

Community Oversight Board

MEETING MINUTES

Wednesday, October 2, 2019 – 4:00 PM to 6:00 pm

**Sonny West Meeting Room
of the Howard Office Complex**

1. Call to Order

- Chair Ashlee Davis called the meeting to order at 4:00 p.m. and announced the presence of a quorum for conducting business.
- **Board Member in Attendance:** *Ashlee Davis, Jamel-Campbell-Gooch, Robert Cooper, Phyllis Hildreth, Walter Holloway, Andres Martinez, Brenda Ross, Matthew Sweeney, Emmett Turner and Danita Marsh*
- **Board Members Absent:** *Adele Lewis*
- **Others in Attendance:** *William Weeden (MNCO Executive Director), Jill Fitchard (MNCO Assistant Executive Director), Community Oversight Staff and 19 signed-in Members of the Public*

2. Establish Quorum

- Quorum was established by Chair Davis.

3. Chair Remarks

- Chair Davis contacted members of Mayor Cooper's transitional team but didn't receive any response.
- Chair Davis informed public that Mr. Weeden had reached out to Mayor Cooper's team and was informed he couldn't attend the current meeting but offered to schedule a meeting for next Monday or Tuesday.
- Chair Davis accepted the meeting with Mayor Cooper for Tuesday, October 8, at 3 p.m.
- Chair Davis urged Mr. Weeden to extend an invitation to Chief Anderson for the October 23 meeting and post it online.
- Chair Davis reminded Mr. Weeden that the Board would like documents to be presented at meetings at least one week in advance.

- Member Ross read an email response from Chief Anderson, sent to Mr. Weeden today, at 12:35 PM stating that he couldn't attend current meeting but welcomed the idea of continuing to have regular outside meetings.
- Chair Davis asked Todd Pinckley (MNCO Legal Advisor) to confirm the terms of the Open Public Meetings Act.
- Mr. Sweeney suggested to setup the next meeting with the Mayor and Chief as the foundation to begin discussion about the Memorandum of Understanding (MOU) between the COB & MNP.
- Member Hildreth and Member Cooper made it aware that they would not be able to attend the meeting with Mayor Cooper, giving Chair Davis clearance to attend.

4. Invited Guest Speakers

- Neither Mayor John Cooper nor Chief Steve Anderson were able to attend the meeting.

5. Executive Director Report

- **NACOLE Conference Update**
 - Mr. Weeden updated the Board on the staff and members Ross and Hildreth attendance at the NACOLE Conference. He suggested that Nashville may want to put a bid in for the 2021 conference and should submit a proposal by December 13, 2019 if interested.
- **Upcoming Community Training on Procedural Justice & Police Legitimacy**
 - Tentatively scheduled for October 24 & 25 and is an eight-hour, two-day training that will possibly be held at American Baptist College, provided by city of Chicago police officers.
- **Update on case activity summary:**
 - 25 cases have gone through the intake process
 - 11 were opened for investigation – 8 remaining open – 3 are policy reviews
 - Submitted records request for 10 cases – 8 are investigation – 2 are policy reviews
- **Update on database request (by Dr. Peter Vielehr)**
 - We requested Use of Force, Incident, Arrest and Office of Professional Accountability from MNP
 - Since last board meeting those databases have been received in the form of a thumb drive at no charge
- **Update on uploading documents to metro website**
 - Members of the staff had a meeting with IT Services Director, Keith Durban and Web Manager, Randall Williams on September 22, 2019, who explained what type of documents needed to be submitted to IT for metro's webpage
 - Original Word or PDF documents should be submitted and not scanned documents
- **Request received from Fraternal Order of Police (FOP)**

- On September 27, 2019, FOP President, James Smallwood requested background information on COB Board and staff members (copies of employment application, reference letters, or any other documents submitted during the interview stage).
- Mr. Weeden referred him to make a request through Metro’s Clerk Office through the Open Records Act – advised to do so by Metro HR.
- Member Cooper suggested LA Pinckley create a COB specific Records Policy for possible future requests that may be made to MNCO and report back to the Board.
- Chair Davis stated that she hopes FOP would at some point come attend a meeting and make a public comment and hopes they have good purpose behind their request.
- **Member Campbell-Gooch asked for clarification on records update**
 - Dr. Vielehr said we would request updates on databases quarterly (every 3 months).
- **Member Sweeney asked for clarification on the hold up with case 2019-3C**
 - Assistant Director (AD) Jill Fitchard explained that it was on hold because of Rule 16 – Criminal Procedures. She said that we would get with the liaison with the DA’s office to try and get those records.
 - A meeting with the DA Liaison is set for October 11, 2019 and Chair Davis suggested that regular scheduled meetings be setup with her.
- **Discussion on interaction with TBI**
 - TBI informed Director Weeden that no other law enforcement agency is allowed in an active crime scene until TBI closes it, secures it and turns it back over into the local Police Department. Once MNPd has it as an inactive crime scene our proposed MOU would kick in to allow MNCO investigators into the crime scene.
- **New office update**
 - The lease is anticipated to be signed on November 1, 2019, with a move in date that week. Chair Davis asked AD Fitchard to let the Board know when a community open house would be scheduled.
- **NACOLE Conference takeaways from Member Ross & Hildreth**
 - Member Ross stressed the importance of community engagement and said there should be more training and education within our communities about the COB & MNCO. She also talked about COB remaining independent and suggested we get a firm to provide independent legal counsel to the Board on a pro-bono basis.
 - Member Hildreth encouraged the Board to look at the work being done in Seattle. One of her hopes going forward is to find a way to bring some of the presenters from the conference to Nashville and have them present to the Council, the Mayor’s Office, various communities and educators. She also talked about what she thought was stunning was the active engagement of various Police Chiefs who were at the conference.

