

Policy Briefing Summary

City Council



Regarding:	PCOB Proposed Ordinance Revisions
Staff Contact(s):	James Walker, PCOB Management Analyst
Presenter:	James Walker, PCOB Management Analyst
Date of Proposed Action:	May 18, 2026

Issue

The proposed revisions to City Code Article XVI transition the Charlottesville Police Civilian Oversight Board ("PCOB") from a model focused on independent investigations to a "Monitor, Audit, and Review" model that strengthens oversight by aligning the Board's authority with what it can legally and operationally deliver. This joint work session is convened to present the direction of the revision to City Council, discuss the underlying rationale, and invite Council dialogue in advance of any future formal ordinance action. No ordinance adoption is before Council at tonight's meeting.

Background / Rule

The PCOB was established pursuant to Virginia Code § 9.1-601 and is governed by Article XVI of the City Code. The current ordinance, last substantively amended in 2021 (minor amendments made more recently), authorizes the Board to receive and investigate complaints, investigate incidents, hold hearings, recommend discipline in individual cases, and compel testimony through subpoena. Since the Office of Police Civilian Oversight ("the office") became operational, implementation has revealed structural tensions between several of these authorities and the legal framework governing police administrative investigations, including the Law-Enforcement Officers Procedural Guarantee Act (Virginia Code § 9.1-500 et seq.), the protections established in *Garrity v. New Jersey*, 385 U.S. 493 (1967), the Charlottesville Police Department ("CPD") Collective Bargaining Agreement, and the Chief of Police's exclusive disciplinary authority under Virginia Code § 15.2-1722. These tensions have limited the Board's practical capacity to fulfill its existing primary oversight expectation of conducting independent investigations.

Analysis

The proposed ordinance revision restates the Board's purpose as supporting community well-being and safety by advancing the quality of policing in the City of Charlottesville through civilian-led transparency and accountability under a "Monitor, Audit, and Review" model of oversight. This transition preserves every function the Board currently performs effectively while removing authorities that cannot be implemented within existing legal and operational constraints. Rather than narrowing oversight, the revision solidifies it by expanding underdeveloped authorities into fully articulated functions with clear procedures and public reporting obligations. Three directional shifts frame the proposed revisions:

- *From independent investigation to monitored investigation with substantive review.* The revised ordinance replaces the Board's independent investigation authority with a receive-and-refer process under which CPD conducts the administrative investigation with concurrent monitoring by the office. The Board retains and strengthens its authority to review completed investigations for accuracy, completeness, and impartiality, and to issue findings that may include non-concurrence, identification of investigative deficiencies, or recommendations for systemic change. The Director's monitoring authority is newly codified in detail, including observation of

internal affairs interviews, review of investigative plans and evidence, and post-interview feedback.

- *From hearings on individual complaints to hearings on policy, practice, and systemic concerns.* The revised ordinance refocuses Board hearings on examining department policies, practices, procedures, audit findings, and patterns of concern, rather than adjudicating individual complaints. This aligns hearing practice with the Board's capacity as a volunteer body and produces systemic accountability outputs that apply across the department.
- *From case-specific disciplinary recommendations to disciplinary policy review.* The Board's authority to recommend discipline in individual cases is replaced with authority to render opinions on the appropriateness of discipline imposed by the Chief of Police and to recommend changes to the department's disciplinary matrix. This reorientation addresses practical barriers, including compressed disciplinary timelines, the exclusion of Board recommendations from grievance proceedings under the CPD Collective Bargaining Agreement, and confidentiality constraints on individual personnel matters. The revision allows the Board to produce recommendations with broader and more durable impact.

The revision also introduces substantive new provisions that build out the Board's monitoring, audit, and review authority as the operational core of its work. These include a formal audit process with required audit plans, department cooperation standards, and public audit reports; codification of information-access procedures previously governed by a separate Standard Operating Procedure and Memorandum of Understanding; detailed procedures for Board reviews and findings; a consolidated public reporting framework; a restructured complaint intake process that informs complainants of all available resolution paths without discouraging formal complaints; and an expanded commendation authority grounded in specified criteria tied to de-escalation, community trust-building, internal accountability, and critical incident performance.

Financial Impact

The proposed ordinance revisions carry no financial impact. No new appropriation is required, and the revisions are implementable within the existing budget of the Office of Police Civilian Oversight.

Recommendation

This joint work session is informational and discussion-based. Staff recommends that Council receive the presentation, engage in dialogue with PCOB members regarding the proposed direction, and provide feedback to inform subsequent refinement of the draft ordinance prior to any future formal action. *Note:* The proposed revisions are in the process of legal review by the City Attorney's Office and the PCOB's Independent Counsel.

Recommended Motion (if Applicable)

Not applicable at this time.

Attachments

1. PCOB Proposed Ordinance Revisions [Presentation]
2. PCOB Proposed Ordinance Revisions [Comparison Table]