

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

IN THE MATTER OF A SHOOTING INCIDENT
THAT OCCURRED ON AUGUST 21, 2004, IN
THE CITY OF CHARLOTTESVILLE

ORDER REGARDING RELEASE OF A REPORT OF A
SPECIAL GRAND JURY

On October 13, 2004, at the request of the Commonwealth's Attorney for the City of Charlottesville pursuant to Code of Virginia Section 19.2-206(iii), this Court impaneled a special grand jury to investigate, deliberate, and report upon the events that surrounded an incident in the City of Charlottesville on August 21, 2004, in which Kerry Vonresses Cook was shot and wounded by a Charlottesville police officer. The grand jury was comprised of Charlottesville citizens from diverse racial, ethnic, cultural and socio-economic backgrounds. Included within the special grand jury's appointment was authority to determine whether sufficient probable cause existed to support the return of one or more true bills of indictment arising from the matters under investigation.

After meeting in nineteen sessions to investigate and deliberate regarding the events of August 21, 2004; after taking sworn testimony from thirty-eight people; and, after reviewing numerous exhibits, the special grand jurors returned four true bills of indictment on March 7, 2005, and reported to the Court concerning the results of their investigation. At the request of the special grand jurors, and for good cause shown pursuant to Section 19.2-213, this Court hereby ORDERS that the report of the special grand jury of March 7, 2005, be made public, with copies thereof, including the

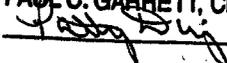
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accompanying cover letter and copies of this Order, to be released through the Office of the Clerk of the Charlottesville Circuit Court.

Entered this 16th day of March, 2005.



Edward L. Hogshire, Judge
Charlottesville Circuit Court

A COPY TESTE:
PAUL C. GARRETT, CLERK


 , DEP. CLERK

TO: The Honorable Judge Edward L. Hogshire
FROM: The Special Grand Jury, convened November 16, 2004
RE: Officer-Involved Shooting on August 21, 2004
DATE: March 7, 2005

Attached please find the report from the Special Grand Jury convened on November 16, 2004 for the purpose of investigating and reporting on the Officer-Involved Shooting on August 21, 2004 in Friendship Court, an apartment complex on Monticello Avenue.

The Jury has met nineteen (19) days to investigate and deliberate this matter. In the course of the investigation we heard testimony from thirty-eight (38) people in forty-one (41) separate sessions, all under oath. We received all the evidence gathered and the forensic evidence developed. We received able assistance in this and were also given instructions by the Commonwealth Attorney, Mr. David Chapman, and his assistant, Mr. Claude Worrell.

We were impressed with the diligence and thoroughness of the police in evidence gathering and the forensic evidence produced. This was of importance in our deliberations.

We were impressed with the willingness and openness of the witnesses to come forward and testify. We recognize that the witnesses were limited in what they could actually see from the various locations at which they were standing and that their testimonies revealed the incident as they saw it and remembered it.

We were unanimous in our request for the Commonwealth Attorney to draw up indictments for Mr. Cook on charges of

1. attempted escape,
2. resisting arrest, and
3. assault and battery on a Law Enforcement Officer.

We had serious concerns about the impact of the incident on the community, especially the Friendship Court community. Attitudes toward and understanding of police work by the community in our opinion can be improved by exploring ways in which the community can better understand the nature of police work and the community's role in it and in which the police gain a more complete understanding and knowledge of the community. We made several recommendations to improve the community/police understanding in hopes that a better working relationship will evolve. We commend the department on bringing the Department of Justice and the Quality Community Council in to assist in these efforts.

We have learned a great deal throughout this process and appreciate the use of the conference room, small though it is. We also appreciate the hospitality of Pat Young throughout.

A COPY TESTE:
PAUL C. GARRETT, CLERK
 DEP. CLERK

REPORT TO THE COURT

RE: OFFICER-INVOLVED SHOOTING, AUGUST 21, 2004

On November 16, 2004 a Special Grand Jury was convened by The Honorable Edward L. Hogshire, Judge of the Sixteenth Judicial Circuit in the City of Charlottesville, at the request of the Commonwealth's Attorney for the City of Charlottesville for the purpose of investigating and reporting on an Officer-Involved Shooting incident on the night of August 21, 2004. This report conveys the process, findings, and recommendations of the Special Grand Jury (Jury). The Jury was assisted in the investigation by the Office of the Charlottesville Commonwealth Attorney in the persons of David Chapman and Claude Worrell. All investigative proceedings were recorded by a Court Reporter.

