	<b>416,886</b>	<b>\$966,531</b>	<b>\$162,337,846.03</b>
Charlottesville	165	48,000	X	\$18,000,000

## I. NAME

The name of this Board is the **Civilian Review Board (the “Board”)** for the City of Charlottesville.

## II. MISSION

**Mission Statement:** The Board aims to provide fair, objective, and independent oversight of the Charlottesville Police Department (the “CPD”) in an effort to enhance transparency and trust, to promote effective policing and mutual respect, and to protect the civil and constitutional rights of the people of Charlottesville.

To achieve its mission, the Board pursues the following principles:

- ensuring that *all* people are treated equally and with dignity and integrity;
- empowering and inspiring self-governance;
- seeking social and racial justice;
- listening to stakeholders, and amplifying the voices of the politically and economically powerless;
- building bridges and finding and developing common ground and public purpose;
- championing just and equitable policies and practices and community-policing initiatives; and
- cultivating consistently legitimate, transparent, and fair policing efforts.

## III. DUTIES

The Board commits to fulfill the following obligations:

- review internal investigations of police misconduct;
- process and investigate civilian complaints;
- recommend policies and best practices;
- reach out to affected communities;
- produce public reports; and
- collaborate effectively with CPD, city, and oversight staff.

## IV. STRUCTURE & SELECTION

**Civilian Composition:** The City Council shall appoint civilian Board members. The City Council shall endeavor to create a fair, objective, independent, and representative body.

Except in the event of a short-term vacancy (described below), the appointment process for new Board members shall include at least one public opportunity for current Board and community members to question candidates.

The City Council shall create a Board composed of eleven civilian Board members, including nine voting members and two non-voting (*ex-officio*) members. If the City Council fails to fully staff the Board, the Board may continue to do its work as long as six voting Board members are available to establish a quorum (described below).

The City Council shall endeavor to appoint members that satisfy the following criteria:

- at least one voting member who is a resident of low-income housing;
- at least three voting members who represent historically disadvantaged communities, particularly communities that have experienced disparate policing;
- at least one voting member who represents an organization, office, or agency that seeks racial or social justice or that otherwise advocates on behalf of an historically disadvantaged community;
- at least one voting member who has skills and experience in community outreach and/or organizing;
- at least one voting member who has skills and experience in criminal law, civil rights, and/or legislation;
- at least one voting member who has skills and experience in investigation and/or mediation;
- at least one voting member who has skills and experience in policy analysis, institutional systems, compliance practices, and/or auditing;
- at least one voting member who has skills and experience in data analysis and/or statistics;
- one *ex-officio* member who is a current City Councilor; and
- one *ex-officio* member who has policing expertise or experience (subject to the “Membership Restrictions,” described below).

If the applicant pool for a voting or *ex-officio* position or positions would result in a Board composition that does not satisfy the criteria listed above, the City Council shall seek additional candidates, specifically requesting applications from candidates representative of a missing category or categories. The City Council shall leave positions open and shall continue diligently to process applications, as needed, until it appoints an appropriately representative board.

**Stipend:** The City of Charlottesville shall provide civilian voting Board members with a \$1,500 annual stipend for their service. A Board member may decline the stipend, but the City must offer it annually.

**Membership Restrictions:** All Board members must be residents of the City of Charlottesville, and no Board member may be:

- a current employee of the City of Charlottesville, except the Executive Director (described below) and the *ex-officio* City Councilor;
- a current candidate for public office;
- a current or former employee of the CPD;
- an immediate family member (partner, spouse, child, parent, sibling, or former guardian) of a current or former employee of the CPD; or
- a current employee of another law enforcement agency.

**Oversight Staff:** The Board shall work closely with two professional staff members. An Executive Director of Police Oversight shall work with and for the Board, and an Auditor shall work independently of the Board (but alongside it and occasionally collaborating with it).

The **Executive Director's** obligations include:

- planning, organizing, and supervising Board activities, events, and trainings;
- developing a complaint process and intaking complaints;
- developing and administering data-keeping procedures;
- developing agenda for Board meetings;
- communicating with city staff to ensure administrative compliance with Board bylaws;
- communicating with the CPD to ensure departmental compliance with the Memorandum of Understanding between the Board and the CPD;
- communicating with the Commonwealth Attorney's Office, as needed;
- communicating with and disseminating information to members of the public;
- coordinating outreach to the public;
- conducting research, data review, and policy analysis to facilitate the preparation of Board reports;
- collaborating effectively with Board members and officers; and
- tracking CPD and Board activities to ensure timely and effective compliance with established policies and procedures.

