

PCOB Ordinance Revision Comparison Table

Updated May 1, 2026

Includes Appendices A–C with Detailed Reasoning on Core Model Revisions

Green rows = New sections or subsections | Pink rows = Struck or relocated sections | Blue rows = High impact sections

Original Section	New Section	New Title	Summary of Change	Reasoning
450	450	Title	No change.	N/A
(New Section)	451	Definitions	Add and consolidate defined terms: (a) authorized purpose, (b) closure letter, (c) complainant, (d) complaint, (e) hearing, (f) in writing, (g) personal information, (h) records, (i) references, (j) securely retained, and (k) serious abuse of authority or misconduct (relocated from former 453(c)).	Added for organization, clarity, and to consolidate definitions throughout the ordinance into a single location. Some definitions brought over from consolidation of the SOP and MOU. Definitions (b), (c), (d), and (j) are new to the ordinance.
451	452	Police civilian oversight board established	Section renumbered. Strike 'the board' and 'within' → 'in'. Strike and replace 'by' → 'in'.	Reference to 'the board' moved to Sec. 2-451. Revision made for internal consistency.
452	453	Office of police civilian oversight established	Section renumbered. No other change.	N/A
452(a)	453(a)	Office established	Strike 'the office' and 'the department'. Capitalize "City Manager's Office". Strike and replace 'functions' → 'purpose'. Strike 'within' → 'in'.	Reference to 'the office' and 'the department' moved to Sec 2-451. Revision made for internal consistency.
452(b)	453(b)	Director	Strike and replace 'will' → 'shall'.	Revision made for internal consistency.
452(b)(1)	453(b)(1)	Director — Appointment	No change.	N/A
452(b)(2)	453(b)(2)	Director — Interview process	Strike 'director'.	Revision made to improve grammar. Struck language implied by subsection (b) title.
452(c)	453(c)	Duties of the city manager	No change.	N/A
452(c)(1)	453(c)(1)	Duties of the city manager — Operating procedures	Strike and replace consultation clause to separate into its own sentence and expand application to both establishment and amendment of procedures, and to apply to both city council and city manager actions.	Revision made to improve clarity and grammar. Ensures the consultation obligation clearly applies to all scenarios.
452(c)(2-3)	453(c)(2-3)	Duties of the city manager — Supervision; Vacancy	No change.	N/A
452(d)	453(d)	Duties of the director	No change.	N/A

Original Section	New Section	New Title	Summary of Change	Reasoning
452(d)(1)	453(d)(1)	Duties of the director — Duties	No change.	N/A
452(d)(2)	453(d)(2)	Duties of the director — Director's authority to conduct audits	Add cross-reference 'as provided in Sec. 2-463 of this article, including'. Strike and replace 'powers and duties of the board ... in this' → '... purpose of the board' and 'will' → 'shall'.	Added cross-reference ties audit authority to new dedicated audit section. Revision made for internal consistency.
452(d)(3)	453(d)(3)	Duties of the director — Director's authority to engage in oversight activities on behalf of the board	Add cross-reference 'as provided in Sec. 2-462'. Strike and replace 'powers and duties of the board ... in this article' → '... purpose of the board' and 'lawful' → 'authorized'. Strike 'outlined ... § 2-454 of'.	Added cross-reference ties oversight authority to new dedicated monitoring section. Revision made for internal consistency. Removal of specific section reference replaced with general article reference.
453	454	Powers and duties of the police civilian oversight board	Section renumbered. No other change.	N/A
453(a)	454(a)	Purpose	Rewrite. Broad trust-based purpose replaced with community focused mission language: transparency, accountability, monitoring, audit, review, with issuance of public reports on recommendations and best practices.	Rewrite based on significant Board member discussion. The existing purpose statement is general, not focused on mission objectives for the Board, and emphasized an ideal outcome rather than actionable implementation of oversight. Moves community focus to the top.
453(b)	454(b)	Powers and duties	No change.	N/A
453(b)(1)	454(b)(1)	Powers and duties (receive complaints)	Strike ', investigate and issue findings on'. Add refer-and-monitor model language.	[See Appendix A for more detailed reasoning] Revision made to remove independent investigation model language and add monitoring model component. Independent investigations are not feasible for a range of reasons, including: (1) no ability to compel officer testimony; (2) resource and staffing constraints; (3) procedures of investigations defined in VA Code, CPD General Orders, and the CPD Collective Bargaining Agreement; (4) lack of a relevant binding outcome making an independent investigation ineffective as an oversight tool.
453(b)(2)	454(b)(2)	Powers and duties (review and issue findings on incidents)	Strike and replace 'investigate' → 'review' and 'section' → 'article'. Add 'department'.	Revision made to remove independent investigation model language and add review model component.
453(b)(3)	— (Struck)	Powers and duties (recommend disciplinary action)	Strike entirely. Replace with new Sec. 2-466(d) outcome-based disciplinary application assessment and policy recommendations.	[See Appendix B for more detailed reasoning] Strike made to remove specific disciplinary recommendations regarding the misconduct of a Department employee, which is not viable for reasons detailed in struck section 2-463 below.

