

ORDINANCE #O-26-____

**AN ORDINANCE TO AMEND AND REENACT CHAPTER 2, ARTICLE XVI OF THE
CODE OF THE CITY OF CHARLOTTESVILLE TO TRANSITION THE POLICE
CIVILIAN OVERSIGHT BOARD AND THE OFFICE OF POLICE CIVILIAN
OVERSIGHT TO A MONITOR, AUDIT, AND REVIEW MODEL OF OVERSIGHT
AND TO MAKE OTHER CHANGES FOR CLARIFICATION AND CONSISTENCY**

WHEREAS, Chapter 2, Article XVI of the Charlottesville City Code, adopted pursuant to Code of Virginia § 9.1-601, establishes the Charlottesville Police Civilian Oversight Board and the Office of Police Civilian Oversight, and was last amended and reenacted in its entirety by Ordinance No. O-25-142, adopted November 17, 2025; and

WHEREAS, Chapter 2, Article XVI as presently written authorizes the Board to investigate complaints and incidents, to hold hearings on individual complaints, to recommend discipline in individual cases, and to compel statements from Department employees by subpoena, and implementation has revealed conflicts between these authorities and the law governing administrative investigations of law enforcement officers, including the Law-Enforcement Officers Procedural Guarantee Act (Code of Virginia §§ 9.1-500 et seq.), Garrity v. New Jersey, 385 U.S. 493 (1967), the Charlottesville Police Department collective bargaining agreement, and the exclusive disciplinary authority of the Chief of Police; and

WHEREAS, certain amendments to Chapter 2, Article XVI are necessary to align the Board's authority with the oversight it can lawfully and effectively perform, to fully articulate oversight functions the Article leaves undeveloped, to consolidate into the City Code the standard operating procedure and memorandum of understanding governing access to Department information, to align the Article with federal and state law, and to make minor changes for clarification and consistency; and

WHEREAS, these amendments replace independent investigation by the Board with referral of complaints to the Department, monitored by the Office and subject to substantive Board review; refocus hearings on policy, practice, and systemic concerns rather than individual complaints; replace case-specific disciplinary recommendations with review of the disciplinary matrix and its application; add provisions governing intake, monitoring, audits, reviews, and public reporting; expand the Board's access to Department records and activities; narrow the exclusions from the Board's jurisdiction; and revise Board membership, terms, and training; and

WHEREAS, the amendments were presented to the City Council at a joint work session held May 18, 2026, and reviewed between May and August 2026 by the City Attorney's Office and by independent counsel retained by the Board; and

WHEREAS, in a public meeting and by recorded vote on May 14, 2026, the Police Civilian Oversight Board recommended adoption of these amendments and of any modifications resulting from the legal review then pending;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 2, Article XVI of the Code of the City of Charlottesville is hereby amended and reenacted in its entirety as follows: