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**AN ORDINANCE
TO AMEND AND REENACT THE PROVISIONS OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990), AS AMENDED, CHAPTER 2 (ADMINISTRATION),
ARTICLE XVI-POLICE CIVILIAN REVIEW BOARD**

WHEREAS, the Charlottesville City Council previously enacted an ordinance establishing a Charlottesville Police Civilian Review Board and codified the ordinance within Chapter 2, Article XVI of the Code of the City of Charlottesville (1990), as amended; and

WHEREAS, on October 28, 2020 the Virginia General Assembly enacted House Bill 5055, the provisions of which become effective July 1, 2021, and this legislation expressly authorizes the governing body of a locality to establish a law enforcement civilian oversight body; and

WHEREAS, City Council hereby finds that it would be in the public’s best interests for the City to conform Chapter 2, Article XVI of the City Code to the requirements of the new state legislation and to re-establish the City’s Police Civilian Review Board with certain additional powers and duties enabled by the new state legislation;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Article XVI within Chapter 2 of the Code of the City of Charlottesville (1990) is amended and reenacted, as follows:

ARTICLE XVI. – POLICE CIVILIAN REVIEW BOARD

Sec. 2-450.-Title

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

Sec. 2-451.-Police Civilian Review Board established; immunities.

There is hereby *established* ~~created~~ a Charlottesville Police Civilian Review Board which shall be referred to as the Police Civilian Review Board, *or “the Board”, within for purposes of* this article. *The Board shall have the authority and duties of a law-enforcement civilian oversight body, as expressly authorized by state law and as provided within this ordinance.* The Police Civilian Review Board shall enjoy the protection of sovereign immunity to the extent allowed and provided ~~by pursuant to~~ Virginia statutory and common law.

Sec. 2-452.-Powers and duties of the Police Civilian Review Board.

(a) The Police Civilian Review Board shall have the following powers and duties:

45 ~~(1a-)~~ *To receive, investigate, and issue findings on complaints from civilians regarding*
46 *the conduct of law enforcement officers and civilian employees of the Charlottesville Police*
47 *Department;*

48 ~~(2b-)~~ *To investigate and issue findings on incidents, including the use of force by a law*
49 *enforcement officer, death or serious injury to any individual held in custody, serious abuse of*
50 *authority or misconduct, allegedly discriminatory stops, and other incidents regarding the*
51 *conduct of law enforcement officers and civilian employees of the Charlottesville*
52 *Police Department internal affairs investigations at the request of the civilian complainant;*
53

54 ~~(3e-)~~ *At the conclusion of any investigation conducted pursuant to subdivisions (1) and*
55 *(2), above, consistent with the Board's findings in the investigation, and after consultation*
56 *with the chief of police: to make binding disciplinary determinations in cases that involve*
57 *serious breaches of departmental and professional standards, as defined by City Council*
58 *within the Board's operating procedures. Such disciplinary determinations may include letters*
59 *of reprimand, suspension without pay, suspension with pay, demotion, reassignment within*
60 *the police department, termination, involuntary restitution, or mediation, any of which is to be*
61 *implemented by the chief of police and other city employees having supervisory authority over*
62 *the law enforcement officer or civilian employee who is the subject of the investigation;-*
63 *Conduct hearings and make findings concerning Charlottesville Police Department internal*
64 *affairs investigations initiated by civilians;*
65

66 ~~(4d-)~~ *To investigate policies, practices, and procedures of the police department and to*
67 *make recommendations regarding changes to such policies, practices and procedures, as set*
68 *forth within sec. 2-458 of this article. If the Police Department declines to implement any*
69 *changes recommended by the Board, the Board may require the Police Department to create a*
70 *written record of its rationale for declining to implement the recommendation, which record*
71 *shall be made available to the public Organize and conduct community outreach sessions;*
72

73 ~~(5e-)~~ *To review investigations conducted internally by the Provide policy*
74 *recommendations to the City Council and Charlottesville Police Department, as set forth in sec.*
75 *2-460 through 2-463 of this article, including internal investigations of civilians employed by*
76 *the Police Department, and to issue findings regarding the accuracy, completeness, and*
77 *impartiality of the investigations and the sufficiency of any discipline resulting from such*
78 *investigations;*
79

