



COB Policy Recommendations

June 16, 2021

Report	Rec. Number	Recommendation Text	Date Issued	Status	Response/Action Taken by MNPD
ICE	1	MNPD should create and implement policies and formal training on what types of U.S. issued and foreign issued identification will be accepted in order to issue misdemeanor citations rather than take individuals into physical custody.	04/14/2020	Not Accepted	MNPD issued a Roll Call Training on April 5, 2019 which outlined acceptable foreign identification. The information is not included in academy training or the Manual and Chief Anderson declined to draft additional policy or training.
ICE	2	MNPD should create and implement policies that discourage police officers from asking about immigration or citizenship status. If an officer does ask about immigration status or citizenship status, they should be required to document that they asked and provide a justification for the question in their report narratives.	04/14/2020	Not Accepted	Chief Anderson expressed interest in obtaining an opinion on this recommendation from the Metro Legal department so that we could discuss this topic further. The COB's legal advisor, Todd Pinckley, has reached out to Metro Legal regarding this matter and is awaiting their opinion.
ICE	3	The MNPD should create and implement training on the difference between administrative and judicial warrants and what ICE can and cannot do while conducting immigration enforcement in public vs. REP (Reasonable Expectation of Privacy) areas.	04/14/2020	Not Accepted	Chief Anderson stated that the MNPD does train officers on the difference between administrative and judicial warrants but does not conduct training on federal immigration laws or the authority that ICE has in public and private areas.



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ICE	4	The Department of Emergency Communications and the Metro Nashville Police Department should document and track instances of federal immigration enforcement officials calling for MNPD or first responder assistance during their enforcement actions in Davidson County.	04/14/2020	Accepted	Similar policy was adopted in compliance with Mayor Cooper's Executive Order Number 008 on May 27th, 2020.
8 Can't Wait	1	Ban choke holds and strangle holds: The COB recommends that MNPD policy define "neck restraints" to include choke holds, carotid restraints, lateral vascular restraints, and holds with a knee or other object on the neck while an individual is prone.	06/24/2020	Accepted	MNPD accepted the recommendation and issued Roll Call Training: "Neck Restraint Techniques July 2020" on 07/17/2020



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8 Can't Wait	2	Require de-escalation, physical force only as a last resort: The COB recommends that de-escalation tactics be required before an officer uses force, be it non-deadly and/or deadly, and that failing to use reasonable de-escalation techniques when circumstances permit should make the officer subject to disciplinary action. Policy should state that physical force should only be used as a last resort. The MNPD Manual should also explicitly define common de-escalation tactics that are available to officers.	06/24/2020	Partial Acceptance	<p>MNPD Response: MNPD is conducting a comprehensive review of all use of force policies and anticipates a policy revision clarifying the requirements of de-escalation where feasible.</p> <p>Regarding the requirement that force be used as a "last resort", MNPD policy includes substantively similar language. Any force used must be both reasonable and necessary. Instead of absolute language requiring "last resort", MNPD provides guidance that requires all other reasonable alternatives to force be exhausted or determined to be ineffective.</p> <p>Also, this proposed "last resort" standard would require an officer to exhaust each and every element of the force continuum, before meeting resistance with equal force. Example, making it a policy violation for an officer to not attempt a baton strike against a subject who is discharging a firearm at him/ her.</p>



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Report	Rec. Number	Recommendation Text	Date Issued	Status	Response/Action Taken by MNP
8 Can't Wait	3	Ban the shooting of firearms at moving vehicles: The COB recommends that MNPD amend the policy prohibiting shooting of firearms at moving vehicles to specify that the only circumstance where shooting at vehicles is allowed is when an occupant of the vehicle is using deadly force, other than the vehicle itself, against the officer or another person. We recommend that shooting at moving vehicles be prohibited except for in the specified circumstances and that the disciplinary category for shooting at a moving vehicle is included.	06/24/2020		No response has been issued
Consent Decrees	1	MNPD should review policies, procedures, and trainings to ensure consistency between policies in the Manual and prohibitions that are covered in training. Actions that are against policy because of training should be explicitly stated as prohibited in the MNPD Manual. When appropriate, concrete examples should be provided to ensure clarity.	10/23/2020	Accepted	MNPD Response: MNPD is conducting a comprehensive review of all use of force policies and anticipates a policy revision clarifying the prohibitions on common techniques that, (although it is a policy violation for using techniques inconsistent with training) would provide enhanced clarity to officers and the public regarding prohibited techniques. Revisions will be disseminated internally and on the MNPD website.



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Report	Rec. Number	Recommendation Text	Date Issued	Status	Response/Action Taken by MNPD
Consent Decrees	2	MNPD should implement promotional and annual in-service supervisor training that focuses on conducting use of force investigations. This training should be in addition to the annual in-service training provided to all sworn officers. Recommended training topics include: conducting use of force investigations, strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force, incident management, and supporting officers who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.	10/23/2020	Accepted	MNPD Response: The MNPD Director of Training has been instructed to implement training programs consistent with this recommendation.



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Report	Rec. Number	Recommendation Text	Date Issued	Status	Response/Action Taken by MNP
Consent Decrees	3	MNP should create a Crisis Intervention Team comprised of specially trained officers for response to crisis situations involving mental health issues including drug addiction. CIT officers should work closely with civilian mental health professionals and, when possible, should be accompanied by a mental health professional co-responder when responding to crisis-related calls for service. The MNP Manual should comprehensively outline policies, procedures, and roles related to the crisis intervention program, including trauma-informed, situation-based guidance for officers responding to the scene of a crisis. Since a CIT will require a long-term implementation plan, MNP should aim to create a budget-neutral plan for developing the program. If additional resources are needed, those should be detailed in a request to the Metro Council for the FY22 budget.	10/23/2020	Accepted	MNP is piloting a mental health co-responder program with the Mental Health Cooperative that will include CIT officers responding to mental health calls with a mental health professional.
Consent Decrees	4	MNP should categorize all use of force above unresisted handcuffing into three levels that will guide the reporting and investigation of the use of force.	10/23/2020	Partial Acceptance	MNP Response: Consistent with the Policing Policy Commission Report, the MNP is reviewing use of force reporting processes. The substantive recommendation for revision of the force level that triggers reporting is accepted. The recommendation regarding assigning them into "level 1, 2 or 3" as a reporting format or label is under consideration.