Original Section	New Section	New Title	Summary of Change	Reasoning
453(b)(4)	454(b)(3)	Powers and duties (review policies, practices, procedures)	Subsection renumbered. Strike and replace 'investigate' → 'review'. Add ','.	Revision made to align language to review model component. Added ',' for internal consistency of grammar.
453(b)(5)	454(b)(4)	Powers and duties (review department investigations)	Subsection renumbered. No change.	N/A
453(b)(6)	454(b)(5)	Powers and duties (review annual expenditure reports)	Strike and replace 'request' → 'review'.	Revision made to align language to review model component.
453(b)(7)	454(b)(6)	Powers and duties (make public reports)	Strike and replace 'investigations' → 'reviews'.	Revision made to align language to review model component.
453(b)(8)	454(b)(7)	Powers and duties (hold hearings and subpoena authority)	Add 'with the exception of employees of the department' re: compelled attendance. Add 'records or' in two instances.	[See Appendix C for more detailed reasoning] Addition made to align language to review model component and clarify subpoenas. Using the subpoena power to compel testimony or statements from department employees is not viable for two reasons: (1) inherent conflict between the Board's ability to compel Department employees and the Board's ability to adhere to and provide protections guaranteed to law enforcement personnel under CPD General Orders, the CPD Collective Bargaining Agreement, and VA Code; (2) under a review model, this function would be generally irrelevant as disciplinary action would have already been taken, if any.
453(b)(9)	454(b)(8)	Powers and duties (undertake other duties)	Strike 'for'. Add clause authorizing delegation of admin support, monitoring, auditing to the office.	Revision made to clarify the role of the Office and Director to act on the Board's behalf to conduct monitoring, auditing, and other oversight functions authorized by the Board's powers and duties. Specifies the Office's authority as a support and advise function for the Board.
453(c)	— (Relocated)	Definition of serious abuse of authority or misconduct	Strike entirely. Relocate to new Sec. 2-451(k).	Strike and relocate made to consolidate internal definitions.
455	455	Board membership, appointment, and terms	Add ','.	Addition made for internal consistency of grammar.
455(a)	455(a)	Objectivity	Rewrite. Reframed as appointment directive to council.	Rewrite made to convert non-operative statement of importance into an operative appointment standard, tying objectivity directly to the council's selection duty under this

Original Section	New Section	New Title	Summary of Change	Reasoning
				section. Also aligns to internal consistency of grammar.
455(b)	455(b)	Appointment process	Add 'city' and 'the city'. Add 30-day minimum application window. Strike and revise 'will' → 'shall' and 'and' → 'or'. Strike 'fair-minded and objective'.	Additions and revision made for internal consistency. Added the thirty-day application window as a response to prior inconsistencies. In summer 2025, an application window for PCOB appointments, from the time of public notice to the time of application closure, was less than two weeks. Strike made to fair and objective language as redundant to (a). The 'and' to 'or' revision is intended to clarify an applicant does not need all listed experience.
455(c)	455(c)	Board composition	Strike 'as'. Add language of conduct and board's operating procedures.	Strike made for internal consistency of grammar. Addition made to clarify where the code of ethics resides and shifts removal-for-cause framing from exhaustive ('as specified in') to illustrative ('including conduct specified in'), consistent with the existing catch-all 'other good cause' provision.
455(c)(1)	— (Struck)	Board composition (public housing or disadvantaged community seats)	Strike entirely.	Strike made for legal concern of limiting criteria.
455(c)(2)	— (Struck)	Board composition (racial or social justice seat)	Strike entirely.	Strike made for legal concern of limiting criteria.
455(c)(3)	455(c)(2)	Board composition (non-voting member with policing expertise)	Subsection renumbered. Moved from (3) to (2). No change.	N/A
455(c)(4)	455(c)(1)	Board composition (residency or employment requirement)	Subsection renumbered. Moved to (1). Rewrite: City or Albemarle County resident priority; Albemarle must be employed in or tied to city. Priority first given to city residents. Add exception for VA residents if insufficient eligible applicants after public application process.	Rewrite based on significant Board member discussion. Rewrite made to clarify priority of member appointment. Resolves a concern about priority level but ultimately does not change the impact on eligibility.
455(c)(5)	455(c)(3)	Board composition (disqualifying affiliations)	Moved from (5) to (3). Minor edits: 'council' changed to 'the city council' (2 instances); 'will' changed to 'shall.'	Grammatical and terminology consistency.
455(d)	455(d)	Terms	Revised. 3-year terms → 2-year terms. Transition clause for current members. Prospective application of composition requirements, term length, and term limit.	Term lengths have often been cited by Board members as too long. Decreases length and increases number of terms possible (4). Does not affect current member term.
455(e)	455(e)	Conflicts of interest	No change.	N/A
456	456	Meetings	No change to entire section.	N/A

