

PROVIDED HERE IS A SERIES OF RECOMMENDATIONS WITH COMMENTARY ON SEGMENTS OF THE POLICE CIVILIAN OVERSIGHT BOARD ORDINANCE

GOVERNANCE AND ORDINANCE CHALLENGES

The PCOB operates under an ordinance that is procedurally burdensome and structurally inconsistent. Redundant provisions, vague language, and conflicting documentation have delayed oversight activities and created ambiguity around the Board's responsibilities. These challenges underscore the urgent need for ordinance reform and a clearer legal foundation. In response, the Board launched an amendments reform initiative in 2024, while continuing to fulfill its core obligations. The formation of an Amendments Committee in the fall marked a shift toward proactive governance. This committee reviewed key sections of the enabling ordinance beginning with Article XVI § 2-453 on Board membership, and submitted proposed revisions to the City Attorney's Office, the City Manager's Office, and the City Council for review.

Despite these efforts, the Council declined to adopt the proposed amendments. This decision was made without direct engagement with the Board Chair, Board members, or PCOB staff, and no questions were raised to clarify the recommendations or explore the rationale behind them. While this outcome was disappointing, it highlights an ongoing need to strengthen communication and mutual understanding between the Board and city leadership. Historical tensions and prior interpersonal dynamics have, at times, complicated this relationship. Moving forward, fostering a more open, consistent, and collaborative approach will be foundational to building trust and advancing meaningful oversight reform.

Relevant Sections of the Ordinance: Article XVI § 2-453 on Board membership but also speaks to the full ordinance.

LEGAL CLARITY AND INDEPENDENCE

A challenge that emerged in 2024 was the need for dedicated and truly independent legal counsel. Early in her tenure, the Director identified a structural vulnerability in the ordinance: it granted a civilian volunteer, the Board Chair, the authority to initiate contracts with outside legal counsel. The Director raised concerns that this arrangement, while well-intentioned, lacked necessary oversight and accountability safeguards. Without a formal mechanism for coordination with the Director, this arrangement could lead to governance and cost-control issues.

Ultimately, allowing a non-city employee to call upon independent legal counsel at will did indeed prove to be expensive and unsustainable. The temporary appointment of the Law Firm of Sands Anderson as Acting City Attorney raised concerns about potential conflicts of interest, particularly given the firm had been previously contracted by the PCOB to serve as its independent legal advisor. While the Board Chair viewed this dual role as a clear conflict, city leadership did not share that assessment.

Following Sands Anderson's decision to end its relationship with the PCOB, the Board was left without legal representation during a critical period. Recognizing the importance of impartial and consistent legal guidance, the Board worked to develop and approve a Request for Information (RFI) to identify new legal counsel. The RFI includes explicit conflict-of-interest safeguards and establishes a process requiring the Board to confer with the Director before engaging with independent counsel, fostering greater coordination and fiscal responsibility.

Recommendations: Oversight of Legal Counsel Engagement

- *Incorporate Safeguards into the Ordinance:* Revise the ordinance to include the same conflict-of-interest safeguards and coordination requirements outlined in the Board's 2024 RFI for independent legal services. This will ensure consistency, accountability, and long-term procedural clarity.
- *Delegate Contracting Authority to the Director:* Amend the ordinance to specify that the Director, in consultation with the Board and the City Attorney's Office, shall hold the authority to initiate, manage, and terminate contracts with independent legal counsel. This will align decision-making with city governance standards and reduce the risk of mismanagement or procedural conflict.

Relevant Sections of the Ordinance: [Article XVI § 2-456 on Board legal counsel.](#)

BOARD COMPOSITION AND CAPACITY ISSUES

Operational delays in 2024 were compounded by challenges related to Board member appointments, attendance, and overall availability. The staggered nature of appointments requires multiple rounds of onboarding and training, placing a considerable demand on staff resources. These challenges are exacerbated when appointments are not made promptly following the expiration of member terms. Inconsistent participation and limited availability among some members further disrupted quorum and delayed decision-making processes.

Recognizing that participation begins with an improved selection process, the Board also formally requested a more active role in the appointment of Board members, including the ability to review applications and participate in candidate interviews. This recommendation was declined by Council in the fall of 2024. Nevertheless, the Board continues to view improvements to the appointment process as imperative to building a more engaged, effective, and sustainable oversight body.

Recommendations: Improving the Board Appointment Process

- *Allow PCOB Staff Participation in Interviews:* Recommend that City Council permit PCOB staff to participate in the Board member application and interview process. As the office responsible for coordinating all oversight activities, PCOB staff are best positioned to explain the substantial time commitment and responsibilities involved, ensuring that candidates enter service with a full understanding of what the role entails.
- *Post PCOB Vacancies Separately with a Minimum 30-Day Application Window:* Recommend that vacancies for the PCOB be posted separately from general city board and commission openings to avoid confusion around differing application deadlines. PCOB staff further recommend a minimum of 30 days to advertise and share openings with the public to encourage a broader and more representative applicant pool.
- *Reinstate City Residency Requirement for Board Members:* Recommend that City Council reconsider and reverse its decision to allow non-city residents to serve on the Board. Community members have expressed strong concerns that individuals who do not live in Charlottesville may lack the lived experience necessary to represent and understand local concerns. Restoring a city residency requirement would align board composition with community expectations.

Relevant Sections of the Ordinance: [Article XVI § 2-453 on Board membership.](#)

TRAINING REQUIREMENTS AND IMPLEMENTATION CHALLENGES

The current training mandates outlined in Article XVI § 2-466 of the ordinance impose a complex and fragmented training structure that has burdened staff and hindered operational efficiency. The ordinance requires that multiple types of training be provided within strict and overlapping timeframes following any new appointments.

This training regime, while well-intentioned, becomes highly impractical and cost prohibitive in the context of staggered appointments. Every new appointment triggers multiple timelines (90-day and 6-month windows), requiring staff to repeatedly coordinate and deliver the same training sessions across the year, sometimes to just one or two individuals. These repeating cycles consume staff time, delay other work, and strain city resources.

Recommendations: Improving Board Training and Implementation

- *Adopt an Annual Standardized Training Schedule:* Recommend the city adopt a single, standardized annual training schedule to ensure all Board members receive the required education in a timely, consistent, and efficient manner. This approach would eliminate the current need for staggered or repetitive trainings triggered by individual appointments and streamline staff coordination while maintaining compliance with ordinance requirements.
- *Amend the Ordinance to Reflect Practical Implementation:* Recommend the ordinance be amended to align with the proposed annual training structure and eliminate overlapping or conflicting training timelines. Consolidating the current multiple timelines (e.g. 90 days, 6 months, biennial) into a clearly defined, annual process will support long-term planning and reduce confusion or inadvertent noncompliance.
- *Establish Training Compliance Tracking and Accountability Measures:* Recommend the development of a formal tracking system to document completion of required trainings and report compliance to the Board, City Manager, and City Council. Further recommend that consequences for non-compliance, such as repeated failure to attend mandatory sessions, be clearly defined.
- *Incorporate Training into the Appointment Process:* Recommend the required training commitment be clearly communicated during the application and interview process, so prospective members understand the expectations and time required. Written acknowledgment of these requirements should be included in the onboarding process.

Relevant Sections of the Ordinance: [Article XVI § 2-466 on Board training.](#)

MANDATES WITHOUT MEANS

Article XVI § 2-464 of the ordinance outlines two important responsibilities of the PCOB. First, the submission of legislative recommendations to City Council by August 15th of each year. Second, the production of an annual report detailing the Board's activities for the prior calendar year, due by April 15th. These obligations reflect the intent to keep the Council informed and the public engaged in the Board's progress and priorities.

