



POLICE CIVILIAN OVERSIGHT BOARD

Eyes, Ears, and Voice of the Community



CITY OF CHARLOTTESVILLE
CITY COUNCIL

Police Civilian Oversight Board

Proposed revisions to Chapter 2, Article XVI of the
City Code

FIRST READING

September 8, 2026

PRESENTED BY

James Walker, Director

ACTION ITEM

Tonight's Request

Council is asked to consider the proposed revisions to Chapter 2, Article XVI, Police Civilian Oversight Board for adoption following two readings.

Materials Before Council

01 Clean copy of the proposed ordinance

The full text as proposed for adoption

02 Redline version

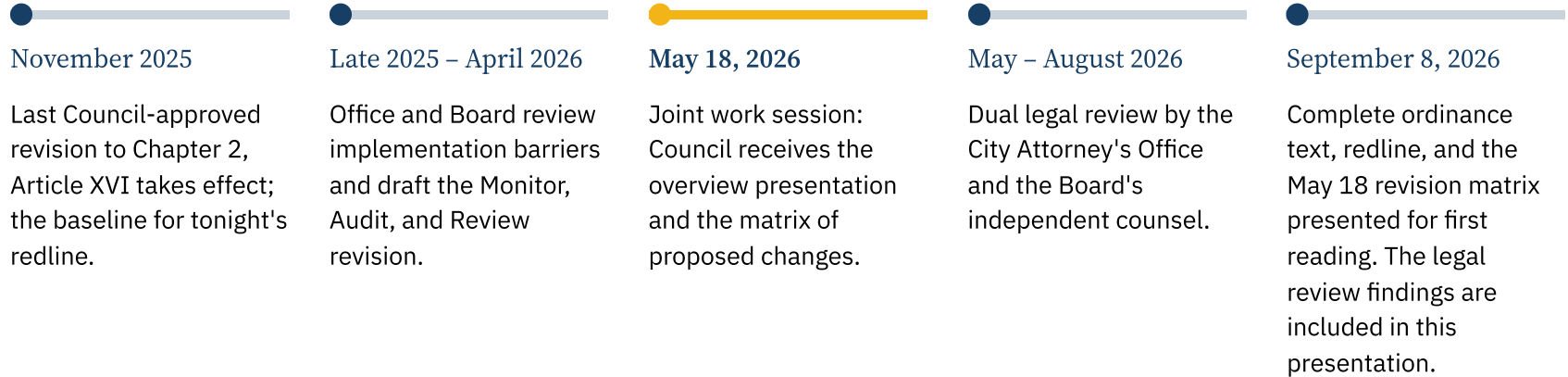
Every change since the November 2025 Council-approved revision

03 Matrix of revisions

The section-by-section change log presented May 18, 2026

LATE 2025 – SEPTEMBER 2026

Revision Timeline



The Monitor, Audit, and Review Model

Monitor

Real-time observation of internal affairs investigations, interviews, briefings, training, data systems, and budget; codified in detail rather than left to practice.

Audit

A formal process with published audit plans, department cooperation standards, structured findings, and public audit reports.

Review

Substantive review of completed investigations for accuracy, completeness, and impartiality, with findings that include non-concurrence.

The Board's purpose statement is restated around these functions: advancing the quality of policing through civilian-led transparency and accountability.

WHAT CHANGES IN PRACTICE

Three Directional Shifts

CURRENT ORDINANCE

Independent investigation by the Board and Office

Hearings that adjudicate individual complaints

Disciplinary recommendations in individual cases

PROPOSED REVISION

Receive and refer, with concurrent monitoring and substantive review of the completed investigation

Hearings on policy, practice, audit findings, and patterns of concern

Opinions on discipline imposed and recommendations to the disciplinary matrix

SINCE MAY 18 • MAY – AUGUST 2026

Legal Review: Scope and Method

City Attorney's Office

Review of the full revision for legal sufficiency, consistency with state code, and the City's position as employer.

Board's Independent Counsel

Retained earlier in 2026; review of the same revision from the perspective of the Board's oversight authority.

METHOD

Both reviews responded to a single section-by-section set of questions extending through the full ordinance revision, and each returned clear recommendations with stated reasoning.

Legal Review: Reconciling the Two Reviews

01 Both reviews answered the same questions, section by section, across the whole revision.

02 Where the reviews aligned, the recommendation was adopted into the text.

03 Where they diverged, the City Attorney's Office position took precedence, and independent counsel's reasoning was used to shape the final language.

SINCE MAY 18

Legal Review: Nature of the Changes

The oversight model presented on May 18 is unchanged. What the Board can reach was expanded, and how it must act was tightened.

Expanded Reach

Jurisdictional exclusions cut from seven to three; the misconduct standard broadened.

Legal Soundness

Subpoena, conflict-of-interest, and training provisions rewritten to operate correctly under state law.

Alignment

Language conformed to the Code of Virginia, the City Code, and the Collective Bargaining Agreement.

What Changed Substantively

SEC. 2-459(C)

Jurisdictional Exclusions

Seven exclusions reduced to three. The one-year lookback, the civil-proceeding bar, the complainant opt-out, and the policy-violation test are gone.

SEC. 2-453(E)

Records Management

New: all Board and office records are public records under the Virginia Public Records Act, retained on Library of Virginia schedules.

SEC. 2-451

Misconduct Standard

The nine-item list becomes one standard: significant violations of city policy, general orders, and SOPs. Protected classes tracked to the Virginia Human Rights Act.

SEC. 2-455(D)

Term Limit

Eight consecutive years, stated explicitly. Unexpired terms do not count; prior service is credited; no entitlement to reappointment.

SEC. 2-458

Records Access

FOIA exemptions the department may invoke against the Board cut from thirteen to seven; unilateral withholding now runs through the city manager.

SEC. 2-456(C)

Meeting Trigger

Quorum stays at four, but three or more members discussing Board business now constitutes a meeting requiring notice.

Changes by Section: 2-451 – 2-455

SEC. 2-451

Definitions

Single misconduct standard replaces the nine-item list; protected classes expanded to immigration and military status and to perceived characteristics.

Immediate family member defined by Code of Virginia § 2.2-4368.

SEC. 2-454

Powers and Duties

Purpose statement expanded with community-voice and dignity language.

Reviewable incidents narrowed to the three statutory categories.

SEC. 2-453

Office Established

New records management subsection: Virginia Public Records Act coverage, Library of Virginia retention, Chief remains custodian of department originals.

SEC. 2-455

Membership, Appointment, Terms

Eight-year term limit stated; terms restaggered.

Conflict-of-interest self-deeming replaced with general compliance as applicable.

Changes by Section: 2-456 – 2-469

SEC. 2-456

Meetings

Quorum for voting clarified as distinct from the three-member threshold that triggers a public meeting.

SEC. 2-458

Records Access

Exemption list narrowed; the department’s unilateral withholding clause replaced by the city manager’s dispute process.

SEC. 2-459

Jurisdiction

Exclusions reduced from seven to three; the one-year lookback and its good-cause process removed.

SEC. 2-460

Subpoenas

Rewritten so the provision governs the Board’s request to the court rather than directing the court.

SEC. 2-462

Department Monitoring

Director’s activity access made expressly non-exhaustive; interview feedback limited to process observations.

SEC. 2-464 · 2-466 · 2-469

Review, Reports, Training

Deference broadened to operational and tactical decisions; hearings framed within the monitoring structure; training consolidated to six months and every two years.

IN SUMMARY

Twelve sections were touched after legal review. The full text of each change appears in the redline.

Adoption

Staff recommends that Council consider the proposed revisions to Chapter 2, Article XVI for adoption following two readings.

The Police Civilian Oversight Board voted to adopt these revisions, and any modifications required by the legal review, at its May meeting.

Discussion

The Director is available to answer any Council questions.