Original Section	New Section	New Title	Summary of Change	Reasoning
457	457	Board legal counsel	Strike and replace investigation-oriented language ('cases, hearings, controversies') with framing that describes the board's oversight powers and duties. Also simplifies the conflict-of-interest exception.	Revision made to reframe counsel's role around the board's oversight powers and duties, retaining a catchall for other matters involving the board's interests. The closing exception is clarified.
454	458	Information access and limitations	Section renumbered. No other change.	N/A
454(a)	458(a)	Access to department information	Rewrite. Strike SOP mandate and replace with SOP language in ordinance throughout section (see below). Add 'subject to narrow limitations' framing; 'authorized powers and responsibilities' → 'authorized purpose.' Clarify confidentiality provisions found in 'this article' and 'operating procedures.'	Rewrite and revision made to remove language related to the establishment of a Standard Operating Procedure (SOP) governing access to Department information as the language of the SOP has been consolidated into the ordinance itself. Additional revisions made for internal consistency.
(New)	458(b)	Records to be routinely provided	Add from SOP. Department must provide four record types to Director within 5 days: contact letter, closure letter, 4 th Amendment Auditor report, monthly IA report.	Additions made to consolidate existing SOP with the Department into ordinance. Defines how information access is provided, allowing for the agreement to become solidified into city code, rather than an extension of it. Creates a more robust framework to support the monitor, audit, review model of oversight beyond the current Chief of Police and Department culture, which provides broad access as a current practice.
(New)	458(c)	Requests for department records	Add from SOP and new language to support monitor, audit, review model. Formal written notification process for IA reviews, policy reviews, and audits.	
(New)	458(d)	Delivery of records	Add from SOP. Include 5-day delivery; alternative timelines by agreement; vacancy provisions; dept. liaison.	
(New)	458(e)	Format of department records	Add from SOP and new language to support monitor, audit, review model. BWC and dashcam access rules; originals or exact copies; secure retention, return, destruction.	
454(b)	458(f)	Dept. info. to which the board may not have access	Subsection renumbered. Strike (b)(1) juvenile records. Revise capitalization in (f)(2) to 'Commonwealth's Attorney'. Strike in (f)(4): '(1) through (C)(6)'. Strike in (f)(5) 'police'.	Strike to (f)(1) made to align with HB1476 signed by the Governor on April 13, 2026 which now allows oversight boards like the PCOB to obtain access to juvenile records as needed for its authorized purpose. Strike in (f)(4) to align with current VA Code. Revise and strike in (f)(2) and (f)(5) for internal consistency and grammar.
454(c)	458(g)	Disputes over access	Subsection renumbered. Strike 'pursuant to section 2-459'. Add director-chief consultation, city manager informal hearing, 3-day written ruling.	Addition provides process clarity from the SOP to situations in which there is a dispute over access to Department information.
454(d)	458(h)	Confidentiality	Subsection renumbered. Adds 'personal information' to scope. Subpoints unchanged. Closing paragraph strike and revise 'relevant board procedures' → 'this article.'	Add and revision made to clarify FOIA limitation and for internal consistency.

Original Section	New Section	New Title	Summary of Change	Reasoning
(New)	458(i)	Protocols to prevent improper dissemination	Add from SOP. Four-part: unauthorized use prohibition; security measures; limited exceptions (prior disclosure, employee consent); anonymization.	Additions made to consolidate existing SOP with the Department into ordinance.
454(e)	458(j)	Records to remain department records	Subsection renumbered. Strike 'of police'; 'the' → 'department'; 'standard'. Add from SOP the FOIA response provision requiring exemption claims.	Revision made for internal consistency. Additions made to consolidate existing SOP with the Department into ordinance.
458	459	Exclusions, limitations, and suspension	Section renumbered. Strike 'Investigation e'.	Revision made to align to monitor, audit, review model of oversight.
458(a)	459(a)	Compliance	Strike and revise of investigation language and replace with general oversight language. Strike and revise article and operating procedures reference.	Revision made to align to monitor, audit, review model of oversight and for internal consistency.
458(b)	459(b)	Compelled statements	Strike ', other than by means of its subpoena powers'.	[See Appendix C for more detailed reasoning] Strike made to remove the subpoena power specifically for compelling officer testimony, which was an existing contradiction in the hearings section. Officer testimony cannot be compelled for many of the same reasons independent investigations are not feasible. Primarily, however, neither the Board nor Office can extend civil and criminal liability protections guaranteed to officers when giving a compelled statement afforded to them as part of administrative investigations.
458(c)	459(c)	Exclusions	Subsections renumbered. Strike (c)(2) 75-day bar and (c)(6) prior investigation bar. Add potential violations not listed in policy as stated in CPD GO.320.7.	Revision made to align to monitor, audit, review model of oversight. Modified the limitation of violations of policy to adopt CPD language, which could include other violations not listed.
458(d)	459(d)	Exceptions to time limits	Strike reference to (c)(2). Add 'and incidents' after 'investigations.' Revise audit reference from 'subsection 2-452(d)' to 'Sec. 2-463'.	Revision made to address item no longer relevant as original reference language was also struck above. Addition of 'incidents' aligns with review model scope. Audit cross-reference updated to new dedicated section.
458(e)	459(e)	Suspension of oversight activity	Strike 'investigations' → 'powers and duties' or 'oversight activity.' Add 'director.' Strike subpoints (1)–(2) and consolidated into single provision.	Revision made to align to monitor, audit, review model of oversight.
459	460	Subpoenas	Section renumbered. No other change.	N/A
459(a)	460(a)	Application for subpoenas	Add 'to a public hearing held in accordance with Sec. 2-466(f) of this article'. Revise 'other evidence' → 'other records or evidence.'	Revision made to tie subpoena authority for witness attendance to the new hearing framework. 'Records or evidence' aligns terminology throughout the ordinance.