The **Auditor's** obligations may include:<sup>1</sup>

- auditing CPD internal investigations contemporaneously;
- analyzing trends in complaint processing and disposition;
- analyzing trends in use of force and officer-involved deaths;

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<sup>1</sup> Because the Auditor operates independently of the Board, the scope and substance of the Auditor's obligations are best governed by ordinance and employment contract, not by these Bylaws.

- recommending policies, training, and best practices to the CPD;
- accessing all CPD documents and raw data, including materials potentially unavailable for Board review.

**Terms of Service & Removal:** Except as to the inaugural Board (as described below), the City Council shall appoint voting members for three-year terms with the possibility of renewal, but with no voting member serving more than two consecutive terms. The City Council shall stagger Board members' terms. To that end, the City Council shall appoint three voting members of the inaugural board to eighteen-month terms and four voting members to three-year terms.

The City Council shall appoint *ex-officio* members without term, except the City Council may remove an *ex-officio* member at its discretion and shall remove an *ex-officio* member upon a vote of no confidence by at least seven voting members.

The City Council shall hire the Executive Director without term.

The City Council may remove the Executive Director or a voting Board member for cause only. A removal for cause is authorized upon a vote of no confidence by at least seven voting members.

**Vacancies:** A Board member may resign at any time by delivering written notice of termination to the City Council and a copy to the Board. Unless the notice specifies an effective date, the resignation is effective upon receipt.

In the event of a Board member's resignation, removal, or vacancy for another reason, the City Council may appoint immediately (that is, without an opportunity for public comment and questioning) a new Board member for the remainder of the term of the vacated Board seat.

In the event of a resignation, removal, or vacancy for another reason of an Executive Director, the City Council shall form a hiring committee and replace the Executive Director expeditiously. Unless impractical, at least three voting Board members shall serve on the hiring committee.

**City Staff:** The City of Charlottesville shall provide administrative-staff support to the Board.

The City shall assign a secretary to take minutes at public meetings, and, unless impractical, circulate them to Board members no later than five days before the next regular meeting. Meeting minutes shall include the date, time, and location of each meeting; the Board members present and absent; a brief summary of matters discussed; and a record of votes taken. The

secretary shall ensure that all approved minutes are posted prominently on the Board's public website.

At all public meetings, the City of Charlottesville shall provide food, beverages, and copies of all printed materials (agendas, prior meeting minutes, and other meeting-related materials) to Board members and the public in attendance.

The City of Charlottesville shall assign a treasurer to process Board expenses and provide expense reports to the Board not less than once every two months or upon Board request.

The City of Charlottesville shall host and administer the Board's website and shall provide each Board member with a city email address to be used exclusively for Board work.

The City of Charlottesville shall assign a custodian to maintain Board records.

The City of Charlottesville shall provide Board members with appropriate and timely training of its relevant systems and operations.

**Legal Staff:** The City Attorney, or its designee, shall serve as legal advisor to the Board. As to a particular matter, and in the event that a majority of all voting Board members identify a conflict of interest that precludes effective representation by the City Attorney's Office, the City of Charlottesville shall retain outside counsel to advise the Board. The City shall not use the Board's budget to pay outside counsel.

**Non-Legal Independent Contractors:** The Board may contract with an independent contractor to perform work within the Board's mission and scope. The City may use the Board's budget to pay an independent contractor.

**Budget:** The City of Charlottesville shall fund the Board at a rate not less than 1% of the budget of the CPD, adjusted annually. Except as otherwise provided, the Board has discretion to spend its budget.

**Use of Funds:** The Board shall have access to discretionary funds to conduct Board business. Neither the City Council nor the City Manager may dictate the manner by which the Board shall use its funds, except to require that expenditures are business-related. The City of Charlottesville shall reimburse all reasonable expenditures. No Board member may be reimbursed for an expenditure greater than \$100 without prior approval of the expenditure by the Board.

Board members are responsible for keeping and submitting receipts for reimbursement. In the event a receipt cannot be obtained, the Board member shall prepare and provide a written explanation of the expenditure. The explanation must include a description of the item(s); the date of purchase, the merchant's name; a credit card statement, if applicable; and the reason for the lack of a receipt or other supporting documentation.

At any time, the Board may request additional funds for any relevant activity, and City Council shall not unreasonably deny a funding request necessary for the Board to meet its mission. If City Council denies a funding request, it shall provide its reasons in writing.