- Chair Davis said that Director Weeden needs to extend an invitation to Chief Anderson for the 2020 NACOLE CONFERENCE and stressed the importance of his peers being there from similar size and larger size cities. (August 30 – September 4)

6. MNCO Mediation Program

- LA Pinckley explained the mediation process and how he envisioned it working. He stated that community education would be key in letting people know about the program and would begin to implement those efforts. He met with the director of Nashville Conflict Resolution Center (NCRC) who agreed to work with MNCO on a trial basis for one year at no cost. After one year, we would discuss payment options.
- Member Sweeney suggested that the program be vetted a lot more by the executive team. Some of his concerns were:
 - Discussion about “citizens,” noting that we had decided not saying citizens but members of the public
 - The language used in the mediation program should line up with the language and policies already included in the COB rules and policies.
- Member Ross made a motion to have the rules committee meet and work with LA Pinckley to work on the mediation program. The motion was seconded by Member Campbell-Gooch.

7. MNCO/DEC MOU

- LA Pinckley updated that we are in the Department of Emergency Communications RAVE System Call-Out Notice
- LA Pinckley reviewed the DEC MOU. Member Cooper questioned what documents were being mentioned in the MOU and LA Pinckley cleared up which documents would be confidential and withheld from the Board until declared non-confidential.
- Member Sweeney asked LA Pinckley’s clarification of what documents can be seen by the COB members confidentially and just not discussed openly; that should be written and not just an understanding between the two entities. Member Sweeney also brought out the point that there should be language in an agreement on a timeframe of when we would receive information. Member Sweeney also questioned how we would know what is confidential and which is not and that should be made clear by the responsible parties, so the COB doesn’t violate the law.
- Chair Davis said that LA Pinckley should contact Chief Anderson and Deputy Director Peterson to get changes made and offered to contact Director Miliken if needed.

8. Discussion on Board minutes

- Chair Davis requested to have board meeting minutes at least 7 days prior to next meeting. She would prefer them 10 days out.

- Member Sweeney requested that the minutes be reviewed/ revised by Director Weeden and then sent to him for review before they are sent to the Board.

9. MNCO/MEO MOU

- LA Pinckley advised that an agreement has been established with Metro Medical Examiner, Alex Dickerson. The agreement stated that the COB would receive a final autopsy report within 10 business days.
- Member Cooper suggested that we pull the same language from this MOU in the MOU with DEC regarding DEC letting us know which documents are or are not confidential.

10. Nov. & Dec. CCOB Meeting Dates

- A motion by Member Sweeney to have the meeting on Wednesday, November 20 was made and seconded by Member Martinez. The motion carried.
- A motion was made by Member Hildreth to have the December Board Meeting on Wednesday, December 18 and seconded by Member Cooper. The motion carried.

11. MNCO Policy Review Approvals

- Director Weeden stated that there were two policy reviews that the staff was looking into, both involving the use of force. Chair Davis reminded that a request needed to be submitted to the Board for policy review, a motion made and passed and then MNCO staff could conduct a review.
 - Member Martinez made a motion for the policy reviews, member Hildreth seconded the motion and focused discussion was held. Member Sweeney wanted to know what process would take place for MNCO staff to decide what policies to choose to review.
 - Director Weeden stated that the staff would submit proposals to the Board going forward, providing explanation for reason for review.
- Member Martinez made a new motion to approve the two proposed policy reviews and another regarding MNPDP Policies Use of Force and Immigration and Customs Enforcement (he explained this matter), a second was made by Member Cooper. The motion carried with one nay from Member Ross.

12. COB/MNPD MOU

- Article 3 – Jurisdiction
 - Discussion was made by Member Sweeney on establishing some sort of guideline as to what the COB would investigate vs OPA. Member Hildreth suggested that some sort of table clearly outline those matrices once agreed upon by both departments.
- Article 4 - