

Community Oversight Board Meeting

MEETING MINUTES

Wednesday, May 26, 2021 – 4:00 PM

Howard Office Building – Sonny West Room
700 2nd Ave S, Nashville, TN 37210

1. Call to Order

- **Andres Martinez (*Chair*)**, called the meeting to order at 4:00 p.m.
- **Board Members in Attendance:** *Joe Brown, Drew Goddard, Jamel Campbell-Gooch, Arnold Hayes, Phyllis Hildreth, Walter Holloway, Stephanie Kang, Shawn Whitsell and Mark Wynn.*
- **Board Members Absent:** *Makayla McCree*
- **Others in Attendance:** *Jill Fitchard (Community Oversight Board Executive Director), Chris Clausi (Community Oversight Board Assistant Executive Director), Alex Dickerson (Legal Advisor), Carlos Lara (MNPD Chief Diversity Officer), Paula Person (Community Oversight Staff) and members of the public.*

2. Establish Quorum and Reading of Appeals Statement

- A quorum was established for the meeting and Chair Andres Martinez read the appeals statement.

4. Approval of the Minutes

- Arnold Hayes moved to approve the April 28, 2021 minutes. Joe Brown seconded the motion. Chair Martinez asked that the sentence in the minutes regarding his giving support to members of the transgender community be revised by adding “and targeted by the state legislature” so that it reads: “Chair Martinez gave his support to the transgender community members that have been mistreated by law enforcement and targeted by the state legislature.” The minutes were unanimously approved with this revision.

5. Policy Advisory Report: Metro Police Hiring Procedures

- Director Fitchard presented the report and read the two public comments received. The changed recommendations were noted and read aloud; the report was distributed to fifty-nine community organizations including the NAACP, who requested the Policy Advisory Report.

- Member Campbell-Gooch asked about recommendation #6 and the next steps regarding the in-depth audit. Recommendation #6 was that MNPB should review at least annually, the demographics of applicants that have been assigned to background investigators and the numbers of disqualifications resulting from each investigator to identify potential biases. Director Fitchard stated that the audit would happen within MNPB.
- Member Hildreth moved to suspend the rules to approve the Policy Advisory Report. Drew Goddard seconded the motion, and it was unanimously approved. Member Hayes moved to approve all policy recommendations. Member Campbell-Gooch seconded the motion, and it was unanimously approved.
- The Policy Advisory Report will be sent to Chief Drake and to City Council.

6. Chair Remarks

- Chair Martinez recommended a half-day Board retreat, and the tentative date is July 10th. Speakers and Facilitators will attend the meeting and agenda input is welcomed.

7. Executive Director's Report

- Director Fitchard provided highlights from her written report to the Board, including the following:
 - The Governor's Executive Order allowing virtual meetings or governmental boards expired on April 28, 2021. Future COB meetings will be held in-person. ED Fitchard and AD Clausi remain committed to ensuring the safe re-opening of the MNCO office and continue to work on a plan of action that is aligned with Metro Government of Davidson County's procedures and protocols regarding COVID-19.
 - ED Fitchard and AD Clausi have received a list of qualified applicants for the Investigator and Legal Advisor positions. The interview process will be led by AD Clausi and ED Fitchard. A discussion will be held this week regarding the open Legal Advisor position. Open positions should be filled by the end of June. The vacancy announcement for the Research Analyst has been approved and will be posted this week.
 - The staff attended various training webinars and workshops focused on policing and incarceration. Several Board members and staff attended a NACOLE sponsored webinar—National Initiative for Building Community Trust and Justice—hosted by the National Network for Safe Communities of the John Jay College of Criminal Justice.

- NACOLE will host a webinar on June 9, 2021 on "Role of the First-Line Supervisor in Facilitating Change in Law Enforcement Organizations." The NACOLE website has detailed information on how to register. All Board Members are welcomed to participate.
- AD Clausi continues to train with Metro Human Resources to stay abreast of the pay plan. He has worked with the budget and finance departments during this budget season.
- Community Outreach—We continue to work on educational outreach endeavors to make the public aware of the services of the MNCO. The MNCO has been invited to participate at the Juneteenth celebration on June 19.
- ED Fitchard was a guest panelist on May 15 for the Neighbor2 Neighbor's C4N Nashville 2021 "Ignite Your Passion" virtual gathering: A Primer in Community Policing. ED Fitchard will speak to the West End Methodist Church Justice and Anti-Racism group on Thursday, May 27.
- ED Fitchard and Chair Martinez were invited by Chief Kay Lokey to be on a panel with other Community members to discuss MNPDP's recruitment and hiring of new officers. A community member suggested that people of color be added to the Psychology team, the suggestion was well received.
- The MNCO has received a total of 7 investigative complaints since its last Board meeting in April (both Citizen and Director initiated), completed 6 MNPDP records requests, and assisted with 11 non-complaint calls for service as of May 19th. One of the 7 complaints was a Director Initiated investigation which was related to an officer involved shooting, which resulted in the death of a man suffering from a mental health condition. MNCO staff did not receive body worn camera video prior to it being released to the media. This was discussed with MNPDP leadership and should not occur in the future.
- TBI provided a revised draft MOU agreement among the Tennessee Bureau of Investigation (TBI), Metro Nashville Police Department (MNPDP), District Attorney General (DAG) and Community Oversight Board (COB). ED Fitchard will reach out to TBI's Legal counsel for clarification on a few items including incident protocol.
- Body Worn Camera/In Car Camera Update—Captain Carlos Lara, MNPDP COB Liaison, sent the latest information regarding implementation and deployment of the BWC/ICC program:
 - 900 of 1417 (64%) Active Employees Equipped w/ BWC's
 - 452 of 718 (63%) MNPDP Vehicles Equipped w/ ICC's

