

Exhibit B.

Board Coordinator—Excerpts from the ICRB Policy and Procedures

Note: The City Manager is authorized to revise the ICRB Policy and Procedures, so the provision that calls for the City Manager to designate or hire a Board Coordinator could be changed. The ordinance that created the ICRB also includes the text that authorizes the Manager to transfer funds or positions.¹

Staff: The City Manager will designate an existing staff member or hire from a pool of Independent Citizens Review Board vetted applicants, a Board Coordinator. The Board Coordinator may monitor investigations, and will conduct trend analysis, and coordinate community outreach with applicable City staff. City staff and resources will be made available to the Board Coordinator as appropriate so as to facilitate the execution of duties.

Citizen Request for Review: The Board shall, upon the request of any citizen who has filed a formal complaint with the Police Department, Board Coordinator or City Manager’s Office regarding the conduct of a sworn member of the Police Department, and who has received from the Police Department a disposition letter regarding such complaint, conduct an independent review of the findings of the Police Department’s Internal Affairs Office investigation into that matter, with the following exceptions:

3. Board and Administration Initiated Reviews

a. The Board may direct the Board Coordinator to conduct real time passive monitoring of any ongoing Internal Affairs’ investigation into a citizen complaint, obtain updates and report those findings to the Board to the extent that it allows the Board to update the community as to the progress of the investigation (number of witnesses interviewed to date, number of anticipated further witnesses to contact, delays encountered/anticipated, etc.).

4. Community Outreach and Education

a. The Board chairperson and vice-chairperson, with assistance by other Board members, the Board Coordinator and support from City Staff, shall develop a strategic communications plan in

¹ “That, consistent with Section 4 of the FY 2021-22 Annual Appropriation Ordinance, the City Manager or designee is authorized to transfer appropriations and/or positions between departments or funds to implement the City Council priority enacted above regarding the position of Board Coordinator as set forth in the City of Virginia Beach Independent Citizen Review Board Policy and Procedures. After such transfer of appropriations and/or positions, the City Manager shall provide written confirmation of same to the City Council.”

order to promote the existence, purpose/jurisdiction and processes of the Board to the community at large in an effort to create broad awareness of the Board's powers as another mechanism to ensure accountability and transparency regarding the actions of Police Department members. Outreach and education efforts should be persistent and may include: being available for interviews, appearances on various media, speaking to civic groups, website upkeep, development/distribution of brochures and social media presence.

e. During any Board review of a completed Internal Affairs investigation, the Board Coordinator may request from the Board an application for a subpoena to a Circuit Court Judge. Such request shall be made after all good faith attempts to obtain an interview or documentary evidence are exhausted. To make a request for subpoena application, the Board Coordinator must demonstrate necessity; obtain a legal review; prior to any Board vote, counsel for the Board shall be retained to provide advice regarding the potential application. Counsel shall be vigilant to advise regarding potential conflicts and interference with ongoing investigations or those that are contemplated as well as ethical considerations applicable to any application. The City Attorney, the Commonwealth's Attorney and the Internal Affairs Office shall be afforded the opportunity to express any concerns regarding the proposed application for subpoena directly to the Board prior to their vote on the matter.

A super majority of the Board will be required to approve any request which shall be filed by counsel who will be bound by the rules of procedure and ethics in such application. Any application shall seek specific and relevant information that cannot be obtained by voluntary means or other recourse. See Rule Section 4:9 of the Rules of the Supreme Court of Virginia. See also Code of Virginia Section 9.1-601(D). After such steps, the Board must approve the application by an affirmative vote of at least 8 members. If the Board approves the request, then such application shall be made to a Circuit Court Judge no sooner than five (5) business days after the the [sic] Board has notified Internal Affairs, the City Attorney and the Commonwealth's Attorney that such application is to be made.

3. Real-time Monitoring Process:

a. Upon notification of an Internal Affairs investigation initiated by citizen complaint to either the Board, the City Manager, or Internal Affairs, the Board may direct the Board Coordinator to conduct real-time passive monitoring of the investigation, based upon severity of the allegation(s).

b. On behalf of the Board, the Board Coordinator will be briefed by Internal Affairs on investigative approach and anticipated timeline.

c. Periodically or upon request, the Board Coordinator shall provide the Board updates on the investigation progress and sufficiency.

d. If the Board Coordinator determines an investigation is insufficient before conclusion, because the complainant or witness has refused to be interviewed by Internal Affairs, the Board

Coordinator may conduct an independent interview. In advance of any such interview, the Board Coordinator shall coordinated [sic] with Internal Affairs, who may also provide technical advice where appropriate. All statements, evidence, etc. obtained by the Board Coordinator will be provided to Internal Affairs.