Process

At the first meeting of the Jury a foreperson volunteered and an initial set of dates were agreed upon. Discussions with Mr. Chapman led to a systematic progression of

- reviewing nine (9) previously taped interviews,
- receiving evidence gathered at the scene and the results of various tests conducted on the evidence,
- interviewing civilians, including residents of the apartment complex and others who volunteered the fact that they had witnessed the incident or who were named by others as having been witness to the events,
- interviewing the four people who were principally involved in the incident, including two Charlottesville police officers, the resident of the apartment at which the shooting took place, and the person who was wounded,
- interviewing forensics and medical specialists, including the physicians attending the officers and the civilian who received a gunshot wound,
- interviewing the officers who responded to the scene after the shooting took place.

All Jury-conducted interviews took place under oath, administered by the foreperson. Forty-one (41) interviews were conducted; thirty-eight (38) people were interviewed in person.

In addition, the jurors were instructed as to the scope of the inquiry, issues of applicable law and explanations of the legal issues germane to their discussion and reporting. The jurors made every effort to explore all avenues for information that were known at the beginning of the investigation and which became evident during the course of the investigation.

During the course of the investigation, one juror was excused from duty due to family obligations that were not known at the time of Jury formation.

The Jury met a total of nineteen (19) days, twelve of which were devoted to evidence-gathering; one of which was devoted to legal instructions; and six of which were devoted to deliberation.

Event Summary

On the evening of August 21, 2004, Sanitha Grooms called E-911 and requested police assistance at apartment 409-E, in Friendship Court, in a verbal domestic incident. Two police officers, William Sclafani and Jeremy Carper, responded to the call from separate locations, arriving at about the same time. They met up with Ms. Grooms, entered the apartment (409-E) at Friendship Court. Upon finding Mr. Kerry Cook in the apartment, physical contact ensued which culminated in Mr. Cook's being shot by Officer Sclafani.

The Setting

Friendship Court is a complex of 16 apartment buildings, arranged in four groups of four buildings. Each group of four is arranged in a square, such that each front door faces into a Courtyard. The events in question occurred at building 409 in unit "E" which faces the center of one such Courtyard.

Time Frame of Critical Incidents:

According to the recorded times on the time logs (911, officers, Rescue Squad, and ER), the time frame in which the events occurred is as follows:

| 11:19 pm | 11:26pm | 11:28pm | 11:30pm | 11:31pm | 11:32pm | 11:36pm | 11:39pm | 11:44pm |
|--------------------------|---|-------------------------|--|------------|-------------------------------------|----------------------|---------------------|--------------------------|
| 911 Call from Ms. Grooms | Dispatcher checked status; officers at bldg 411 | Sclafani calls for help | Off. Knick arrives in parking lot near 409 | Shot fired | Rescue called; Scene clearing begun | Rescue Squad arrives | Rescue Squad leaves | K Cook arrives at UVA ER |
| | | | responding to call for backup | | | | | |

Tapes Reviewed

911 Calls:

911 calls recorded prior to the incident were reviewed. These substantiated the fact that Ms. Grooms called asking for assistance. In addition, two residents of Friendship Court also phoned 911 to request assistance. Two other calls from the officers requesting additional help were also recorded.

Video (Taped) Statements

A total of nine (9) video tapes of interviews with were reviewed. These interviews were recorded as part of the investigation before the grand jury was convened. They included statements that were taken immediately after the incident from officers Carper and Sclafani and from Ms. Grooms. They also included statements that were taken from civilian witnesses a a part of the investigation before the grand jury was convened. In all but one instance each person who gave a taped statement during the investigation later testified before the grand jury under oath.

A CD (voice only) interview with Kerry Cook was also reviewed.

None of the taped statements were given under oath; all but Sanitha Grooms were advised of the taping.

INTERVIEWS HELD/ INFORMATION GATHERED

The Jury interviewed all of the people directly involved with the event, all spectators who either volunteered their information or those who were named by other interviewees as having been in positions where they saw some part of the event, and police officers who secured the scene, interviewed witnesses, and gathered evidence.