**Organization:** Within two months of its first meeting, the inaugural Board shall appoint the following officers: (1) Chairperson, (2) Vice Chairperson, and (3) Arm Leaders. Each officer shall serve an eighteen-month term, measured from the date of appointment of the inaugural board. Every eighteen months thereafter, the Board shall appoint new officers or renew appointment of current officer(s), except no officer may serve more than two consecutive eighteen-month terms.

The Chairperson runs meetings, drafts agendas, organizes Board communications, and serves as a media point of contact.

The Vice Chairperson acts at the direction of the Chairperson and, as needed, assumes the role of Chairperson.

Each Arm Leader runs one of three Board Arms (described below): (1) the Complaint and Internal Affairs Investigation Arm ("Arm 1 Leader"); (2) the Auditing and Policy Review Arm ("Arm 2 Leader"); and (3) the Community Engagement Arm ("Arm 3 Leader").

The Arm 1 Leader should have experience with law, investigation, and/or mediation. The Arm 2 Leader should have experience with data collection and data and/or policy analysis. The Arm 3 Leader should have experience with community organizing and outreach. All Arm Leaders should demonstrate strong leadership, organization, and writing skills. An Arm Leader may serve simultaneously as Chairperson or Vice Chairperson.

**Ad-hoc Tasks:** A Chairperson, Vice Chairperson, or Arm Leader may assign *ad-hoc* tasks to one or more Board members. An officer shall assign tasks as the officer deems necessary to fulfill the Board's mission and its bylaws. Board members may solicit outside volunteer assistance on a task from a member of the public. However, no outside volunteer may vote on a Board matter, including the task at issue. The Chairperson may call upon a Board member at a regular meeting to report, orally or in writing, on an assigned *ad-hoc* task.

**Community Advisory Panels:** The Board may establish community advisory panels as it deems necessary. The Board shall determine the membership of a community advisory panel. No outside volunteer may vote on a Board matter, including a matter at issue before a community advisory panel. The Chairperson may call upon a Board member at a regular meeting to report, orally or in writing, on the work of a community advisory panel.

**Training of Board:** The inaugural Board shall receive a training of at least eight hours, presented by the National Association for Criminal Oversight of Law Enforcement or a comparable organization. The training provider should tailor the training to the Board's mission and bylaws.

Annually, the Executive Director shall arrange for the CPD to provide trainings (publicly or in closed session, as required):

- explaining CPD procedures and policies;
- reviewing completely at least one closed internal affairs investigation of a civilian complaint;
- detailing raw data on investigative detentions and arrests; and
- educating the Board on CPD databases and administrative systems.

These trainings may include participation in a civilian police academy and/or police ride-alongs. No Board member shall be required to participate in a training that she asserts adversely impacts her mental health or physical safety. For a Board member who opts out of a training on these grounds, the Executive Director shall arrange for alternative training opportunities.

Monthly, the Executive Director shall endeavor to arrange ongoing additional training opportunities by subject matter experts. Such trainings may include presentations on mental health, trauma-informed policing, civil rights and constitutional law, race and racism, community organizing and outreach, mediation, and/or investigations.

City staff shall work diligently in collaboration with the Executive Director to organize trainings.

## V. MEETING & VOTING

**Meetings:** The Board requires a quorum of six voting members to meet and conduct business.

The Board shall hold regular meetings as necessary but at least once per month. All regular meetings shall be public meetings, as required by the Virginia Freedom of Information Act ("FOIA"). Va. Code § 2.2-3707. At least four days before each regular meeting, the Board shall provide city administrative staff with notice of the meeting, which city administrative staff shall

publicly and prominently post notice of the meeting at least three days before the meeting, as required by FOIA.

Consistent with FOIA, the Board may hold “special, emergency, or continued meetings” with public notice provided as “reasonable under the circumstance[s].” Va. Code § 2.2-3707(D). Likewise, “for certain limited purposes” and according to “closed meeting procedures,” the Board may hold closed meetings or enter into closed session during a public meeting. Va. Code §§ 2.2-3711-12.

A Board member may meet by teleconference or videoconference if: (i) a quorum of the Board is present in-person; (ii) a majority of those present in person vote to permit remote participation; and (iii) the remote Board member’s comments are sufficiently audible to Board members and the public.

During a regular meeting, the Board shall leave time for public comment. Upon majority vote of Board members present, the Board may establish a reasonable time limit on the public-comment period.

Board members shall endeavor to attend all meetings. If a Board member is absent, without cause, from four regular meetings in a calendar year, removal for cause is authorized (as described above in “Terms of Service & Removal”).

**Votes:** The Board shall vote publicly, orally, and not by proxy. Except as specified elsewhere, the Board may act upon the vote of a majority of the voting members present at a meeting, provided at least a quorum is present.

At a regular meeting, a Board member may propose an amendment to the bylaws. The Board member must provide a written copy of the amendment to each Board member at least seven days before a vote on the amendment. The Board may amend the bylaws only upon the vote of a majority of all voting members. Unless the amendment specifies an effective date, the amendment is effective at the next Board meeting.

## VI. POWERS, DUTIES AND FUNCTIONS

**[\*\*\* All of the remaining bylaws are very rough and still need substantial editing--both substantively and stylistically. \*\*\*]**

The Board’s work will be separated into three distinct categories, called “Arms.” The First Arm will be the Complaint and Internal Affairs Arm. The Second Arm is the Auditing and Policy

Review Arm. The Third Arm is the Community Engagement Arm. Specific powers, duties, and functions are below.

**ARM 1: Complaints and Internal Affairs**

The Board shall have the authority to receive, review, investigate and make findings of fact regarding any and all complaints against CPD. The Board shall also have the authority to administer public hearings, refer cases to mediation, and/or make recommendations to the City Manager, City Council, and the Chief of Police.

**Intake of complaints:** The Board shall develop and make publicly accessible, electronically and physically, a complaint form, written in English and Spanish. The Board shall make appropriate accommodations for taking complaints from speakers of other languages, including sign language.

A complainant or third party may file a complaint in person, by phone, by post, or electronically. The Board shall accept anonymous and unsigned complaints.

The Board shall log all complaints. Once the CPD assigns the case a case number, it shall be tracked according to the CPD case number.

The Board shall forward all complaints expeditiously to the Internal Affairs Unit of the CPD.

**Communication with complainant:** Board Staff shall receive all complaints related to CPD conduct. Staff or an assignment member of the Board shall maintain open lines of communication with the complainant and IA throughout the complaint and investigation process. If the complainant's identity and contact information are known, the investigator shall endeavor to communicate with the complainant at least once every thirty days.

**Review of complaints and IA Files:** The Board has the authority to review *all* inquiries and complaints, including internal complaints and civilian complaints, and the accompanying CPD files, data, and evidence related to the complaint and the investigation of the complaint.

**Investigation:** *The Board shall have the authority to engage in investigation of a complaint, as long as the investigation adheres to state law including:*

[9.1-138 - 9.1-150](#) (*Private Investigations*)

§ 9.1-500 (*LEO Procedural Guarantees Act*)

**Access to information and data:** The Board shall have access to City and CPD data, documents, and information it needs to perform its function. The Board shall not make public data that is the subject of a signed confidentiality agreement or that cannot legally be released.

The City shall provide reasonable access to CPD premises, files, documents, reports, and other materials for inspection by Board members and Board staff upon reasonable notice.

In its review of each individual case, the Board may request (i) the production of relevant physical evidence or documents or (ii) the interview of a relevant witness, including but not limited to the subject of the complaint. The City Manager or designee may request participation in Board business of any employee whose involvement is requested by the Board, in compliance with local, state and federal law. Upon request from the Board, the City Manager may also require the production of any relevant documents or other materials in the possession of the Police Department, or other City departments at any time.

**Hearings:** Upon the affirmative vote of a majority of Board members, the Board may administer a public hearing at any time. The Board shall administer the hearing expeditiously.

The complainant has a right to offer testimony, introduce relevant physical evidence or documentation, and offer collateral witness statements to the Board.

A member of CPD's IA staff shall attend all hearings and answer questions of the Board. Any member of the CPD may be invited to attend. The board may go into closed session as permitted by FOIA to discuss personnel matters.

The Board's legal advisor shall be present at each hearing to advise the Board. The board may go into closed session as permitted by FOIA to receive legal counsel.

The Board may request (i) the production of relevant physical evidence or documents at a hearing or (ii) the appearance and testimony of a relevant witness, including the subject of the complaint. However, the Board has no authority to compel production of physical evidence or documentation or to subpoena a witness or place a witness under oath.

The Board, in its discretion, may invite any person to appear at hearings to answer questions proffered by the Board; provided, however, that the Board shall not have subpoena powers. The City Manager or designee may require the attendance of any employee whose appearance is requested by the Board, and may also require the production of any relevant documents or other materials in the possession of the Police Department, or other City departments. Any person appearing before the Panel may be accompanied by legal counsel; provided, however, counsel shall not be authorized to participate in the proceedings.