- The outstanding divisions will be equipped as cameras are received from the vendor.
- ED Fitchard met with the After-Action Review Committee on May 7th regarding the Christmas Day Bombing. The final report should be complete today and it will be distributed to the Mayor, MNPD Chief of Police and to the Board Members upon approval.
- ED Fitchard attended MNPD's Force Review Board on Tuesday, May 4. MNPD presented two cases for review. Both cases are being investigated by the MNCO and will be before the Board for review soon.
- Five Board members are currently enrolled and attending the spring session of MNPD's CPA. Graduation date is June 21. The next CPA session will be offered fall 2021.
- Metro Human Resources Training Division has requested that all Boards and Commissions register for required training which provides a concise overview of Metro's policies and practices on Sexual Harassment Prevention and Diversity and Inclusion. The training should be completed by June 30, 2021. Metro HR is offering two online sessions using WebEx meeting and the dates of the session are: May 26 at 10:00 am and June 30 at 10:00 am.
- The COB budget will be fully funded, and ED Fitchard discussed that MNCO may be requesting additional employees in the next budget cycle.
- Captain Lara was asked to discuss the Mental Health Pilot Program being implemented by the MNPD with the Board. Captain Lara informed the Board that Inspector Imhoff is directing the program but provided basic information about the program.
 - Member Hildreth asked if the program would be funded in this budget cycle and suggested that it would be helpful if the budget information could be shared. Capt. Lara will obtain the answer and provide it to ED Fitchard.
 - Member Kang requested a copy of the departmental policies and procedures to determine required training for clinicians. In addition, she asked how "clinician" would be defined. Member Kang also requested they change the wording being used throughout the description from "mental illness" to "mental health." Capt. Lara explained the program will be partnering with the mental health co-op and they will provide trained clinicians. He did not know their qualifications. Finally, He stated he would share the request for the wording revision with Inspector Imhoff.

- Member Campbell-Gooch extended an invitation for Inspector Imhoff to attend the next Board meeting on June 23, to answer various questions regarding the pilot program.
- Member Kang asked if there was any collaboration with the Public Health Department. Capt. Lara stated that Inspector Imhoff need to answer that question.
- Member Holloway voiced his concerns regarding increasing recruitment efforts.
- Member Wynn asked about the selection of the MNCO Investigator and if the Board should be included in the hiring process. ED Fitchered explained that the Board is not involved in the hiring of MNCO staff.
- Member Hildreth asked about the hiring process for MNCO’s Legal Advisor. ED Fitchered stated that she was working with Alex Dickerson and AD Clausi to find the right person.
- Discussion was held regarding hiring additional MNCO employees in the future.
- Member Goddard raised the issue of the timing of MNPD’s internal disciplinary process when the same incident is being investigated by the MNCO. Specifically, he expressed concern about an incident involving service of a warrant at a wrong address, where MNPD’s internal disciplinary process was concluded, the MNPD Chief issued discipline decisions for several officers, those were appealed, and the appeals board reduced the Chief’s discipline decisions and those became final, all before the MNCO staff presented a report and recommendation to the COB. The main concern was having the discipline process structured so that the COB process would be completed and the COB Board adopted recommendations to the MNPS Chief for consideration before the Chief makes discipline decisions. After discussion, Member Hildreth suggested that MNCO staff review section 9 of the MOU with respect to this issue..

8. Public Comment

- None.

9. New Business / Announcements

- Member Hayes asked if open policy advisory reports could be included at each board meeting. It was explained that Dr. Vielehr will provide that information to the board.

10. Ethics Presentation

- Alex Dickerson introduced and presented the PowerPoint presentation over Ethics and the Tennessee Open Meetings Act.

11. Adjourn

Member Hayes moved to adjourn the meeting, Member Whitsell seconded the motion and it was unanimously approved. The meeting adjourned at 5:53 pm.

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