However, in practice, the burden of fulfilling these responsibilities has fallen entirely on staff. The ordinance assigns the task of producing the annual report and legislative recommendations to the Board itself, but does not specify how a part-time volunteer body, which meets once per month and often without consistent quorum, would be expected to draft, revise, and submit a detailed document of this scope. Nor does the ordinance account for the research, coordination, data analysis, writing, or formatting required to produce a professional report aligned with the expectations outlined in § 2-464.

In response, the Director and staff have taken on the responsibility of developing the report and any related recommendations, with the Board providing review and approval. While this approach has ensured compliance and continuity, it further underscores a persistent theme throughout the ordinance: the assignment of complex, time-bound deliverables to a body that lacks the infrastructure or capacity to fulfill these requirements independently. This reinforces the need to reassess the structural assumptions built into the ordinance, and to align formal responsibilities with practical capabilities.

Relevant Sections of the Ordinance: [Article XVI § 2-464 on Board legislative recommendations and the annual report.](#)

STRUCTURAL BARRIERS TO PUBLIC HEARINGS

Article XVI § 2-459 of the ordinance grants the PCOB authority to conduct hearings following the conclusion of an investigation, either of an Internal Affairs matter conducted by the Police Department, or of an investigation conducted by the Director. The ordinance outlines a detailed process, including the potential for independent investigation and public reporting of findings. However, this entire section raises serious questions about feasibility, legality, and purpose, especially when applied to a part-time volunteer body with no dedicated legal staff or administrative hearing infrastructure.

One of the most fundamental concerns is capacity. A part-time board that meets once a month cannot realistically conduct hearings, issue detailed written findings, or adhere to timelines as complex as those required under this section. These responsibilities more closely resemble those of a full-time administrative tribunal or oversight agency with dedicated legal and investigative teams.

Even more pressing are the legal limitations on what information can be shared publicly. While the ordinance requires that findings from hearings be made available to the public, Virginia Code § 2.2-3706(b)(9) places clear restrictions on the public release of records from administrative investigations of law enforcement personnel. In practice, the Chief of Police has the legal discretion to withhold such records and has exercised that discretion. As a result, the Board cannot publicly share the findings of a review hearing involving a personnel matter unless the Chief specifically authorizes the release.

This creates an irreconcilable contradiction between the ordinance and state law: the ordinance envisions transparent, public hearings and reports; state law and departmental practice limit what can be disclosed. In essence, the public reporting process imagined by the ordinance cannot be realized under current conditions.

Furthermore, the structure of this section is convoluted and internally inconsistent. It attempts to cover multiple investigative paths, findings, and outcomes in great detail, but without clear alignment to existing legal frameworks, timelines, or access to resources. As it stands, this section creates an expectation that the Board is empowered and equipped to carry out quasi-judicial proceedings, when in fact, it lacks the staffing, legal authority, and public access rights to do so effectively.

Ultimately, this section of the ordinance is emblematic of a broader issue: the gap between what the ordinance envisions and what the Board can lawfully and practically do. Addressing this will require honest conversation and legislative revision, not to weaken oversight, but to align its structure with the real-world tools, authority, and capacity available to the Board and its staff.

Relevant Sections of the Ordinance: [Article XVI § 2-459 on Board hearings.](#)

ORGANIZATIONAL AMBIGUITY

Beyond staffing and systems, one of the most persistent challenges facing the PCOB is the lack of clarity in the delineation of authority between the Board and the Director. The Enabling Ordinance frequently uses the two entities interchangeably, particularly in relation to investigative and administrative functions. This ambiguity creates confusion not only within the organization but also for external stakeholders trying to understand the scope and limitations of each role.

In practice, only the Director, who is a city employee, is authorized to conduct administrative investigations into personnel matters. While the ordinance grants the Board formal authority to initiate investigations, the logistical and practical constraints make this nearly unworkable. A volunteer body that meets monthly is not realistically positioned to carry out timely investigations, especially when the ordinance mandates completion within 75 days. Most Board members hold full-time jobs, and coordinating their availability for an investigation of any scope would be highly challenging, if not impossible.

Further complicating matters is the ordinance's lack of alignment with the city's collective bargaining agreement and internal police procedures. For instance, while the Board has 75 days to complete a personnel investigation, the Office of Internal Affairs is required to conclude its process within 45 days. In practice, this means that by the time the Board reaches its findings, the Police Department's internal investigation will likely have concluded, discipline may have been imposed, and the appeal process may have run its course. It is neither practical nor fair to expect the Chief of Police, the subject officer, or the police union to delay action pending the Board's timeline. This misalignment raises serious concerns about redundancy, fairness, and the utility of the Board's investigative authority as currently defined by the ordinance.

Recommendations: Clarifying Authority and Role

- Ordinance Revisions: Amend the ordinance to clearly delineate the investigative authority of the Board versus the Director, ensuring responsibilities are realistic, legally sound, and aligned with operational capacity.
- Collective Bargaining Alignment: Reevaluate oversight timelines and procedures to ensure they do not conflict with collective bargaining agreements, while still preserving the Board's ability to review and evaluate investigations in a meaningful way.

Relevant Sections of the Ordinance: Article XVI § 2-458 on Board investigations, specifically 458(g) and 458(i) on conduct and duration of investigations. Role distinction between the Board and the Executive Director is a problem throughout the full ordinance. Sometimes the terms are used interchangeably, other times they are used to refer specifically to one or the other.

LEGAL AMBIGUITY IN OVERSIGHT AUTHORITY AND COLLECTIVE BARGAINING

The inclusion of the PCOB in the CBA language, despite the *Collective Bargaining Ordinance's* assertion that oversight matters are not subject to negotiation, raises questions about how civilian oversight can operate independently if its role is referenced or restricted within a negotiated agreement. This contradiction not only undermines the intent of the PCOB ordinance but also creates confusion among stakeholders about what role the Board can or should play in disciplinary matters.

Compounding this contradiction is the operational policy of the Chief of Police, who has stated that he will not accept disciplinary recommendations from the Board unless the matter has first been investigated internally by the CPD's Office of Internal Affairs. This position, while grounded in due process and labor protections, operationally prevents the Board's independent findings from influencing disciplinary outcomes regardless of the strength or substance of the evidence gathered.

Together, these overlapping legal and procedural barriers create deep uncertainty about the Board's role in disciplinary matters. The community and Board may believe that the PCOB's powers are independent and non-negotiable, yet the current CBA references and restricts those powers. The result is a structural contradiction that not only hinders the Board's ability to fulfill its intended mandate but also erodes confidence among stakeholders about the authority and impact of civilian oversight.

Recommendations: Resolving Oversight Conflicts in Collective Bargaining

- *Conduct a Legal Review of Overlapping Ordinance and CBA Provisions:* Recommend that the City Attorney's Office conduct a formal legal review comparing the PCOB ordinance, the *Collective Bargaining Ordinance*, and the current CBA to identify contradictions and clarify which provisions supersede others during actual implementation.
- *Amend the PCOB Ordinance to Clarify Scope of Authority in Disciplinary Matters:* Recommend revising the ordinance to clarify the extent to which the Board may issue findings, provide recommendations, and participate in disciplinary processes, while aligning this authority with state law and Police Department policies and procedures.
- *Establish an Interdepartmental Working Group:* Recommend the creation of a working group including representatives from the City Attorney's Office, City Manager's Office, the PCOB, and labor counsel to align collective bargaining language, city ordinances, and the legal framework governing oversight. This group should identify areas of conflict before future contract negotiations.

Relevant Sections of the Ordinance: [Article XVI § 2-452 on Board powers and duties, and 2-461 on disciplinary recommendations.](#)

REAFFIRMING THE MISSION

Among the unmet obligations was the requirement to host two town hall listening sessions annually. Even in the face of criticism, these sessions would have served as a valuable tool for gauging community sentiment and helping the Board align its priorities with public expectations. The Director's aim is to fulfill this requirement in 2025.

Additionally, the ordinance required the creation of two foundational documents: a public-facing information release policy (to be issued by the City Manager) and an information-sharing Standard Operating Procedure (SOP) to be created within 45 days of the ordinance's enactment. While an SOP was developed, it was limited in scope, focusing only on hearings, and did not fulfill the full intent of the ordinance. This shortcoming eventually led to the Director temporarily losing access to CPD records, databases, and systems.

Relevant Sections of the Ordinance: Article XVI § 2-465 on Board community engagement, 2-452(e) on Board access to CPD information, and 2-453(f) on CPD records release.

RECONCILING OVERSIGHT WITH DUE PROCESS

Another critical obstacle to oversight is the misalignment between the Board's investigative timeline and that of the CPD's Internal Affairs process. Under current procedures, any delay in the Board's review risks interfering with the due process rights of officers as outlined in CPD General Orders and the collective bargaining agreement. Even if the Board were to complete an independent investigation, the Chief of Police has made it clear that he will not consider its findings or recommendations unless they are preceded by an internal investigation conducted by the Office of Internal Affairs.

The rationale is legally and ethically sound: the Chief cannot impose discipline without affording the subject officer an opportunity to explain their actions. Unlike the CPD's internal process, the Board does not have the authority to compel officer testimony. Any officer's participation in a board investigation would have to be voluntary, something unlikely to occur, as the police union would certainly advise against it. This is because the protections afforded under *Garrity v. New Jersey*, which shield compelled testimony from being used in criminal proceedings, only apply when testimony is required under threat of disciplinary action.

Since the Board cannot compel testimony, those protections do not attach, making voluntary cooperation both risky and improbable. These due process concerns, while legitimate, underscore the urgent need for better alignment between civilian oversight mechanisms and internal disciplinary systems. Without shared standards or coordinated timelines, the Board's investigatory role risks becoming duplicative, procedurally invalid, or entirely sidelined. If the oversight process is to be both fair and effective, it must be integrated into a broader disciplinary framework that honors legal rights while still holding officers accountable through transparent, collaborative systems.

Relevant Sections of the Ordinance: [Article XVI § 2-458\(i\) on Board duration of investigations](#), and [2-461 on disciplinary recommendations](#).

THE CASE FOR STREAMLINING DOCUMENTS

In late 2023, the CPD suspended the Board's access to internal systems, severely limiting the Director's ability to conduct real-time oversight. This disruption underscored the fragility of the Board's access rights in the absence of formalized, enforceable agreements.

In response, the Board, led by the Director, engaged in collaboration with the City Attorney's Office, Chief of Police, and City Manager to resolve the issue. These efforts culminated in the adoption of a Standard Operating Procedure (SOP) in May 2024 and a supporting Memorandum of Understanding (MOU) in June. Together, these documents restored access and clarified protocols for oversight participation in active investigations.

While these agreements represent a significant improvement, they also highlight a growing administrative burden. Because the SOP and MOU are designed to clarify expectations already outlined in the enabling ordinance, their continued relevance will depend on ongoing updates to reflect changes in CPD policy, city procedures, and state law. Moreover, they add to an already complex landscape of required documents that must be tracked, maintained, and reconciled with existing language in the ordinance and operating procedures.

Recommendation: Formalizing Agreements

One proposed solution is to incorporate the key elements of these agreements directly into the ordinance itself. Doing so would reduce redundancy, decrease administrative strain, and improve long-term clarity and consistency. Integrating protocols into the ordinance would also strengthen their enforceability and eliminate the need to update multiple parallel documents as changes occur.

Relevant Sections of the Ordinance: [Article XVI § 2-452 and 2-458 on Board powers, duties, and access for the purpose of investigations and reviews.](#)