

# Comparison of Charlottesville PCOB and NACOLE's Thirteen Principles for Effective Civilian Oversight

## Executive Summary

This report compares the Charlottesville Police Civilian Oversight Board's (PCOB) current operations with NACOLE's Thirteen Principles for Effective Civilian Oversight. The goal is to identify areas where the PCOB is aligned with national best practices and highlight where improvements are needed to strengthen independence, capacity, and public trust. Each principle is addressed individually, with observations based on real-world, operational experiences.

## Principle 1: Independence

### Current Alignment

PCOB operates separately from CPD; ordinance provides for independent oversight.

### Gaps and Areas for Improvement

- Currently lacks independent legal counsel; reliance on City legal staff and ad-hoc arrangements weakens independence.
- The lack of separation between the Board's duties and the staff's duties becomes problematic. This structural overlap can cause confusion about roles, responsibilities, and authority.

## Principle 2: Clearly Defined and Adequate Jurisdiction and Authority

### Current Alignment

Mandated oversight responsibilities are defined in the ordinance.

### Gaps and Areas for Improvement

- Currently, there are **four governing documents** that must be complied with: the Ordinance, Operating Procedures, MOU, and SOP. This volume of documents is already challenging to track, and both the ordinance and operating procedures require **additional documents** be created before the Board and staff can do their work.
- Example:

## Mandated Documents

Document	Source	Requirement Summary
Investigations Manual	Operating Procedures	Must be created before any investigation can occur.
Audit Manual	Operating Procedures	Must be created before an audit can be conducted.
Written Guidelines for Release of Information	Ordinance & Operating Procedures	City Manager must develop written guidelines specifying what information may be included in Board reports or otherwise publicly disclosed.
Information Sharing SOP	Ordinance	Must establish a Standard Operating Procedure for access to department information and interagency information sharing.
Desk Book	Operating Procedures	Must be created to provide Board members with consolidated procedures, policies, and reference materials for carrying out duties.

- This is unnecessarily burdensome and should be streamlined to reduce bureaucratic bottlenecks.
- The current framework suffers from two levels of misalignment. **First**, both the ordinance and the operating procedures are out of step with operational realities. **Second**, the ordinance and the operating procedures are themselves inconsistent.
- Example: Investigative timelines differ, CPD has 45 days to complete an investigation, while the PCOB has 75 days, creating inefficiencies and procedural friction.
- Example: According to the Charlottesville Police Civilian Oversight Board (PCOB) Ordinance, the Board is prohibited from compelling a statement from any police department employee except through its subpoena powers. This means:
  - **No direct compulsion:** The PCOB cannot simply order an officer or civilian employee of the department to give testimony or a statement.
  - **Subpoena exception:** The only way the Board can obtain testimony from a police officer (or any department employee) is by applying to the Charlottesville Circuit Court for a subpoena, following the process set out in § 2-458(f) of the ordinance.
  - **Additional limits during hearings:** In Review Hearings, the PCOB's operating procedures specifically state that the Board **may not subpoena any police officer to testify** at the hearing itself; instead, the Board must rely on statements already collected during the **internal investigation**.
  - So, in short: the Board cannot force an officer to testify unless they follow the formal subpoena process, and even then, there are contexts, like Review Hearings, **where subpoenas for officer testimony are not allowed at all.**

- The Board's authority to seek a subpoena through the Charlottesville Circuit Court does not guarantee that one will be issued. The court must first review the request and decide whether to grant it. Even if a subpoena is issued, the recipient has the right to challenge it by filing a motion to quash. In such cases, the court will hold a hearing to determine whether the subpoena is valid and whether the party must comply.

### **Principle 3: Unfettered Access to Records and Facilities**

#### **Current Alignment**

In 2024, PCOB staff gained access to CPD data and records systems through the creation and implementation of an SOP and MOU.

#### **Gaps and Areas for Improvement**

- This is an area where the PCOB staff **excel** compared to other oversight bodies within the state.
- Through the Information Sharing Agreements (SOP and MOU), the Board currently enjoys **unfettered, unredacted access** to information, something that remains a significant limitation for many other Virginia oversight entities.
- However, the current level of access PCOB staff benefit from is due in large part due to the goodwill of the chief of police and unless officially codified into the ordinance, can be rescinded in the future.