The information gathered from on-site witnesses covered a short time period of the event itself, centering primarily on the short period of time Mr. Cook was in the doorway and the minutes leading up to and including the shooting. The information was often contradictory. We believe the interviewees were sharing their perspectives or understanding of a moment in time and, as is often the case, the impressions or recollections are sifted through personal responses to what is seen. A partial list of the contradictory information includes:

- Cook was fighting; Cook was not fighting
- Both officers were hitting Cook with an ASP; one officer was hitting Cook with an ASP
- Cook was trying to get out; Cook was trying to get in
- Cook was standing when shot; Cook was down on sofa or floor when shot
- Officer shot with both hands on gun; officer shot with left hand on gun; officer shot with right hand on gun.
- Two women were in doorway (which would block view for anyone else); several others could see all the way to the back of the apartment and saw the person (Cook) get shot
- Shot was very muffled ("poof"); shot was heard fairly far away
- Officers were holding him down when shot was fired; officers were not touching him when shot was fired
- Cook was reported as lying in many places and many directions after the shooting
- Chief Longo first to enter the apartment; Chief Longo was not at the apartment.

Clearly perceptions varied widely as to what occurred. For instance, Chief Longo was never at the apartment, but arrived at the complex after the incident. The Jury sifted through the testimonies and came up with the following understanding of the event. Most of the Jury's information came from the four people directly involved with the incident and from forensic specialists who testified as expert witnesses.

Pre-Event

Prior to the arrival of the officers at 409 E and the resulting fighting and shooting, a number of activities went on. They are recounted here to provide the Court with a context for the incident. We believe these to be an accurate recounting of information gleaned from the interviews.

- Mr. Cook was known to many residents as he frequently walked his area during the day. From his testimony, it was clear the baby was important to him.
- Mr. Cook knew of at least one warrant against him, Ms. Grooms knew of at least one warrant; the police officers knew of five (5) warrants out against Mr. Cook. Two previous efforts to serve the warrants were unsuccessful---one of these efforts was at the apartment within two weeks prior to the incident.
- Mr. Cook had been interviewed by Officer Sclafani approximately one year prior to this event, following an arrest by another officer.
- Mr. Cook had told Ms. Grooms he did not want to go back to the jail.
- Ms. Grooms feared eviction from the apartment because of Mr. Cook's warrants and the fact that she was the renter, not he. Mr. Cook had keys to the apartment and continually referred to it as his apartment during his testimony.
- Immediately prior to the E911 call, Kerry Cook visited the apartment of Sanitha Grooms. According to Ms. Grooms testimony, they drank some and socialized. In the course of conversation, each questioned the other's fidelity and an argument ensued. A fan was overturned in the master bedroom and a lamp or candle holder broken in the living room resulting in glass on the living room floor. Noise from the Cook-Grooms argument was heard in other apartments. Ms. Grooms, citing Mr. Cook's state as being drunk or something, left the apartment and called 911 for help. Mr. Cook left the apartment, apparently looking for Ms. Grooms, walked around to the rear of the apartment. In the process, he had "words" or "got into it" with another resident and her fiancée. He was observed as aggressive, "being on something" and was threatening in his verbal exchange with the couple.
- Officers William Sclafani and Jeremy Carper took the call, two officers being the customary response to any domestic call. They arrived from different locations in the parking lot off Monticello Avenue at approximately the same time and proceeded to look for building 409. As they approached building 411, the dispatcher checked on their position, a normal procedure.
- The officers saw Ms. Grooms and followed her to the apartment, knocked on the door, and entered 409-E.

Event

A large crowd arrived at different times, at different locations, and saw different things. While there were no real conflicts in principal witness testimonies at the core of event, the conflicting testimonies cited above related primarily "to the edges" of the event. The only witnesses to the core of the event were the Officers, Mr. Cook, and Ms. Grooms. From these testimonies and the forensic witnesses, the Jury believes the following to be an accurate description of the incident.