**Findings:** The Board may make findings of fact. Upon the final review of a case, the Board shall reach one of the following determinations by a preponderance of the evidence:

- unfounded, meaning there is no basis of fact to support an allegation of a complaint;
- exonerated, meaning an allegation of a complaint is substantially true, but officer is not guilty of misconduct;
- not resolved, meaning the investigation was unable to verify the truth or falsity of an allegation of a complaint; or
- sustained, meaning an allegation of a complaint is substantially true, and the officer is guilty of misconduct.”

If no majority agrees upon a determination as to a particular allegation, the Board shall deem the allegation of the complaint not resolved and provide a detailed explanation.

The Board shall record in a written report the reasons for any determination. The Chairperson (along with City Staff) shall make the report public and transmit it expeditiously to the Chief of Police and the City Manager.

If a majority of Board determines that an allegation is sustained, the majority may include in its report a disciplinary recommendation. The Board has no final disciplinary authority.

The Chief of Police must respond to any Board finding or complaint resolution recommendation in writing within forty-five days of the date of the Board’s recommendation. The Chief’s response must indicate whether the CPD will follow the recommendation, will conduct additional investigation or re-open the case, or whether the Department will not follow any of the recommendations and any reasons why they will not be followed.

**Recommendations to the CPD and City:** The Board may make recommendations to the City and CPD, including but not limited to: disposition outcomes by the Board, recommendation for reconsideration of an outcome, recommendation for action taken as a result of its disposition, recommendation for training, recommendation for mediation, and recommendation for additional investigation.

The Board may make policy recommendations at any time to CPD upon affirmative vote of majority of the Board. For reporting on policy recommendations, see Reporting section.

***Arm 1 Reporting:*** *The Arm 2 Leader shall be charged with inputting information related to their Arm’s work, progress, and future plans in each annual report. This information shall include but not be limited to: complaints taken in, complaints investigated, all hearings, any dispositions/results, any recommendations made to the CPD and City Manager including the final outcome of the complaint process.*

## **Arm 2: Auditing and Policy Review**

The Board shall perform an auditing and policy review function in conjunction with the staffed Auditor. The Board shall have access to the data and information it needs to perform its function. The Board shall work alongside professional oversight staff within the City and with the CPD to ensure that adequate measures are taken to ensure confidentiality and the protection of privacy.

**Auditing Function:** The Board shall have the authority to conduct at least a *monthly* audit of and report on all inquiries and complaints submitted (either internally or by a member of the public) to the CPD. The Board shall monitor the timing of all actions and communications taken by the CPD with regard to complaints to track whether the CPD is following its own policies and procedures. This includes but is not limited to complaints that go to Internal Affairs (“IA”).

*Can be a conduit to the complainant without revealing confidential information – has the possibility to make the complainant feel more engaged and aware of the process*

The Board shall also have the authority to monitor all Use of Force incidents, all investigative detention data and information, and all officer-involved deaths. The Board shall not in any way interfere with a criminal investigation.

The Board shall also have the authority to audit records and files, including training records, diversity of staff information, reports on minority officer recruitment and hiring, or any other matter of significant public interest.

**CPD Policy Review and Recommendations:** The Board shall act as a policy advisory panel to the CPD.

**New Policies:** As new policies and general orders are developed by the CPD, they will be reviewed prior to enactment by the Board to assess the policies’ negative and positive impacts, especially on communities of color, low wealth communities, and on LGBTQ, disabled, homeless, undocumented, mentally-ill individuals, and other protected classes.

All proposed CPD policy changes must be provided to the Board at least one month prior to the date of the policy change. The Board shall make public the potential policy change and seek community input.

Any comments or concerns regarding new CPD policies must be made in writing. The Chief of Police must respond to any comment or concern regarding new or changing policies from the Board in writing within forty-five days of the date of the Board’s recommendation. The Chief’s response must indicate whether the CPD will follow the recommendations through standing operating procedures, whether the recommendations should be adopted as policy, or whether the Department will not follow any of the policy recommendations and any reasons why they will not be followed.

**Auditing of existing policies:** The Board and its staff will engage in a long-term policing analysis and planning process. Through the long-term planning process, the Board and its staff will

identify major problems or trends, evaluate the efficacy of existing law enforcement practices, and establish a program of resulting policy suggestions and studies each year. The POB shall review and analyze policy suggestions, analysis, studies, and data the Board has collected, developed, or obtained.