### **Principle 4: Access to Law Enforcement Executives and Internal Affairs Staff**

#### **Current Alignment**

Strong working relationship with CPD Chief, Professional Standards Commander and Internal Affairs personnel.

#### **Gaps and Areas for Improvement**

- No formalized, enforceable access standards.
- Relies on the goodwill of the current Chief of Police, which means that access could be rescinded by potential leadership changes in the future.

### **Principle 5: Full Cooperation**

#### **Current Alignment**

Strong working relationship between the PCOB staff and police department personnel.

#### **Gaps and Areas for Improvement**

- The ordinance prohibits the Board from compelling statements from police department personnel. This restriction is a significant barrier to the Board’s ability to conduct meaningful investigations.
- There is **no legal precedent** to support denying either the Board or staff the ability to compel statements, if *Garrity* protections are provided (*Garrity v. New Jersey*, 385 U.S. 493 (1967)) which protect officers from their compelled statements being used in criminal proceedings.
- Other applicable case law, such as *Kalkines v. United States*, 473 F.2d 1391 (Ct. Cl. 1973), further supports that compelled administrative interviews can be conducted without violating constitutional rights when proper advisements are given.
- Virginia is a Dillon Rule state, which means that local governments and their subdivisions may exercise only those powers expressly granted by the General Assembly. Because compelled testimony during personnel investigations *is NOT expressly granted in state law (§9.1-601)*, there is a strong argument that the City may lack the authority to confer that power on the Board or staff absent enabling legislation.
- The citizens of Charlottesville, as well as the PCOB itself, could petition the Virginia General Assembly to amend state law to expressly grant local oversight bodies the authority to compel statements during administrative investigations of personnel. This would clarify the authority to compel and ensure such compulsion is enforceable and constitutionally sound.

## **Principle 6: Sustained Stakeholder Support**

### **Current Alignment**

Limited partnerships exist with community and faith-based organizations. PCOB staff has participated in activities with several community organizations within Charlottesville.

### **Gaps and Areas for Improvement**

- Reciprocity and consistent engagement from these community partners has been limited, with inconsistent participation or demonstrated interest in the PCOB’s work.
- The most critical partnership needed for the PCOB’s effectiveness is with **City Council**.
- The PCOB would have benefitted greatly from being given the opportunity to present recommendations **directly to Council**, and to do so publicly for transparency, while also having the opportunity to **defend those recommendations**.
- The PCOB’s mission is **not sustainable without Council support**. As community participation and interest decline, and as individual agendas of City leadership emerge, the PCOB’s ability to succeed may be significantly hampered.

## **Principle 7: Adequate Funding and Resources**

### **Current Alignment**

The PCOB operates with minimal staffing and budget relative to its mandated responsibilities.

### **Gaps and Areas for Improvement**

- **Insufficient resources** to carry out the mandates of the Ordinance and Operating Procedures.
- Staffing is inadequate to achieve the full scope of oversight activities mandated in the ordinance.
- The office would benefit from:
  1. **Deputy Director** – to ensure continuity of operations in the absence of the Director (e.g., vacations, sick leave) and provide leadership stability.
  2. **Dedicated Audit/Investigations Staff** – to conduct audits, investigate complaints, and track systemic trends.
  3. **Dedicated Community Outreach Coordinator** – to plan and execute outreach across festivals, community events, town hall meetings, monthly PCOB meetings, social media, and media relations.
- Having additional personnel would prevent “burn out” and allow the Director to focus more heavily on **core oversight activities** without having to continually prioritize tasks due to resource scarcity.

## **Principle 8: Public Reporting and Transparency**

### **Current Alignment**

This is an area where the PCOB is **excelling**. The hiring of a Management Analyst in July 2024 was critical for meeting the ordinance’s reporting requirements.

### **Gaps and Areas for Improvement**

- Having sufficient staffing to ensure all PCOB materials and information are posted regularly on the Board’s webpage.