80 (6) *To request reports of the annual expenditures of the Police Department, and to*
81 *make budgetary recommendations to the city council concerning future appropriations;*
82

83 (7) *To make public reports on the activities of the Police Civilian Review Board,*
84 *including investigations, hearings, findings, recommendations, determinations and oversight*
85 *activities; and*
86

87 (8) *To hold hearings and, if after making a good faith effort to obtain, voluntarily, the*
88 *attendance of witnesses and the production of books, papers, and other evidence necessary to*
89 *perform its duties, the Board is unable to obtain such attendance or production, it may apply*
90 *to the Circuit Court for the City of Charlottesville for a subpoena compelling the attendance of*

91 *such witness or the production of such books, papers and other evidence, and the court may,*
92 *upon good cause shown, cause the subpoena to be issued. Any person so subpoenaed may*
93 *apply to the Charlottesville Circuit Court to quash it.*

94
95 *(9) To undertake other duties, as reasonably necessary for the Police Civilian Review*
96 *Board to effectuate its lawful purpose as provided for in this article, in order to effectively*
97 *oversee the Police Department.*

98
99 *(b) The Police Civilian Review Board shall not exercise the powers and duties set forth within*
100 *paragraphs (a)(1)-(9), or any of said paragraphs, until (i) City Council approves operating*
101 *procedures for performance of such powers and duties as set forth within sec. 2-464 of this*
102 *article, and (ii) sufficient public funds have been appropriated by City Council within the*
103 *Board's annual budget for all staff, independent legal counsel and other resources as are*
104 *necessary for the Board to effectively carry out such duties and powers.*

Commented [RL1]: This provision will allow the Board to determine which powers and duties it has the ability and resources to undertake, and to proceed incrementally once Operating Procedures are approved by Council for those specific powers and duties.

105
106 **Sec.-2-453.- Police Civilian Review Board membership.**

107
108 *The Police Civilian Review Board shall reflect the demographic diversity of the City of*
109 *Charlottesville. The Police Civilian Review Board shall be composed of seven voting members*
110 *and one non-voting member appointed by the City Council. The members shall be removable by*
111 *the City Council.*

112
113 The seven voting members of the Police Civilian Review Board shall be residents of the
114 City of Charlottesville except that the member who represents an organization that seeks racial or
115 social justice on behalf of historically-disadvantaged communities shall either be a resident of
116 the City of Charlottesville or the organization they represent shall perform advocacy on behalf of
117 City of Charlottesville residents.

118
119 The seven voting members shall include: at least three members who come from
120 historically disadvantaged communities that have traditionally experienced disparate policing or
121 who are residents of public housing and at least one other member who represents an
122 organization that seeks racial or social justice on behalf of historically-disadvantaged
123 communities.

124
125 The non-voting member of the Police Civilian Review Board shall consist of an
126 individual with policing expertise or experience. *The non-voting member may be a retired law*
127 *enforcement officer, who prior to his retirement was employed in a locality that is similar to*
128 *the City of Charlottesville.*

129
130 No Police Civilian Review Board voting member shall be a current City of
131 Charlottesville employee, a current candidate for public office, a former member of the
132 Charlottesville Police Department, an immediate family member of a current Charlottesville
133 Police Department employee, or a current employee of a law enforcement agency.

134
135 **Sec. 2-454.- Police Civilian Review Board membership appointment, and terms.**

136

137 (a) *Appointment Process.* The City Council shall appoint the members of the Police
138 Civilian Review Board. The Council shall announce a public application process with
139 applications available online and by hardcopy in English and Spanish for individuals interested
140 in serving on the Police Civilian Review Board. ~~The City Council shall interview candidates for~~
141 ~~the Police Civilian Review Board in a closed session pursuant to the Virginia Freedom of~~
142 ~~Information Act. The Council shall convene in an open session held pursuant to the Virginia~~
143 ~~Freedom of Information Act and appoint members of the Police Civilian Review Board.~~