The Board may make policy recommendations at any time to CPD upon affirmative vote of majority of the Board. These recommendations shall be in writing and dated.

The Chief of Police must respond to any policy recommendations from the Board in writing within forty-five days of the date of the Board's recommendation. The Chief's response must indicate whether the CPD will follow the recommendations through standing operating procedures, whether the recommendations should be adopted as policy, or whether the Department will not follow any of the policy recommendations and any reasons why they will not be followed.

**Arm 2 Reporting:** The Arm 2 Leader shall be charged with inputting information related to their Arm's work, progress, and future plans in each annual report. Specifically, the Arm 2 portion of the report should include but not be limited to: auditing functions performed in that year; policies reviewed; any and all policy recommendations made (of existing or proposed policies); an accounting of which Board recommendations were adopted, in whole or in part, by the CPD and why or why not, and other relevant matters.

### **Arm 3: Community Engagement and Community/Police Relations**

The Board shall engage in robust community outreach to involve citizens in policing matters. It shall hold meetings or forums to engage the community at least quarterly. It shall record and report on public input and needs at least quarterly in interim reports. The Board shall also facilitate robust conversation and engagement between the public and the CPD.

The Arm 3 Leader shall determine and implement the best methodology for community engagement sessions. Facilitators may be contracted as needed to aid in community engagement or any other relationship-building efforts.

The Board shall facilitate, at a minimum, quarterly Community/Police Relations Meetings in which the community and CPD officials meet in a public space to discuss and address policing policy, data, procedures and processes, or any other matter of public interest. *All information and documentation that the CPD intends to present at the Community/Police Relations Meetings shall be provided to the Board no fewer than 30 days prior to the Meeting. The Board shall review CPD data and documents, disseminate (to the extent permissible by law) those documents and data, and prepare for Meetings appropriately.*

All Community/Police Relations Meetings shall be audio and video-recorded and made available to the public by the City.

All Community Engagement Sessions and Community/Police Relations Meeting shall endeavor to listen actively and empathetically.

*(NEED SOMETHING IN HERE RE: MANDATING ENGAGEMENT OF LOW-INCOME COMMUNITIES AND DISPARATELY POLICED COMMUNITIES)*

*ADD IN YOUTH ENGAGEMENT*

**Reporting of Arm 3:** The Arm 3 Leader shall be charged with inputting information related to their Arm’s work, progress, and future plans in each annual report. Specifically, the report shall contain community engagement session descriptions and updates, all Community/Police Relations Meetings, and any other relevant work, including an overview of the data presented by CPD at all Community/Police Relations Meetings. The Arm 3 Leader should also report annually on any proposals for future engagement efforts.

**Other Power, Duties, and Functions of the Board not specifically related to the “Arms”**

**Input into Staffing Considerations:** If the City of Charlottesville seeks to hire or promote staff who has influence over the Board, provides support to the Board, or provides additional police oversight in any capacity, it shall: include the Board in the interview process; seek input from the Board; and provide the Board an opportunity to question potential hires. Likewise, if the City of Charlottesville seeks to hire a new Chief of Police, it shall: include the Board in the interview process; seek input from the Board; and provide the Board an opportunity to question potential hires.

The Board shall have a representative serve on any Charlottesville police hiring panels and shall serve on police promotion panels.

*ADD BOARD INPUT FOR THE TRAINING OF STAFF?*

*ADD Board INPUT FOR AD HOC COMMISSIONS OR ABILITY TO CREATE AD HOC COMMISSIONS?*

**Data Collection:** the Board shall responsibly collect data and evidence. It shall consider the best ways to make data regarding Charlottesville’s policing and public safety available to the public. At any time, the Board may propose to City Council whether an independent contractor shall be used to manage or analyze data.

**The Board is a Data Partner of the CPD:** The Board shall be a data partner to the CPD to help review and provide input regarding data patterns, systems, and patterns.

**Reporting:**

**Annual report:** The Chairperson (with substantial assistance of Staff) shall compile a final report at the end of each year of work. The Annual Report serves as an update on all work conducted by the Board. Specific reporting duties for Arm Leaders are listed among the powers, duties, and functions of each Arm.

**Interim Reports:** Reports relating to policy recommendations, training recommendations, Board business, cases reviewed, matters of significant public interest, or other concerns may be issued throughout the year at any time. Reports will be submitted to City Council, the CPD, and the public.