### **Highlights of Current Success**

- The Management Analyst has created **monthly reports** documenting the PCOB office’s activities.
- Produced **2023 and 2024 annual reports** that were not only comprehensive and informative but also visually engaging and accessible.
- Began improving the **PCOB webpage** to increase accessibility and transparency.
- Initiated a project to **clean up, organize, and upload historical documents** from previous PCOB leadership to ensure the public record is complete and easily accessible.

## **Principle 9: Policy and Pattern Analysis**

### **Current Alignment**

The PCOB and staff have engaged in policy reviews and made recommendations for revisions, fulfilling part of the mandate for systemic oversight.

### **Gaps and Areas for Improvement**

- The capacity to engage in **pattern analysis**, identifying trends in complaints, uses of force, or other police activities, is more time-consuming and labor-intensive than simple policy review and requires **sufficient personnel**.
- The current Management Analyst / Acting PCOB Executive Director is more than capable of conducting such in-depth analyses but must divide his time to comply with other ordinance mandates, and administrative responsibilities, limiting the depth and frequency of pattern review.

## **Principle 10: Community Outreach**

### **Current Alignment**

This is another area where the PCOB staff has excelled. Beginning in July 2023, the staff participated in a wide range of community outreach events, including:

- Chihamba – The African American Cultural Arts Festival
- The Sabroso Festival – Latin American Cultural Festival
- The Pride Festival – Celebrating the LGBTQ+ Community
- Westhaven Day – Community Festival
- Charlottesville Police Department’s National Night Out
- Meetings with the Albemarle-Charlottesville Chapter of the NAACP
- Speaking engagements with UVA’s Batten School for Leadership and Public Policy
- Meetings with the Mediation Center of Charlottesville
- Meetings with the Charlottesville Area Justice Coalition
- Ordinance-required Town Hall meeting hosted by the PCOB
- Back to School Bashes with Albemarle County Public Schools
- Back to School Bashes with the Southwood Boys and Girls Club

### **Gaps and Areas for Improvement**

- The effort involved in participating in these events is exhausting, and assistance from Board members has been **inconsistent**.
- Event preparation is time-consuming, and many events occur on weekends or evenings, requiring significant personal sacrifice by staff.
- A **dedicated community outreach staff member** would be beneficial, at least to coordinate with event organizers and manage participation by staff and Board members.
- Due to the labor-intensive nature of this work, the **FY 2026 Work Plan** recommends a **more strategic and targeted approach** to outreach. This would reduce large festival participation and instead focus on targeted meetings with community, cultural, and civic groups, as well as neighborhood associations, to educate them on the PCOB’s powers, duties, and activities.

## **Principle 11: Community Involvement**

### **Current Alignment**

The PCOB staff has participated in events and activities hosted by other organizations, often at their invitation, to foster community involvement in oversight.

## Gaps and Areas for Improvement

- Despite the PCOB's willingness to participate in other organizations' events, **reciprocity has been minimal**.
- Meeting participation by members of the community has been **non-existent**, even when invitations were extended to organizations the PCOB has collaborated with.
- This lack of engagement may be partly due to a **loss of confidence** by the community in the PCOB's ability to fulfill its mandate.
- Media coverage has compounded this problem, focusing exclusively on the PCOB's struggles while failing to highlight successes, thereby shaping a one-sided public narrative.

## Principle 12: Confidentiality, Anonymity, and Protection from Retaliation

### Current Alignment

The Board and staff adhere to applicable confidentiality standards in the handling of complaints and investigative materials.

### Gaps and Areas for Improvement

- **Anonymity is problematic in practice** due to SOP language that states in part:

The Executive Director must:

*Identify particular records or types of records needed to complete the investigation.  
Provide CPD with basic information about the complainant, date, time, and/or location of the alleged incident sufficient to allow CPD to identify additional relevant records.*

- Additionally, if the complainant expects an outcome to include the potential **disciplinary action**, then under current operational realities, the investigation **must** be conducted by CPD IA.

## Principle 13: Procedural Justice and Legitimacy

### Current Alignment

There is a clear commitment on the part of PCOB staff to ensure the **due process rights of all parties involved**.