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Report	Rec. Number	Recommendation Text	Date Issued	Status	Response/Action Taken by MNPDP
Consent Decrees	5	A Force Investigation Team should be created as a branch of OPA to investigate criminal and administrative aspects of uses of force resulting in serious injury, all firearm discharges, misapplications of force, and other serious uses of force as defined by the department. They should also investigate fatal uses of force for violations of administrative standards parallel to the TBI criminal investigation. The unit should receive specialized training in conducting use of force investigations into serious uses of force.	10/23/2020	Accepted	MNPDP Response: Pending a potential revision to the MNPDP-TBI-District Attorney MOU, the Director of the Office of Professional Accountability, the Director of Training, and the Criminal Investigation Division have been directed to implement and formalize these processes within appropriate division level operating procedures.
Consent Decrees	6	MNPDP should track and analyze use of force data and create an annual use of force report that is available to the public. The analysis in this report should examine the relative frequency and type of force used by officers against individuals in specific demographic categories, examine MNPDP's use of force over time, and identify and address any trends that may warrant changes to policy, procedures, training, tactics, equipment, or practice.	10/23/2020	Accepted	MNPDP Response: Consistent with the Policing Policy Commission Report, the MNPDP is in the process of enhancing its publicly disseminated reports and analysis of use of force incidents. These will be disseminated on the MNPDP website upon completion.



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Report	Rec. Number	Recommendation Text	Date Issued	Status	Response/Action Taken by MNPD
Consent Decrees	7	MNPD should publish an interactive dashboard of monthly or quarterly use of force statistics including, but not limited to, the race, ethnicity, age, and gender of subjects; the type(s) of force applied; the type of resistance from subject; injuries sustained by officers and subjects; the geographic area where the use of force occurred, and the call types where force was applied.	10/23/2020	Partial Acceptance	MNPD Response: The MNPD does not have direct control over the MNPD website. The ability to support an interactive dashboard on a Metro Government website is dependent upon Metro Information Technology Services (ITS) capabilities. The MNPD continues to work with Metro ITS to consider and implement such interactive software and will, in the interim provide relevant data to the MNCO, the Open Data Portal, or as a public record, pending the ability of Metro ITS to support such a program.
Hiring Procedures	1	The Personal History Statement should include law-enforcement specific questions for applicants who have been law enforcement officials in another jurisdiction. This should include questions about unnecessary use of force, bias-based policing, and any disciplinary actions.	05/26/2021		
Hiring Procedures	2	Question \#99 of the Personal History Statement asking whether applicants have a prejudice that will impact their job performance should be changed to a series of questions focused on discriminatory attitudes and behaviors and a short answer question regarding the applicant's understanding of implicit bias.	05/26/2021		



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Report	Rec. Number	Recommendation Text	Date Issued	Status	Response/Action Taken by MNP
Hiring Procedures	3	MNP should evaluate reasons for Civil Service Testing no-shows through surveys and interviews with individuals who did not show up to testing. When impediments are identified, changes to the process should be considered and, if made, an evaluation plan should be in place to assess whether the change was effective. MNP should aim to have at least 50\% of invited applicants take the Civil Service Tests.	05/26/2021		
Hiring Procedures	4	MNP should publicly release their planned evaluation report focusing on whether changing the physical agility section of the Civil Service Test reduces gender and racial disparities in attending and passing the test.	05/26/2021		
Hiring Procedures	5	MNP should work to increase the racial, ethnic, gender, age, and language diversity of the Recruitment Section's background investigators to align with the population of Nashville more closely and make progress toward diversification by the end of 2021.	05/26/2021		
Hiring Procedures	6	MNP should review, at least annually, the demographics of applicants that have been assigned to background investigators and the number of disqualifications resulting from each investigator to identify potential biases. One investigator having higher disqualification rates for a specific demographic group than other investigators does not necessarily indicate bias, but it suggests that an in-depth audit is needed.	05/26/2021		



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Hiring Procedures	7	The Recruitment Section's SOPs should address the timing of the social media review in the hiring process and the procedures used by MNPD personnel for reviewing social media content. This should include a standard solicitation process regarding applicant social media information. Applicants who refuse to supply access to social media accounts should be disqualified from the hiring process.	05/26/2021		
Hiring Procedures	8	SOPs should require that if an applicant is the subject of a criminal investigation after review by the DCOP Panel—regardless of the investigation's outcome—the DCOP Panel must review the incident in the context of the applicant's full background investigation and re-vote on the applicant's qualification status.	05/26/2021		
Hiring Procedures	9	MNPD should add the Executive Director of the COB or their designee as a voting member to the DCOP Panel.	05/26/2021		
Hiring Procedures	10	The Recruitment Section's SOPs should address conflicts of interest of the Deputy Chiefs of Police Panel and direct panelists to recuse themselves from deliberating or voting on an applicant's qualification when they have a personal or business relationship with the applicant.	05/26/2021		



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Hiring Procedures	11	MNP should evaluate the pre-academy employment program to determine whether it improves training academy outcomes and early employment outcomes compared to those who did not participate in the program and release a public report on the program.	05/26/2021		