- Police were called by Ms. Grooms and later by two other residents
- Officers Sclafani and Carper arrived on the scene, entered the apartment, and asked: What happened? Is Kerry Cook here? (information about Mr. Cook had been received by Officer Sclafani from the police service unit who verified the five outstanding warrants)
- Officer Sclafani heard movement coming from the front bedroom, entered the bedroom, Officer Carper behind, covering. Both officers had guns out at this time.
- Officer Sclafani systematically searched the room to determine where Mr. Cook might be; Officer Sclafani saw Mr. Cook in closet.
- Officer Sclafani directed Mr. Cook to come out with hands out.
- Mr. Cook emerged from closet, after several orders to do so, hands in front.
- Officers re-holstered their guns.
- Officer Carper made an effort to grab Mr. Cook's hand to handcuff him, Mr. Cook ran, followed by Officer Sclafani who was grabbing him from the back. This escalated into a violent struggle.
- Mr. Cook dragged officers to living room, a loveseat was overturned.
- Officer Sclafani lost his glasses early in the fight.
- Officer Sclafani testified seeing a kitchen knife on the floor.
- Mr. Cook got to the front door, asked for help from observers.
- When Mr. Cook tried to leave through front door, Officer Carper was holding him back with both hands on Cook's left arm.
- Witnesses saw the action that took place at the door.
- Mr. Cook was brought back into the apartment, and was pinned down near the entertainment center which is at an angle from side wall to front wall of the living room; Mr. Cook was thought to be "out" or under control.
- Ms. Grooms moved the entertainment center, resulting in room for Cook to change position and get free.
- Police were called for backup help during the fight.
- Mr. Cook went toward the front door, but then turned and went towards Officer Sclafani.
- Baby was removed from the apartment by another Friendship Court resident.
- Officers Sclafani and Carper could not contain or subdue Mr. Cook, despite using flashlight, OC spray, and an ASP.
- Mr. Cook received a cut on his head at some point.
- Mr. Cook resisted arrest according to three witnesses
- Intense fight took place over a very brief time.
- Officers Sclafani and Carper were angry and frightened, "never been in such a fight"
- Officer Knick arrived in the parking lot in response to the backup call and before the shot was fired
- Officer Sclafani testified he was in a headlock and felt he was choking, about to pass out, and felt a hand on his gun.
- Officer Sclafani drew gun, with intention to shoot, at end of incident
- Officer Sclafani pulled trigger two times, the first time the gun did not go off because it was too close to Mr. Cook.
- Mr. Cook fell to the floor.

- Fight ended in Officer Sclafani shooting Mr. Cook.
- Officer Sclafani radioed "shots fired" over dispatch.
- Officer Sclafani placed second handcuff on Mr. Cook; only one cuff was secured throughout most of the event.
- Officer Knick arrived at the apartment, saw Mr. Cook in handcuffs; told Officers Sclafani and Carper to leave the scene which is in accordance with police policy; began to secure the scene, called the Rescue Squad.
- Ms. Grooms was verbal throughout the event, mostly saying "Let me help". It was determined she was trying to be helpful, though it didn't always work out that way.

Post-Event

Often the impressions or understandings of an incident are based on incomplete knowledge or understanding due to not seeing or being aware of all of the contributing factors. These understandings are also often the ones that remain in people's memories. This is true with this incident as well. From testimonies of the witnesses, the Jury believes the following to accurately describe events that took place after the actual shooting.

- Large number of police officers arrived on scene with shotguns up
- Police only knew "shot fired", not who or what, and were therefore prepared for anything, including hostages, sniper---worst case scenarios.
- Rescue Squad took Mr. Cook to the ER.
- Officers Sclafani and Carper were taken to a police car to be taken to the ER.
- Police officers were debriefed at headquarters following an ER visit.
- The physicians who attended both the officers and Cook testified before the Jury.
- A nurse trained in evidence collection took pictures of three wounds that were observed on Mr. Cook: a cut on head, an abrasion on one knee about the size of a quarter, and the gunshot wound he received.
- Mr. Cook received a life-threatening injury, was close to death, spent three to four hours in surgery, two weeks in a medically-induced therapeutic coma, three (3) weeks in the hospital, and at least six (6) months with a colostomy. The bullet remained in his body at the time of his testimony.
- The operating surgeon testified that the colostomy Mr. Cook received should not be permanent.
- Hospital records show Mr. Cook received more than a replacement level of blood.
- Police secured the scene so that the rescue squad could do their job and evidence could be recovered.
- Mr. Cook is in custody at the jail on unrelated charges.
- Officers Sclafani and Carper are on paid administrative duty

General Observations

The events surrounding the incident yielded several observations the Jury feels are important to the community, the Court, and the Police Department.