### Gaps and Areas for Improvement

- Ordinance and operational constraints risk undermining the PCOB's **perceived legitimacy**, especially when many of the stated mandates in the ordinance are **not enforceable**.
- This disconnect between the enabling local legislation and **operational reality** most negatively impacts the **citizens of Charlottesville**, who may expect the PCOB to fulfill powers and duties it is not currently equipped, or permitted, to exercise.

## **NACOLE's Thirteen Principles for Effective Civilian Oversight**

These principles represent foundational preconditions for meaningful, trustworthy, and impactful oversight of law enforcement. They provide a framework to ensure that civilian oversight agencies can operate independently, effectively, and in ways that build public trust.

### **1. Independence**

Oversight agencies must operate free from real or perceived influence by law enforcement, political officials, or special interest groups—critical for maintaining credibility and legitimacy.

### **2. Clearly Defined and Adequate Jurisdiction and Authority**

Agencies need well-specified mandates and sufficient power to fulfill their responsibilities effectively—without proper authority, even well-intentioned agencies can be hamstrung.

### **3. Unfettered Access to Records and Facilities**

Timely and full access to relevant law enforcement records, facilities, and personnel is essential for informed, fact-based oversight.

### **4. Access to Law Enforcement Executives and Internal Affairs Staff**

Sustained dialogue ensures better cooperation and enhances transparency, especially when agencies respond publicly—ideally in writing—about whether they accept or reject oversight recommendations.

### **5. Full Cooperation**

Cooperation from all law enforcement staff is crucial—should be mandated as a condition of employment and must respect due process and constitutional protections.

### **6. Sustained Stakeholder Support**

Long-term effectiveness depends on ongoing engagement from community members, policymakers, and allied stakeholders to uphold the agency's mission.

### **7. Adequate Funding and Resources**

Oversight bodies must be properly funded, staffed, and equipped—resource shortfalls severely limit investigative and systemic impact.

### **8. Public Reporting and Transparency**

Regular, accessible reporting builds trust by making oversight operations, findings, and decision-making processes visible and understandable to the public.

## 9. Policy and Pattern Analysis

Beyond individual complaints, agencies should analyze broader trends and systemic issues, allowing for strategic recommendations that inform reform.

## 10. Community Outreach

Proactive engagement ensures that oversight bodies remain responsive to community concerns and perspectives—not just reactive investigators.

## 11. Community Involvement

Inclusion of diverse community voices in the oversight process strengthens legitimacy and aligns agency priorities with public needs.

## 12. Confidentiality, Anonymity, and Protection from Retaliation

Safeguards must be in place to protect complainants and staff from retaliation, and to ensure confidentiality where ethically and legally appropriate.

## 13. Procedural Justice and Legitimacy

Oversight should embody fairness, neutrality, respectful treatment, and trustworthiness—embodying these values in both process and practice fosters legitimacy.

## Summary of the Principles

Principle Number	Focus Area
1-3	Autonomy (Independence, Authority, Access)
4-6	Cooperation & Engagement
7-9	Capacity Building & Transparency
10-11	Community Integration
12-13	Protection & Procedural Integrity

## **Key Takeaways from NACOLE's 'Impediments and Challenges to Civilian Oversight of Law Enforcement' (July 2024)**

### **1. The Critical Value of Civilian Oversight**

Civilian oversight is defined as independent, external, and ongoing review of law enforcement by non-police actors, aimed at enhancing accountability, transparency, organizational reform, responsiveness to community needs, and public trust. Practitioners view oversight not as a tool for targeting bad actors, but as a means of fostering good governance, fair processes, and mutual trust between police and the communities they serve.

### **2. Methodology: Practitioner Interviews & Statutory Review**

The report draws from interviews with oversight practitioners and community members across 26 states and D.C., representing diverse oversight models (e.g., review boards, investigative agencies, auditor/monitors, hybrid models). It also includes an empirical analysis of local statutes in the 100 largest U.S. cities to assess how oversight powers are institutionalized.