Original Section	New Section	New Title	Summary of Change	Reasoning
459(b)	460(b)	Requests for access	Add language that subpoena power cannot compel Department employee attendance or statements. Strike 'witness' references.	[See Appendix C for more detailed reasoning] Revision made to clarify the subpoena power to eliminate compelling officer testimony detailed above and in the appendix.
459(c)	460(c)	Scope of subpoenas	Strike 'witnesses' references. Revised 'other evidence' → 'other records or evidence.'	Revision made to align subpoena scope to model consistency above; witness compulsion addressed separately in 460(a) and limited to non-department witnesses at public hearings.
459(d)	460(d)	Retention of subpoena records	Rewrite. Strike original provisions for digital recording of interviews and depositions, delegation of subpoena authority to director, and non-public forum requirements. Add streamlined provision: if subpoena compels production of records, the board shall make and share copies with the department.	Revision made to resolve original language tied to independent investigation model and compelled testimony framework. Now aligns with review model where subpoena authority is focused on records production.
(New Section)	460(e)	Conduct of compelled attendance by witnesses	Add three provisions for subpoenaed witness attendance at public hearings: (1) subpoena must include statement that testimony is under oath and witness has right to attorney; (2) failure to comply subjects witness to contempt; witness may petition to quash; (3) board may petition Circuit Court for enforcement.	Addition made to establish procedural safeguards and enforcement mechanisms for the board's subpoena authority over non-department witnesses at public hearings.
(New Section)	461	Intake and referrals	Add comprehensive intake process with six categories: (1) complaint referral with monitoring and complainant updates; (2) review requests of concluded IA investigations; (3) non-department/other jurisdiction referrals; (4) inquiry, recommendation, and comment responses; (5) compliment and commendation routing; (6) out-of-scope referrals.	Addition made to clarify the role of the Office regarding the intake and referral of complaints or other submissions both within and outside of the Board's jurisdiction and authority.
460	462	Conduct of department monitoring	Section renumbered. Strike 'investigations' → 'department monitoring'.	Revision made to align to monitor, audit, review model of oversight.
460(a)	462(a)	Referral of complaints	Retitle. Strike redundant case closure letter sentence. Strike and revise 'will' → 'shall'.	Revision made to align to monitor, audit, review model of oversight. Strike of second sentence due to redundancy with other content in the ordinance. Revision made for internal consistency.
460(b)	462(b)	Monitoring of investigations and incidents	Retitle. Add 'and incidents'. Monitoring items broken into (1)–(6). Strike Director feedback provisions. Strike and revise 'section' → 'article' and 'board, any board member'.	Revision made due to model application consistency and legal conflict of compelling testimony. The role of feedback is altered to a retrospective action addressed later but removed in this context because internal affairs cannot act as an agent of the PCOB or Office during the investigation itself. The ability to provide feedback is retained at a later step in the review process and no longer resides in the monitoring phase. Revision to last line because

Original Section	New Section	New Title	Summary of Change	Reasoning
				it is inconsistent with the authorized role of the Board.
(New)	462(c)	Observation of internal affairs interviews	Add from consolidated MOU. 5-part: IA notification; 24-hr notice; director notice of intent; observation logistics; post-interview feedback (non-binding).	Addition made to consolidate language from the Memorandum of Understanding (MOU) which was an offshoot policy derived from the SOP. This provides a more robust and clearer ordinance and removes the need for secondary and tertiary policies.
460(c)	— (Struck)	Investigative reports	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
(New)	462(d)	General oversight of department operations	Add director observation of meetings, briefings, UoF panels, hiring, training, data, policies. Add notice requirements, observational/advisory limits, and dispute resolution.	Revision made to clarify aspects of the monitoring role of the PCOB Office and Director, which had already been implied in the ordinance when the Director acts on behalf of the Board, but creates more robust language defining the scope of that authority.
460(d)	— (Struck)	Conduct of incident investigations	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
460(e)	— (Struck)	Duration of investigations	Strike entirely.	Revision made to align to monitor, audit, review model of oversight.
(New Section)	463	Conduct of department audits	Add (a) purpose/scope; (b) initiation; (c) audit plan; (d) dept. cooperation; (e) audit report with 4 required elements.	Addition made to clarify aspects of the auditing role of the PCOB Office and Director, which had already been implied in the ordinance when the Director acts on behalf of the Board, but create more robust language defining the scope of that authority.
(New Section)	464	Conduct of board reviews	Add (a) purpose; (b) matters subject to review; (c) information provided to the board; (d) evaluation and deliberation; (e) standard of review; (f) department participation; (g) public participation; (h) procedures.	Addition made to clarify the review authority of the Board. The existing ordinance lacked a formal delineation of the board's review authority and how it is conducted at a broad level. With emphasis on a review model, this newly added section is critical to define the scope, authority, and conduct of a board review.
461	— (Struck)	Matters on which the board may conduct hearings	Strike entirely. Hearing authority reconceived in new Sec. 2-466(f).	Strike made to consolidate remaining aspects of hearings to newly created Sec. 2-466. See below for further details to amended content.
464	— (Struck)	Board review of policies, practices, procedures	Strike entirely. Review authority reconceived in new Sec. 2-464. Conduct of board reviews.	Strike made to remove redundant and unnecessary language; replaced under newly created sections detailing the conduct of review and reporting.

Original Section	New Section	New Title	Summary of Change	Reasoning
465	465	Annual review of police budget and expenditures	Revise title only: 'Request annual reports' → 'Annual review of police budget and expenditures.' No content change.	Aligns title to review model language.
(New Section)	466	Findings, determinations, recommendations, and public reporting	Add to replace aspects of old Secs. 2-461 & 2-463. Eleven subsections: (a) outcomes framework; (b) internal affairs outcomes; (c) incident outcomes; (d) disciplinary policy outcomes; (e) audit and policy outcomes; (f) hearings; (g) department response; (h) follow-up monitoring; (i) public reporting; (j) annual report; (k) legislative recommendations.	Addition made to clarify the outcomes and public reporting of the Board and Office. The existing ordinance lacked a formal delineation of the outcomes available to the board and the reporting of such outcomes to various stakeholders. This section is added to consolidate existing language which contains this content and add a more robust framework to it for clarity of the Board's role in making findings, determinations, and recommendations. Also clarifies public reporting authority.
462	467	Alternative resolution	Section renumbered. No other changes.	N/A
462(a)	467(a)	Informal resolution	Rewrite. New early resolution: info, education, referral before formal investigation. Right to formal complaint preserved.	Rewrite made to replace existing content to allow for more realistic options for alternative resolution and moved voluntary mediation to next section.
462(b)	467(b)	Mediation and alternative dispute resolution	Rewrite. Limited to informing complainant of dept. programs. Voluntary. Non-participation protections.	Rewrite made to resolve conflict that mediation cannot be compelled by the Board, but rather an offering of CPD, if available, to which the Board or Director can refer a complainant. The Board can recommend and advocate for such a program but not compel it. Aligns language to this scope of authority.
463	— (Struck)	Disciplinary recommendations	Strike entirely. Replaced by new Sec. 2-466(d).	[See Appendix B for more detailed reasoning] Strike made to resolve existing conflict. Case-specific disciplinary recommendations are not feasible for two reasons: (1) timeline of when a case is closed and when discipline is determined by the Chief is unrealistic for the Board to meet on such short notice (by CPD policy and collective bargaining); and (2) Sec. 29.8(G) of the CPD Collective Bargaining Agreement removes Board recommendations from any appeal or grievance proceeding, limiting the role of Board input, especially in high-profile cases, and creating an appeal incentive. The replacement for this is instead focused on: (1) the application of discipline by the Chief; and (2) the Disciplinary Matrix within CPD General Orders. This has been moved to the newly created public reporting section.

Original Section	New Section	New Title	Summary of Change	Reasoning
466	468	Community engagement	Section renumbered. Title change: Strike 'legislative recommendations and reporting' and strike section (b) 'Legislative recommendations' → 2-466(k); strike (c) 'Reporting' → Sec. 2-466(j).	Revision and strike made to consolidate all reporting to one section, including annual reporting previously in this section and legislative recommendations as a product of the Board to Sec. 2-466.
467	469	Board member training	Section renumbered. No other change.	N/A
467(a)	469(a)	NACOLE training	Strike ','.	Strike made for grammatical accuracy.
467(b)	469(b)	City and department training	Strike and revise title 'City and CPD training' → 'City and department training.' Rewrite subsection (b)(2) 'Explaining police department procedures, policies, and regulations' changed to 'Explaining department policies, practices, and procedures.' Add comma.	Revision made to align terminology: 'CPD' replaced with 'department' for consistency; 'regulations' replaced with 'procedures' to match ordinance terminology throughout. 'Practices' added.
467(c)	469(c)	Additional training	No change.	N/A
468	470	Commendations for exceptional community service	Section renumbered. Rewrite all subsections: (a) purpose; (b) 5 bases for commendation; (c) 3 info sources; (d) verification/issuance procedures.	Rewrite made to clarify what constitutes a commendation and how the Board is to arrive at that conclusion.
469–2-479	471–2-479	Reserved	Renumbered.	N/A

Appendix A: Independent Investigations

Overview

The existing ordinance authorizes the Board to “receive, investigate, and issue findings on complaints” and to “investigate and issue findings on incidents.” The revised ordinance replaces this independent investigation authority with a receive-and-refer model in which complaints are routed to the Charlottesville Police Department (CPD) for internal affairs investigation, with concurrent monitoring by the Office of Police Civilian Oversight. The Board retains the authority to review completed investigations and to issue findings regarding their accuracy, completeness, and impartiality. This appendix sets forth the legal, operational, and structural reasons for this change.