- Impact of police arrival with shotguns up, the arrest of the resident, have a distinct impact on the crowd.
- “Taking control” can not always be done “politely”
- An inebriated resident was arrested and taken away from scene.
- Residents had limited knowledge of the circumstances and proper police procedures, leaving them with their experience as the lens through which to interpret the events
- Witnesses were willing to share their information
- The police and the rescue squad responded appropriately and got Cook to the ER with speed
- The Jury found no evidence of a cover-up
- The Jury understands the suspicions of the residents, but the Jury’s investigation and full examination of the evidence shows a thorough job having been done by the police.

Evidence Presented

A log of all evidence reviewed and considered can be found in the Evidence Log.

Key Forensic Evidence

The Jury received a wide assortment of forensic evidence including DNA information, ballistics, and footprint analysis. The full extent of the evidence can be found in the forensic evidence log. Forensic specialists from the state testified to the findings and explained the meanings of the evidence. The following are the key pieces of evidence that the Jury believed important in its deliberations leading to the indictment recommendations.

- Forensic information placed Cook’s blood in numerous locations throughout the living room and front doorway, and on the two officers.
- Forensic evidence showed cocaine levels in the urine that, according to the forensic specialist, could lead a person to feel like they have “extraordinary strength”.
- A metabolite was present in the urine that only occurs when both alcohol and cocaine are present.
- The weight of the O/C canister supports the testimony of Officers Carper and Sclafani that the O/C spray was used.

Legal Instructions to the Jury

The Jury was briefed by Mr. Chapman and Mr. Worrell and instructed accordingly regarding various possible indictments and the issue of “probable cause”. The Jury understood its duty to include investigation of the incident and the issuance of indictments based on “probable cause” as deemed appropriate. The Jury also understood they had the option of not recommending an indictment. The Commonwealth Attorney drafted the true bills of indictment that were requested by the grand jury.

The Jury also had the prerogative to consider community issues.

Conclusions Regarding the Incident

The Jury did not find probable cause to indict Officer Sclafani, Officer Carper or Ms. Sanitha Grooms. The Jury determined this was a lawful arrest.

The Jury, on unanimous votes, found probable cause to indict Kerry Cook with

- Attempted escape,
- Resisting arrest, and
- Assault and Battery on a Law Enforcement Officer

Conclusions Regarding Community Impact

The Jury understands that it was convened, in part, to ensure that suspicions and serious concerns held by some residents of the Friendship Court Apartments community would receive a full and impartial hearing by a group empowered to bring charges wherever necessary. The Commonwealth's Attorney and the Police Department are both aware that some residents at Friendship Court believe the Charlottesville Police responded with excess force to a domestic dispute and may have been engaged in a cover-up of an improper police action. The Jury was assembled, we believe, in a good-faith effort to explore those allegations and was composed in such a way as to dispel any obvious concern about racial or gender bias. The Jury would like, therefore, to offer the following commentary on the events of August 21, 2004.

The Events from the Perspective of Bystanders

On the evening of August 21 some residents in building 409 became aware of a heated domestic argument in a ground-floor apartment in their building. For the most part, however, residents were unaware of the unfolding events until reports of a major fight spread throughout the Courtyard area. Word spread quickly and many residents came out of their apartments to watch what was going on from various locations in the Courtyard in front of unit "E". Many of those who witnessed the events were residents living in nearby units. Children (mostly teenagers, we believe) were celebrating the end of summer and beginning of school at an adult-supervised party in an adjacent building. Understandably, they were attracted to the activities and the gathering crowd in the Courtyard and left the party to watch what was happening.

Although descriptions of the events varied widely in key areas, some common elements point to a reasonably consistent impression of the events as held by many who watched. From the vantage point of the Courtyard, people reported seeing a fight in which two white officers were beating a black man. At one point, various residents said, the black man got part way through the door and called for assistance. He was pulled back into the apartment. The fight continued for a short period and a gunshot was heard. At that point, most people in the Courtyard, shocked by the gunshot and fearful for their safety, quickly scattered to their apartments.

