

Policy Briefing Summary

City Council



Regarding:	Ordinance amending City Code Chapter 2, Article XVI. - Police Civilian Oversight Board (2nd reading)
Staff Contact(s):	James Walker, PCOB Executive Director
Presenter:	James Walker, PCOB Executive Director
Date of Proposed Action:	September 21, 2026

Issue

The proposed revisions to City Code Chapter 2, 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. Council received a high-level overview of the proposed direction and a matrix of proposed changes at the joint work session held May 18, 2026. Legal review by the City Attorney's Office and by the Board's independent counsel has since been completed. Presented for Council's consideration is the complete revision: a clean copy of the proposed ordinance, a redline against the last Council-approved version, and the matrix of revisions presented on May 18, 2026. The revisions resulting from legal review are documented in the presentation accompanying this item. Staff requests that Council consider the proposed revisions for adoption following two readings.

Background / Rule

The PCOB was established pursuant to Virginia Code § 9.1-601 and is governed by Chapter 2, Article XVI of the City Code. The Article was last substantively amended in 2021; the most recent Council-approved revision took effect in November 2025 and serves as the baseline for the redline presented with this item. As currently written, the ordinance 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 formalized, 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. These tensions have limited the Board's practical capacity to fulfill its existing primary oversight expectation of conducting independent investigations. The revision now before Council is the product of work undertaken by the Board and the Office beginning in late 2025:

- November 2025: Last Council-approved revision to Chapter 2, Article XVI takes effect.
- Late 2025 – April 2026: The Board and Office review implementation barriers and draft the proposed transition to a Monitor, Audit, and Review model.
- May 18, 2026: Joint work session with City Council; Council receives the overview presentation and the matrix of proposed changes.
- May – August 2026: Section-by-section legal review conducted by the City Attorney's Office and by the Board's independent counsel.
- September 8, 2026: Complete ordinance text, redline, and the May 18 revision matrix presented to Council for first reading; the legal review revisions are documented in the presentation.

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.

1. *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.
2. *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.
3. *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 Sec. 29.8(G) of 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.

Legal review, May – August 2026

Following the May 18 work session, the full revision underwent legal review by the City Attorney's Office and by the independent counsel retained by the Board earlier in 2026. Both reviews responded to a single section-by-section set of questions extending through the entire ordinance revision, and each returned clear recommendations with stated reasoning. Where the two reviews diverged, the position of the City Attorney's Office took precedence; the independent counsel's recommendation was taken into consideration to shape the final language. The Board voted at its May 2026 meeting to adopt these revisions, and any modifications required by the legal review. The vast majority of revisions made as a result of legal review were for clarification, specificity, and alignment with state code, the City Code, and the CPD Collective Bargaining Agreement. These revisions did not substantively change or alter any of the proposed powers, duties, or activities of the Board and Office as presented in the matrix of changes at the May 18, 2026 work session. The revisions were limited enough in number and scope to be presented in full; they are logged section by section in the presentation accompanying this item, and appear in the redline.

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

Staff recommends that Council receive the presentation, consider the proposed revisions to Chapter 2, Article XVI on first reading, and adopt the revised Article following the second reading. The Director is available to respond to Council's questions at tonight's meeting and in the period between readings.

Recommended Motion (if Applicable)

Attachments

1. 9-8-26 Presentation to Council - PCOB Proposed Ordinance Revisions
2. 9-8-26 Preamble - PCOB Proposed Ordinance Revisions
3. 9-8-26 Clean Version - PCOB Proposed Ordinance Revisions
4. 9-8-26 Redline Version - PCOB Proposed Ordinance Revisions
5. 5-18-26 Changelog Prior to Legal Review - PCOB Proposed Ordinance Revisions