1. Inability to Compel Officer Testimony

The most fundamental barrier to independent investigations is the Board’s inability to compel statements from officers of the Department. Under the current ordinance, Section 2-458(b) (renumbered 2-459(b)) expressly states that the Board may not compel a statement from any department employee. The revised ordinance strengthens this limitation by removing the prior qualifier “other than by means of its subpoena powers,” which created an internal contradiction with the practical and legal constraints on subpoena authority discussed in Appendix C.

Without compelled testimony, any independent investigation conducted by the Board would be structurally incomplete. Officers are under no obligation to participate voluntarily, and the practical likelihood of voluntary cooperation is low given the protections afforded to officers under both the Charlottesville Police Department Collective Bargaining Agreement and the Law-Enforcement Officers Procedural Guarantee Act (Virginia Code §§ 9.1-500 et seq.). An investigation that cannot obtain statements from the officers whose conduct is at issue cannot produce findings sufficient to support disciplinary action or to provide meaningful accountability.

2. Conflict with Existing Investigative Frameworks

Administrative investigations of law enforcement officer conduct are governed by multiple overlapping frameworks that define the scope, process, and protections applicable to such investigations. These include:

Virginia Code §§ 9.1-500 through 9.1-507 (Law-Enforcement Officers Procedural Guarantee Act): This chapter establishes procedural requirements for investigations that could lead to dismissal, demotion, suspension, or transfer for punitive reasons. Section 9.1-501 requires that questioning occur at a reasonable time and place, that the officer be informed of the investigating officer's identity and the nature of the investigation, and prescribes procedures for specimen collection. Section 9.1-502 requires written notice of charges and an opportunity to respond before any adverse action may be imposed. While there is an exception for law-enforcement oversight boards in Section 9.1-507(B), due to the obligations of Article Four of the CPD Collective Bargaining Agreement, independent investigation by the Board would need to comply with these procedural requirements to produce findings actionable for discipline, but the Board lacks the institutional framework to do so and lacks binding disciplinary authority.

Garrity v. New Jersey, 385 U.S. 493 (1967): Under *Garrity*, statements compelled from public employees during administrative investigations cannot be used against them in criminal proceedings. The Department's internal affairs process is structured to provide these protections as part of its administrative investigation framework. The Board has no authority to extend *Garrity* protections, meaning that any statement an officer provides to the Board, even if obtained through subpoena, could lack the evidentiary protections that would otherwise apply in an internal affairs investigation, creating both legal risk for the officer and procedural vulnerability for any resulting disciplinary action.

CPD General Orders and Collective Bargaining Agreement: The CPD's internal affairs procedures, codified in its General Orders, define the investigative process for complaints of officer misconduct. The Collective Bargaining Agreement further defines the procedural rights of officers during investigations and the disciplinary process. An independent investigation by the Board would operate outside both of these frameworks, and its findings would lack standing in any subsequent disciplinary or grievance proceeding.

3. Resource and Structural Constraints

The Board is a volunteer body that meets on a periodic basis. The existing ordinance required investigations to be completed within seventy-five days of receipt of a complaint or notice of an incident. Conducting a thorough administrative investigation within this timeline requires full-time investigative staff, access to forensic and evidentiary resources, and the capacity to schedule and conduct witness interviews on short notice. The Office of Police Civilian Oversight, while providing professional staff support to the Board, is not resourced or structured to serve as an independent investigative agency. Directing limited staff resources toward duplicative investigations that cannot produce binding outcomes diverts those resources from monitoring, auditing, and review functions that can produce systemic improvements.

4. Absence of a Binding Outcome

Even if the Board could overcome the testimony, procedural, and resource barriers described above, the findings of an independent investigation would remain advisory. Virginia Code § 9.1-601(C)(3) authorizes civilian oversight bodies to make "binding disciplinary determinations" only "concordant with any investigation conducted" and "after consultation with such officer's or employee's direct supervisor or commander." While the statute authorizes this possibility, the operational and legal constraints specific to Charlottesville, including the Collective Bargaining Agreement and the exclusive disciplinary authority of the Chief of Police, make binding determinations impracticable in practice. Section 29.8(G) of the Collective Bargaining Agreement excludes Board findings and recommendations from any grievance or dispute proceeding, further severing independent investigation findings from the disciplinary process.

5. The Review Model as a More Effective Alternative

The revised ordinance replaces independent investigations with a structured review model that leverages the Board's institutional strengths: the ability to evaluate completed investigations for thoroughness, accuracy, and impartiality; the authority to conduct audits of patterns in complaints, use of force, and other police-community interactions; and the capacity to issue public findings and recommendations that address systemic issues rather than

individual case outcomes. This model is consistent with the approach taken by several Virginia comparator jurisdictions, including Fairfax County, whose Police Civilian Review Panel reviews completed internal administrative investigations rather than conducting independent ones.