The first officer on the scene arrived within moments of the gunshot. He arrived with a police-issue shot gun held at the "ready" (pointing to the sky) and approached apartment 409-E.

Other police officers arrived quickly, some of them with shotguns also at the "ready." In short order a crime scene tape was erected and the police enforced control of the scene, placing one of their officers at the front door. Residents soon returned to the Courtyard, attracted by the police activity and eager to know what had happened and why.

The scene at the Courtyard in front of building 409 (armed officers in large numbers, some of them with shotguns) produced fear and concern among many in the neighborhood. This was heightened by the presence of children and young adults (drawn to the action and away from their summertime party) who were scared by the events of the evening and by the aggressive approach taken by the police in securing the scene. Anxiety and concern was further amplified by the arrest and forced removal of an apparently intoxicated neighbor who refused to respect the police cordon, was generally disruptive and was impeding efforts by the police to effectively control a crime scene.

The Jury sees it as understandable that some residents would interpret the actions of the police with suspicion. Had one seen only the closing moments of a fight in which it appeared to some that two white officers were beating a black man; and had one then observed the arrival of police in large numbers with overpowering force; and had one then seen the police close off access to the area and place a sentry at the door, one might understandably wonder if the police were not very busily protecting their own interests by preventing access and "managing" the situation.

The Jury believes that no person in the Courtyard saw all the events that occurred. The Jury also believes that no person in the Courtyard knew:

1. That Mr. Cook had five warrants pending for his arrest.
2. That the two police officers on the scene were aware of these warrants and were obligated to bring him into custody.
3. That Mr. Cook had consumed cocaine and alcohol prior to the incident and was "high".
4. That the arriving police were unaware of who fired the shot or why. During the initial moments after the shooting, police could not rule out a sniper or the taking of hostages and they arrived prepared for these kinds of possibilities.

Indeed, no person could have known these facts. Had bystanders known these things, perhaps some would have interpreted the situation quite differently. Lacking a reserve of trust and good will toward the police, some residents jumped to the conclusion that they were witnessing an excessive beating. They were, in fact, witnessing a lawful arrest in process.

Concerns have also been expressed regarding the unnecessary use of lethal force. Why, for instance, did the officer not use pepper spray as an alternative?

Physical evidence exists supporting the assertion by Officer Sclafani that he used both the police-issue baton and pepper spray in attempting to bring his prisoner into custody. These were not effective. He also used his flashlight as a baton and attempted in various ways to subdue the prisoner with non-lethal force. The Jury reviewed the process of the arrest with a view to determining if progressive levels of force were used in a manner that reflected good police

practice. Given the violent nature of the resistance to arrest, the officers did employ appropriate police practices in escalating the use of force. It is the view of this Jury that the officer used his gun as a final and legal, if regrettable, option.

As to community concerns regarding a possible police cover-up, the Jury found no evidence of this. The forensic work that was undertaken was thorough and the preservation of evidence handled professionally and capably. It is the view of the Jury that the Charlottesville Police Department focused its efforts entirely on the business of fact-finding and was not involved in any effort of fact-shaping or fact-hiding.

We offer these judgments having worked from diverse personal backgrounds and with varying experiences with police and law enforcement. There was no lack of skepticism as to the appropriateness of the police actions on that night. We believe that we harbored no presumption of innocence for the police. We actively looked for instances of police activities that either did not follow departmental policy, were contrary to Virginia law or were simply unreasonable given the circumstance. We do believe that some officers were rude to some residents; in hindsight that rudeness appears to us to have been unnecessary and counterproductive. Still, we regard this as a minor complaint given the events of the evening and the necessary and important role of the police in protecting neighborhood residents and in preserving the scene for possible criminal prosecution.

The Context of Community Concerns

The sentiments and concerns expressed by some residents to the Jury were of great interest to the members of the Jury. They reflect, we believe, true feelings of suspicion grounded in real experiences and are accompanied by long-standing problems. These concerns are both familiar and very unsettling. They reflect divisions that have a long history and have scarcely received the attention they deserve. In terms of community reaction, the events of August 21 inherited problems that are real, definable and historic. Many residents (but by no means all residents) hold a deep and durable level of suspicion as to the fairness and intentions of the police department. This lack of trust and presence of suspicion is not universal, but it is widespread and it is of long standing. Speaking now as citizens, we fervently wish these problems not to be passed down to our children and grandchildren.