### **3. Core Challenges to Effective Oversight**

Three main impediments emerged:

- a) **Legal Limitations & Statutory Weaknesses** - Many jurisdictions lack enabling statutes or local ordinances robust enough to require cooperation from law enforcement or grant meaningful authority to oversight agencies.
- b) **Resource Constraints** - Oversight agencies often operate with insufficient funding and staffing, which severely limits their investigative capacity and systemic impact.
- c) **Institutional Resistance** - Persistent resistance—from police departments, unions, and political stakeholders—undermines cooperation and effectiveness. Oversight recommendations are frequently ignored or dismissed.

### **4. Significance of Local Statutes and Oversight Models**

Effective oversight depends heavily on the quality of local ordinances and charters, which must align with NACOLE's "thirteen principles for effective oversight." These powers and authorities vary widely across large U.S. cities, reflecting a fragmented landscape of oversight capabilities.

### **5. Practitioners' Strategic Responses**

Despite challenges, oversight practitioners remain committed to advancing agency effectiveness. They emphasize building relationships with law enforcement, community stakeholders, and policymakers, promoting collaboration to overcome resistance. They also

advocate for increased funding, clearer statutory authority, and more consistent institutional support.

### Summary Table

Theme	Key Insight
Roles & Goals	Oversight promotes accountability, transparency, trust, and policy reform.
Methodology	Combines practitioner interviews and statutory analysis across big cities.
Major Challenges	Legal gaps, under-resourcing, and institutional pushback hinder effectiveness.
Local Statutes Matter	Varying powers highlight need for strong enabling legislation in every jurisdiction.
Practitioner Solutions	Relationship-building, advocacy for resources, and legal clarity are key.

In their July 2024 report, "Impediments and Challenges to Civilian Oversight of Law Enforcement," NACOLE highlighted key obstacles hindering the effectiveness of civilian oversight bodies and offered recommendations to overcome them.

### 1. Major impediments and challenges

- **Legal Constraints and Restrictions:** Civilian oversight agencies often face limitations on their powers, including subpoena power, ability to access critical documents and conduct independent investigations, [according to the National League of Cities](#). State-level preemption and legislative restrictions further limit local oversight authority.
- **Inadequate Funding and Resources:** Lack of sufficient funding and operational resources hinders the ability of oversight bodies to retain experienced staff, provide training, conduct investigations, and engage in community outreach.
- **Resistance from Law Enforcement and Unions:** Civilian oversight can encounter resistance from law enforcement agencies and unions, potentially impacting cooperation and access to information.
- **Need for Independence:** The report emphasized the importance of ensuring the independence of oversight bodies from the very police departments they are meant to oversee. This includes being independent politically, professionally, and financially, and having independence of voice.

### 2. Importance of effective civilian oversight

- **Promoting Accountability and Transparency:** Despite the challenges, oversight agencies play a vital role in promoting transparency and accountability within law enforcement, thereby fostering community trust.
- **Community Voice and Input:** Civilian oversight provides a crucial avenue for community members to voice concerns, provide feedback, and actively participate in improving public safety initiatives, according to NACOLE's board President Susan Hutson.

### 3. Recommendations to strengthen oversight

- **Advocate for Legislative Reform:** NACOLE recommends advocating for changes in local and state laws to empower civilian oversight bodies with the necessary authority and resources.
- **Community Outreach and Education:** Building trust and legitimacy requires engaging the community and educating them about the role and benefits of civilian oversight.

- **Capacity Building and Training:** Investing in training for oversight professionals is essential to enhance their skills, knowledge, and effectiveness in this specialized field.
- **Foster Collaborative Partnerships:** Establishing strong relationships with law enforcement agencies, community stakeholders, and policymakers can help garner support for oversight initiatives and overcome resistance.
- **Prioritize Continuous Evaluation and Improvement:** Oversight bodies should continually assess their effectiveness and adapt their practices to meet evolving needs and best practices.

#### In Conclusion

NACOLE's July 2024 report highlights the ongoing importance of civilian oversight while acknowledging the significant challenges it faces. The key takeaways emphasize the need for legislative reform, adequate resources, stronger community engagement, and collaborative approaches to ensure civilian oversight bodies can effectively promote accountability, transparency, and trust in law enforcement.