Appendix B: Disciplinary Recommendations

Overview

The existing ordinance, at Section 2-463, authorized the Board to make case-specific disciplinary recommendations regarding individual department employees following a finding of misconduct. The revised ordinance strikes this section and replaces it with a disciplinary policy outcome framework in new Section 2-466(d), which authorizes the Board to issue recommendations regarding the application of discipline by the Chief of Police and the adequacy of the Department's Disciplinary Matrix within its General Orders. This appendix sets forth the reasons for this shift from case-specific to policy-level disciplinary recommendations.

1. Exclusive Disciplinary Authority of the Chief of Police

Under Virginia law and the City of Charlottesville's municipal structure, the Chief of Police holds exclusive authority to impose discipline on department employees. Virginia Code § 15.2-1722 charges the chief of police with maintaining records related to law enforcement activity, and the Chief's disciplinary authority derives from the broader delegation of police management authority under the city's charter and municipal code. The Board's recommendations are, by their nature, advisory. The existing ordinance acknowledged this reality at Section 2-463(b), which required the Chief to provide a written explanation if declining to implement the Board's disciplinary recommendations. However, the advisory nature of these recommendations means that the process of formulating case-specific recommendations consumes significant Board time and resources for outcomes that the Chief may decline to implement without further recourse.

2. Collective Bargaining Agreement Limitations

The CPD operates under a Collective Bargaining Agreement (CBA) with its officers. Section 29.8(G) of the CBA explicitly excludes Board findings and recommendations from any appeal or grievance proceeding. This provision has two significant consequences for case-specific disciplinary recommendations:

First, it eliminates any practical weight the Board's recommendations might carry in the disciplinary process. If an officer grieves a disciplinary action, the Board's recommendation that discipline be imposed cannot be cited, referenced, or relied upon in the grievance proceeding. This creates a structural asymmetry: the Board's recommendation may prompt the Chief to impose discipline, but the recommendation itself is inadmissible in any subsequent challenge to that discipline.

Second, the exclusion creates a perverse incentive in high-profile cases. Where the Board has publicly recommended discipline, an officer may be more likely to grieve the resulting disciplinary action precisely because the Board's recommendation, which may have generated public pressure for discipline, cannot be introduced in the grievance proceeding, potentially weakening the Department's position.

3. Timeline and Operational Infeasibility

Under CPD General Orders and the Collective Bargaining Agreement, the disciplinary process operates on defined timelines following the completion of an internal affairs investigation. The Chief must make a disciplinary determination within a prescribed window from the time the complaint was received and an investigation started. The Board, as a volunteer body that meets periodically, cannot reliably convene, review an investigative file, deliberate, and issue a case-specific recommendation within the operational timelines required by the Department's disciplinary process. The existing ordinance's requirement that the Board provide notice to the subject employee and offer an opportunity to be heard prior to deliberation further extends the timeline.

In practice, this means the Board's recommendation would frequently arrive after the Chief has already made a disciplinary determination, rendering the recommendation moot.

4. Confidentiality Constraints on Public Accountability

Case-specific disciplinary recommendations necessarily involve identifiable employee personnel matters. Virginia Code §§ 2.2-3705.1 and 2.2-3711(A)(1) provide exemptions from public disclosure for personnel records and authorize closed sessions for discussion of specific employees' performance, but there is legal ambiguity as to whether the Board can claim this exemption without having authority over personnel decisions for Department employees. While the existing ordinance required the Board to protect personnel information against public disclosure, this requirement is in tension with the Board's core transparency function. A case-specific disciplinary recommendation that must be discussed in closed session, if allowed by law, and reported in a manner that protects employee identity provides limited public accountability value compared to a policy-level recommendation that can be fully discussed, deliberated, and reported in public.

5. The Policy-Level Alternative

The revised ordinance's approach in new Section 2-466(d) refocuses disciplinary recommendations at the policy level. Rather than recommending specific discipline for individual officers, the Board may evaluate whether discipline imposed by the Chief in a given case was consistent with the Department's Disciplinary Matrix and General Orders, and may issue recommendations regarding the adequacy and consistency of the Disciplinary Matrix itself. This approach offers several advantages:

It applies across the Department rather than to a single case, producing systemic accountability improvements. It can be conducted and reported publicly without the confidentiality constraints that attend individual personnel matters. It does not depend on meeting the compressed timelines of the case-specific disciplinary process. And its recommendations address the standards and policies that govern all future disciplinary decisions, rather than a single past decision that may already be the subject of grievance proceedings from which the Board's input is excluded.

This approach is consistent with the direction taken by comparator jurisdictions. Fairfax County's Police Civilian Review Panel does not make case-specific disciplinary recommendations; it reviews completed investigations and recommends policy changes. Arlington County's ordinance conditions disciplinary recommendations on legislative change empowering the Board to meet in closed session to discuss investigative and personnel records (Arlington County Code § 69-9(c)(vii)), effectively deferring this function pending future enabling authority provided by amended Virginia Code.

Appendix C: Subpoenas

Overview

The existing ordinance grants the Board subpoena authority pursuant to Virginia Code § 9.1-601(D), which authorizes civilian oversight bodies to apply to the circuit court for subpoenas compelling the attendance of witnesses and the production of documents after making a good faith effort to obtain voluntary cooperation. The revised ordinance retains this subpoena authority but narrows its application to exclude the compelled attendance or testimony of employees of the Department. This appendix sets forth the reasons for this limitation.

1. Conflict with Officer Procedural Protections

Using the subpoena power to compel testimony from department employees creates an inherent conflict with the procedural protections guaranteed to law enforcement officers under multiple overlapping legal frameworks:

Law-Enforcement Officers Procedural Guarantee Act (Virginia Code §§ 9.1-500 et seq.): The Act establishes specific procedural requirements for investigations of officer conduct that may lead to adverse employment actions. Section 9.1-501 prescribes the conditions under which an officer may be

questioned, including requirements regarding the time, place, and manner of questioning, and the officer's right to be informed of the investigating officer's identity and the nature of the investigation. Section 9.1-502 requires written notice of charges and an opportunity to respond before any discipline may be imposed. A Board subpoena compelling officer testimony operates outside this procedural framework. Officer statements obtained through Board subpoena, rather than through the Department's internal affairs process, would not carry the procedural protections that the Act requires for statements to be used in disciplinary proceedings.

***Garrity v. New Jersey*, 385 U.S. 493 (1967):** As discussed in Appendix A, the *Garrity* doctrine protects public employees from the use of compelled administrative statements in criminal proceedings. The Department's internal affairs process is structured to provide these protections. The Board lacks the institutional authority to extend *Garrity* protections to officers compelled to testify before it. An officer subpoenaed by the Board faces a dilemma: testimony given under subpoena may not carry *Garrity* protection, potentially exposing the officer to criminal liability based on compelled statements. This creates both a legal risk for the officer and a due process vulnerability that could undermine any subsequent disciplinary or legal proceeding.

CPD Collective Bargaining Agreement: The Collective Bargaining Agreement defines the procedural rights of officers during administrative investigations, including the right to representation, advance notice requirements, and limitations on the scope and manner of questioning. Board subpoenas directed at department employees would operate outside the CBA framework, creating a parallel process that does not afford officers the contractual protections negotiated through collective bargaining, which includes a provision in Article Four guaranteeing adherence to the forementioned Law-Enforcement Officers Procedural Guarantee Act, regardless of the exception for oversight bodies which exists in the Act.

2. Functional Irrelevance Under a Review Model

Under the revised ordinance's review model, the Board's primary function with respect to individual complaints and incidents is to review completed internal affairs investigations for accuracy, completeness, and impartiality. By the time a matter reaches the Board for review, the Department's investigation has concluded and disciplinary action, if any, has been determined by the Chief of Police. In this posture, compelling officer testimony serves limited purpose: the relevant officer statements have already been obtained through the internal affairs process under appropriate procedural protections, and those statements are available to the Board as part of the investigative file, subject to the confidentiality provisions of the ordinance.

The Board's subpoena authority remains available for its intended and effective purpose: compelling the attendance of non-department witnesses and the production of documents from third parties that the Board is unable to obtain voluntarily. This may include testimony or records from community members, businesses, or other entities relevant to the Board's review of systemic policing issues, policy evaluations, or audits. The Board's subpoena authority to obtain Department records in its possession also remains, but is a final and secondary step which can only be engaged after an initial dispute resolution process administered and determined by the Charlottesville City Manager.

3. Existing Internal Contradiction in the Ordinance

The existing ordinance contained an internal inconsistency regarding compelled officer statements. Section 2-458(b) (now renumbered 2-459(b)) stated that the Board "may not compel a statement from any department employee, other than by means of its subpoena powers." Simultaneously, the subpoena provision at Section 2-459 (now 2-460) authorized the Board to seek subpoenas for "the attendance of such witness or the production of such books, papers, and other evidence." Read together, these provisions created ambiguity about whether the Board could, in fact, compel officer testimony through subpoena, despite the express prohibition on compelled statements.

The revised ordinance resolves this contradiction by removing the subpoena qualifier from the compelled statements provision (Section 2-459(b) now states that the Board may not compel a statement from any department employee, without exception) and by adding an express exclusion in the subpoena and hearings provisions clarifying that the subpoena power and compelled attendance authority do not extend to employees of the Department.

4. Comparator Jurisdiction Approaches

The limitation on compelling officer testimony is consistent with the approach taken by comparable Virginia jurisdictions. Fairfax County's Police Civilian Review Panel bylaws expressly provide that the Panel "shall not take testimony or receive evidence" at review meetings (Fairfax County PCR Bylaws, Article VI.F.1.(e)), relying instead on completed investigative files and presentations by department representatives.

A common recognition exists among Virginia civilian oversight bodies that compelling officer testimony raises legal and procedural complications that are best addressed through the existing internal affairs framework, with the civilian oversight body's role focused on monitoring, reviewing, and evaluating the adequacy of that framework and its outcomes.