144
145 (b) *Terms.* *Each member of the* Police Civilian Review Board shall *be* ~~consist of three~~
146 ~~voting members appointed for individual terms of eighteen months and four voting members~~
147 ~~appointed for a individual terms of three years.~~

148
149 ~~All subsequent members of the Police Civilian Review Board shall serve terms of three~~
150 ~~years.~~

151
152 ~~— The non-voting member with policing expertise or experience shall serve a term of three~~
153 ~~years.~~

154
155

156 **Sec. 2-455.- Police Civilian Review Board vacancies.**

157

158 If a Police Civilian Review Board member's service on the Board ends before the
159 conclusion of the Board member's term, the City Council shall appoint an individual to complete
160 the remainder of the term. *A Board member whose term has expired may continue to serve*
161 *until his or her successor is appointed by City Council.*

162

163 **Sec. 2-456.-Police Civilian Review Board executive director.**

164

165 The City Manager shall appoint a Police Civilian Review Board Executive Director with
166 the approval of a majority vote of the City Council.

167

168 Before the Police Civilian Review Board Executive Director is appointed, the City
169 Manager shall convene an interview pane that includes two members of the Police Civilian
170 Review Board. If the two members of the Police Civilian Review Board serving on an interview
171 panel recommend a candidate for appointment as Executive Director, the City Manager shall
172 provide a written justification to the Board if ~~they select~~ a different candidate *is appointed*.

173

174 The City Manager shall *be responsible for day-to-day supervision of the Executive*
175 *Director. The City Manager will conduct an annual evaluation of* ~~supervise and evaluate the~~
176 ~~Police Civilian Review Board~~ *Executive Director's performance, which shall include*
177 *consideration of a written performance review submitted by the Police Civilian Review Board*
178 *to the City Manager.* The Police Civilian Review Board may *at any time*, by a majority vote,
179 request a conference between the Board's Chair and the City Manager to discuss the Executive
180 Director's performance. The City Manager shall provide the Police Civilian Review Board a
181 written justification for rejecting *a recommendation of the Board that* ~~its recommendation to~~
182 ~~terminate~~ the Executive Director's *employment should be terminated.*

Commented [RL2]: This language is not called out in any other City ordinance establishing a board or commission (See, for example, City Code 2-432(a), selection process for the HR Commission).

FOIA requires appointments to be in an open meeting. FOIA doesn't require Council to interview candidates in a closed meeting but allows Council to do so.

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Sec. 2-457.-Police Civilian Review Board legal counsel.

The Police Civilian Review Board *may retain* ~~shall be empowered to employ its own~~ legal counsel *to represent the Board in all cases, hearings, controversies, or matters involving the interests of the Board, and the Board's chair shall have authority to execute a contract in the name of the Board for legal services if the contract has first been approved by the Board and endorsed by the City's Finance Director to verify that funding is available and has been appropriated to support performance of the payment obligations of the Board under such contract. The Board's legal counsel shall be paid only from funds that have been appropriated to the Board's budget by City Council.* ~~The Police Civilian Review Board's Executive Director, the City Attorney, and the Police Civilian Review Board Chair shall work collaboratively to select legal counsel for the Board on an annual basis utilizing best practices for procuring legal services. The Board's legal counsel shall advise the Board on all legal questions the Board may have concerning complaints, reviews of internal affairs investigations, policy recommendations, and community forums.~~ The Board and *the Board's* Executive Director may consult the Office of the City Attorney for legal advice concerning legal questions not related to *cases, hearings, investigations or controversies that are before the Board, or any other matter in which the Board's and Police Department's interests may conflict* ~~the four aforementioned topics.~~

Sec. 2-458.-Police Civilian Review Board policy recommendations.

The Police Civilian Review Board may recommend policies or procedures to the City Council or the Charlottesville Police Department concerning police practices.

If the Police Civilian Review Board adopts a formal position statement on a policy amendment or recommendation of a proposed amendment to Charlottesville Police Department administrative and operational policies, the Charlottesville Police Department shall respond, in writing, to the Police Civilian Review Board and the City Manager within thirty days. The Charlottesville Police Department shall indicate whether it will adopt the recommendation or amendment or take an alternative action. If the Charlottesville Police Department does not adopt the recommendation or amendment, the Department shall provide the Police Civilian Review Board with a written justification for its decision. The Police Civilian Review Board may request reconsideration of the Charlottesville Police Department's decision by providing a written request to the Chief of Police and City Manager.