It would be a mistake to accept at face value any assertion that the Charlottesville Police Department is without blemish in its day-to-day dealings with African Americans. Stories of unwarranted stops and searches are anecdotal, but they are too widespread to be discounted entirely. The histories of our country and of our community point all too clearly to ongoing racial biases that pervade our institutions in subtle but highly damaging ways. Our own police department is not immune. This Jury is in no position to estimate the extent or degree of racial biases in our Police Department, and we do not claim that racial bias is either sanctioned or widespread. We see the Charlottesville Police Department as having carried out its duty in this instance with professionalism, with due concern for public safety and without bias. So far as we know, this is typical of police operations in our city. At the same time, there is plenty of room for racial bias to operate with impunity inside the confines of a professionally managed and equipped police force. (We say this not having reviewed or assessed any policies or efforts under

way by the police department to combat racial bias in its own ranks. This would be beyond the scope of our work.)

We believe that the concerns expressed to us by citizens point to a real and present problem. The police department has a piece of that problem and they must be a piece of any solution. It is also fair to say that we see evidence of interest on the part of the Police Department for improving relations with this particular neighborhood. It is appropriate here to note that following the incident, the Chief of Police asked the U.S. Department of Justice's Community Relations division to hold a series of meetings at Friendship Court as a means of exploring the apparent concerns of residents through an independent body. Two meetings were held in the weeks following the incident; all residents of Friendship Court were invited to attend and express their views and feelings. Attendance was low (reasons for this could be many, including inadequate promotion). This effort represented a single attempt to reach out to the community and it is unfortunate that it did not have greater impact. Still, we believe it represents a good-faith show of interest on the part of the Chief of Police and should be received as a friendly signal.

We also want to acknowledge that some residents gave freely of their time and generously offered their views with candidness to the police following the incident by way of interviews conducted by the office of the Commonwealth's Attorney. To them, and to all of the other witnesses appearing before the Jury, we want to express appreciation. More than that, we regard this demonstration of a willingness to candidly come forth with difficult and sometimes painful information as a starting point for dialog.

We see, then, a presumptive willingness of the Police Department to reach out matched with a presumptive willingness of the community to express with candor. This is a good start.

Recommendations

We believe that responsibility for improving community relations with the police and for combating suspicion and mistrust must be shared between the police and the community. We offer the following suggestions for possible action:

1. **Hold a series of police trainings on community relations.** This should be initiated by the Friendship Court community, designed jointly by the community and police and funded by the city. It should focus on the free two-way exchange of views and perceptions and should be a mediated experience with an action plan resulting.
2. **Request the Thomas Jefferson Area Community Criminal Justice Board (CCJB) to adopt race relations in the criminal justice system as a priority for study and action during the next 5 years.** It should submit a program of work (in the form of a funding proposal) to the City of Charlottesville. The CCJB should also review community policing in Charlottesville with a view to strengthening it in our neighborhoods.
3. **Increase the priority for the hiring and promotion of more African-American officers in the Charlottesville Police Department.** It should also review its current

approaches to dealing with racial bias in the field in light of the detrimental effects that the resulting suspicions and lack of trust appear to have on its day-to-day work.

4. **Continue supporting the Police Department responding to domestic calls as a matter of public safety.** We encourage citizens, furthermore, to recognize that these domestic calls contain considerable potential danger for police officers and cite the current instance as a case in point.
5. **Enhance the Charlottesville Police Department computer systems** (known as "PISTOL") with features that will allow the monitoring of "Use of Force" incidents as a management early-warning tool for identifying possible Use of Force patterns and problems. In the meantime, a manual system should be implemented.
6. **Expand the Community Policing Concept.** The community policing concept is a useful tool in building community relations. Had this been in greater force at the time, the Jury believes that some of the community impact of the incident could have been minimized had this been in greater force at the time.

True Bills of Indictment

The true bills of indictment drafted by the Commonwealth Attorney are attached.

A COPY TESTE:
PAUL C. GARRETT, CLERK
 , DEP. CLERK