The Charlottesville Police Department shall provide any proposed amendment to policies or general orders found listed on the November 4, 2019 City Council Resolution, as may be amended from time to time, to the Police Civilian Review Board at least thirty days before its enactment. The Police Civilian Review Board may provide comment upon the proposed policy or general order's impacts, including but not limited to, on historically disadvantaged communities that have traditionally experienced disparate policing.

If the Police Civilian Review Board adopts a formal position statement on a proposed amendment to any proposed amendment to policies or general orders found listed on the November 4, 2019 City Council Resolution, as may be amended from time to time, the

Commented [RL3]: I have not suggested any edits for Sections 2-458 through 2-463. I imagine that the Board may have been working on its own recommendations for amendments to those sections.

229 Charlottesville Police Department shall respond, in writing, to the Police Civilian Review Board
230 and the City Manager within thirty days. The Charlottesville Police Department shall indicate
231 whether it will adopt the Police Civilian Review Board's position. If the Charlottesville Police
232 Department does not adopt the position, the Department shall provide the Police Civilian Review
233 Board with a written justification for its decision. The Police Civilian Review Board may
234 request reconsideration of the Charlottesville Police Department's decision by providing a
235 written request to the Chief of Police and City Manager.

236
237 Upon the determination of the Chief of Police, in consultation with the City Manager and
238 Police Civilian Review Board Executive Director, that it is impractical to present an amendment
239 to a policy listed on the November 4, 2019 City Council Resolution to the Police Civilian
240 Review Board at least thirty days before its enactment, the City Manager may waive the thirty
241 day advanced review requirement. The amendment shall still be presented to the Police Civilian
242 Review Board for review and comment.

243
244 **Sec. 2-459.-Police Civilian Review Board community engagement and outreach.**

245
246 The Police Civilian Review Board is authorized to engage in community outreach efforts
247 to discuss and gather information about community relations between the Charlottesville Police
248 Department and the general public.

249
250 The Police Civilian Review Board may request the City Council to conduct a joint
251 meeting to discuss issues of concern between the Charlottesville Police Department and the
252 general public.

253
254
255 **Sec. 2-460.-Police Civilian Review Board complaint intake.**

256
257 The Police Civilian Review Board is authorized to develop and administer a process for
258 receiving civilian complaints about the Charlottesville Police Department.

259
260 (a.) *Complaint Intake.*

261
262 A Complaint shall be in writing and shall be deemed filed when delivered or
263 emailed to the Police Civilian Review Board's Executive Director. A Complaint shall contain:

- 264
265 (i) identifying information for the person filing the Complaint;
266 (ii) a statement describing the reasons for the Complaint;
267 (iii) the specific police behavior of concern;
268 (iv) a description of the incident in which the behavior occurred; and
269 (v) a list of the names, addresses and phone numbers of all witnesses to or persons
270 with knowledge of the incident known by the complainant.

271
272 (b.) *Complaint Processing.*

273

274 The Police Civilian Review Board shall immediately forward the Complaint to
275 the Charlottesville Police Department for investigation. The Charlottesville Police Department
276 shall complete its investigation and provide an Investigation Report to the Police Civilian
277 Review Board within seventy-five (75) days. The Executive Director will assist and answer
278 questions a Complainant may have about the Complaint process. The Executive Director will
279 provide an update to the Police Civilian Review Board about open Complaints at each Police
280 Civilian Review Board meeting.

281
282 (c.) *Complaint Results.*

283
284 The Charlottesville Police Department shall provide the Police Civilian Review Board
285 and the Complainant a letter with its finding concerning the Complaint. If the Charlottesville
286 Police Department makes a finding of unfounded, exonerated, or not resolved the Complainant
287 may file a Review Request pursuant to Sections 2-450 and 2-451 by the Police Civilian Review
288 Board within seventy-five (75) days of receiving the Charlottesville Police Department finding.
289 Additionally, the Police Civilian Review Board may initiate a Review Request, by a majority
290 vote, if the CPD makes a finding of unfounded, exonerated, or not resolved and the Board
291 receives the written consent of the Complainant to proceed with a Review Request.

292
293 (d.) *Charlottesville Police Department Complaints.*

294 The Charlottesville Police Department shall forward a copy of any internal affairs
295 complaint filed by a civilian with the Department to the Police Civilian Review Board's
296 Executive Director within two business days of receipt of the complaint. The Charlottesville
297 Police Department's internal affairs process shall permit a complainant to decline to have a copy
298 of their complaint forwarded to the Police Civilian Review Board. If the complainant elects to
299 not have their complaint forwarded to the Police Civilian Review Board, a copy of the complaint
300 shall not be provided to the Police Civilian Review Board.

301
302 **Sec. 2-461.-Police Civilian Review Board internal investigation review.**

303
304 (a.) *Scope of Board Review Authority.*

305 The Police Civilian Review Board may review Charlottesville Police Department internal
306 affairs investigations to ensure their thoroughness, completeness, accuracy, objectivity, and
307 impartiality where (1) the Charlottesville Police Department has completed an internal affairs
308 investigation of a CPD officer and the investigation resulted in a finding of unfounded,
309 exonerated, or not resolved; and (2) a Review Request is filed by a civilian with the Police Civilian
310 Review Board's Executive Director. A request shall be deemed filed when it is received by the
311 Executive Director. The Board shall not review:

312 1. Any Complaint related to an incident that occurred before the date of the Charlottesville
313 City Council's adoption of this Article;

314 2. A Complaint that is filed more than one (1) year after the date of the incident that is the
315 subject of the Complaint;

316 3. A Review Request filed more than seventy-five (75) days after the date of the
317 Charlottesville Police Department notice sent to the complainant that informs the complainant of
318 the completion of the Charlottesville Police Department's internal affairs investigation (unless the
319 Police Civilian Review Board determines that there is good cause to extend the filing deadline);
320 or

321 4. A Review Request concerning matters that are subject of a pending criminal proceeding
322 in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a
323 Notice of Claim or filed complaint), or any City of Charlottesville grievance proceeding (inclusive
324 of a grievance initiated pursuant to the Virginia Law Enforcement Officers Procedural Guarantee
325 Act); or

326 5. Any portion of an internal affairs investigation which is sustained.

327 The Police Civilian Review Board may act on a Review Request after the trial court has
328 ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed.
329 The Police Civilian Review Board shall not act on any Review Request that is the subject of a
330 grievance proceeding until any and all appeals are resolved.

331 (b.) *Deferral of Pending Proceedings.*

332 If at any point in the review process the Police Civilian Review Board learns that the
333 matters of a Review Request are the subject of pending criminal proceeding in any trial court, a
334 pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or
335 filed complaint), or any grievance proceeding, the Police Civilian Review Board shall:

336 1. Suspend its review;

337 2. Defer the review pending resolution of the criminal, civil or grievance proceeding by
338 the trial court or Personnel Appeals Board panel;

339 3. Notify the complainant, in writing, of any deferrals; and

340 4. Track any deferred matter and notify the complainant once the proceedings are closed
341 and the Review Request may proceed.

342 The Police Civilian Review Board may request assistance of the City Attorney in making
343 its determination that matters of a Review Request are the subject of pending proceedings.

344 The Police Civilian Review Board may act on a Review Request after the City Attorney
345 determines that the trial court or Personnel Appeals Board has resolved the pending criminal, civil,
346 or grievance matter.

347 (c.) *Access to Materials.*

348 Upon scheduling a Review Request for a hearing before the Police Civilian Review Board,
349 the Board shall notify the Charlottesville Chief of Police. The Charlottesville Police Department
350 shall prepare each Board member a complete copy of the internal affairs file that is the subject of
351 the Review Request. The City Attorney shall review the file and redact any information related
352 to a juvenile pursuant to Virginia Code Section 16.1-301, as amended or as otherwise required to
353 redact by law.

354
355 In addition to a complete copy of the internal affairs file, the Charlottesville Police
356 Department shall produce the officer's complete complaint history including any final disciplinary
357 action taken against the officer that is the subject of the Review Request.

358
359 Additionally, the Police Civilian Review Board shall have access to any material or
360 evidence utilized by the Charlottesville Police Department during its internal affairs investigation
361 related to the Review Request unless the Chief of Police, upon concurrence of the Charlottesville
362 Commonwealth's Attorney, determines that the material or evidence is the subject of an active
363 criminal investigation.

364
365 Police Civilian Review Board members may review the internal affairs file and the
366 aforementioned disciplinary actions upon signing a notice of confidentiality in which the Police
367 Civilian Review Board member agrees that they will not disclose the contents of an internal affairs
368 file or disciplinary action taken against the officer. Failure to adhere to the notice of
369 confidentiality shall result in the Council removing the Board member from the Police Civilian
370 Review Board.

371
372 Finally, the Police Civilian Review Board shall have access to raw and aggregated data on
373 the timing, findings, and dispositions of CPD internal affairs investigations.

374
375 (d.) *Review Request Hearing.*

376
377 The Police Civilian Review Board shall conduct a hearing on all Review Requests that it
378 finds to be in conformance with the criteria established in Section 2-450.

379
380 The Police Civilian Review Board may not subpoena witnesses or evidence nor may it
381 take testimony under oath.

382
383 The individual filing the Review Request shall state the specific reason(s) for the Review
384 Request. The individual may also present any evidence, including witnesses, supporting their
385 reasons for filing the Review Request. The Police Civilian Review Board may question the
386 individual filing the Review Request and any witnesses that the individual presents.

387
388 Upon the completion of the individual filing the Review Request's presentation, a CPD
389 representative familiar with the internal affairs investigation that is being reviewed by the Police
390 Civilian Review Board shall present a statement which summarizes all findings of fact and a
391 review of all evidence collected and received during the investigation. The Police Civilian Review
392 Board may ask the CPD representative questions about the investigation.

393

394 (e.) *Findings.*

395 At the conclusion of the Review Request, the Police Civilian Review Board shall, within
396 thirty days, determine, by a preponderance of the evidence, and by a majority vote of Police
397 Civilian Review Board members one of the following findings:
398

399 1. The Police Civilian Review Board concurs with the findings of the Charlottesville
400 Police Department investigation; or

401 2. The Police Civilian Review Board advises the City Manager that the Charlottesville
402 Police Department investigation's findings are not supported by the information reasonably
403 available to the Charlottesville Police Department and make further recommendations to the City
404 Manager concerning disposition of the Review Request; or

405 3. The Police Civilian Review Board advises the City Manager that the Charlottesville
406 Police Department's investigation is incomplete or unsatisfactory and provide the specific reasons
407 for this finding; or

408 4. After an investigation pursuant to Section 2-462, if the Police Civilian Review Board
409 still finds that an investigation is unsatisfactory or incomplete, it may make a finding to that effect
410 and provide the specific reasons for its finding.
411

412 **Sec. 2-462.-Investigations.**

413 (a.) *Criteria.*

414 If a Complaint investigation initiated pursuant to Section 2-460 is not completed by the
415 Charlottesville Police Department within seventy-five days of Complaint receipt or if, at the
416 conclusion of a Review Request, the Police Civilian Review Board advises the City Manager
417 that the Charlottesville Police Department's investigation is incomplete or unsatisfactory and
418 provides the specific reasons for this finding, then the Police Civilian Review Board's Executive
419 Director shall request a conference with the Charlottesville Police Department Chief of Police.
420

421 (b.) *Conference.*

422 The Executive Director and the Chief of Police shall conduct a conference within thirty
423 (30) days of either criteria being met in subsection (a) of this Section. The purpose of the
424 conference will be to discuss the delay of a Complaint's investigation or the Police Civilian
425 Board's specific concerns about a Review Request investigation. The Executive Director and
426 Chief of Police shall attempt to address the Board's concerns.
427

428 (c.) *Report to Board.*

429 The Executive Director shall report back to the Police Civilian Review Board after their
430 conference with the Chief of Police. If the Police Civilian Review Board remains unsatisfied
431

440 with the Executive Director’s report, the Board may vote to request an investigation concerning
441 the Complaint’s incomplete investigation or to address the specific reasons the Police Civilian
442 Review Board cited in its referral of a Review Request to the Executive Director.

443
444 (d.) *Investigation.*

445
446 If the Police Civilian Review Board votes to request an investigation pursuant to
447 subsection (c) of this Section, the Executive Director shall forward the request to the City
448 Manager. The City Manager, in consultation with the Executive Director, shall procure an
449 investigator independent of the Charlottesville Police Department to examine the Police Civilian
450 Review Board’s specific concerns about the Review Request or the incomplete investigation of
451 a Complaint. The results of the investigation shall be provided to the City Manager and the
452 Executive Director.

453
454 Any investigation initiated by the City Manager shall comply with existing federal, state,
455 and local law and protections including the Virginia Law Enforcement Procedural Guarantee
456 Act as well as the United Supreme Court’s decision in *Garrity v. New Jersey*. Notwithstanding
457 this provision, only the Chief of Police may issue a “*Garrity* warning” to compel a statement
458 from a Charlottesville Police Department employee.

459
460 E. Investigation Results.

461
462 Upon completion of the investigation, the Executive Director shall provide the Police
463 Civilian Review Board with the results of the investigation. If the investigation is the result of
464 an incomplete Complaint investigation, the investigation shall be provided to the Complainant
465 and the Charlottesville Police Department. If the investigation is the result of a Review Request,
466 the Police Civilian Review Board shall reconvene, complete its deliberations, and issue its
467 finding.

468
469
470 **Sec. 2-463.-Police Civilian Review Board recommendations and annual report.**

471
472 The Police Civilian Review shall provide the City Council a list of recommendations, if
473 the Board determines any recommendations are necessary, for the Council’s consideration to
474 include in its annual legislative program present to the General Assembly. These
475 recommendations shall be due to the Council by August 15 of each year.

476
477 The Police Civilian Review Board shall provide the City Council with an annual report
478 by December 1 of each year. The report shall detail the Police Civilian Review Board’s calendar
479 year activities with sections related to the appointment of committees and their actions; the
480 establishment of any community advisory panels; an overview of complaints received during the
481 calendar year including the number of complaints, the complaints’ findings, and the number of
482 complaints deferred due to pending proceedings; the number and outcome of any independent
483 investigations; an overview of proposed policy recommendations and amendments to
484 Charlottesville Police Department policies and whether the recommendations and amendments
485 were implemented by the Charlottesville Police Department; the number, type, and attendance at

486 community listening sessions; recommendations the Police Civilian Review Board wishes to
487 make about policing within the City of Charlottesville; and any other information that the Police
488 Civilian Review Board deems necessary to provide a complete overview of the Board's
489 activities.

490
491

492 **Sec. 2-464.-Police Civilian Review Board ~~by laws~~ *operating procedures*.**

493

494 ~~(a) — The City Council shall approve Police Civilian Review Board's initial bylaws that shall~~
495 ~~govern the procedures, practices, and internal operations of the Police Civilian Review Board.~~
496 *City council shall establish, and may from time to time amend, policies and procedures*
497 *("Operating Procedures") for the performance of each of the powers and duties of the Board*
498 *set forth in sec. 2-452 (a)(1)-(9) of this article.*

499

500 ~~(b) —~~ The Police Civilian Review Board may *propose amendments to the approved policies*
501 *and procedures* ~~its bylaws~~. Any proposed amendment must be presented by a Police Civilian
502 Review Board member in writing at a regular Board meeting. ~~The Police Civilian Review Board~~
503 ~~may adopt the amendment at its next regular meeting.~~ Upon an affirmative vote of four Board
504 members *the proposed amendment shall be recommended to City Council for consideration.*

505

506

507 **Sec. 2-465. *Employee grievances***

508

509 *Any law enforcement officer or civilian employee of the Charlottesville Police Department*
510 *who is subject to a binding disciplinary determination made by the Police Civilian Review*
511 *Board pursuant to this article may file a grievance requesting a final hearing in accordance*
512 *with the City's employee grievance procedures, provided that the matter presented is a*
513 *qualifying grievance under those procedures.*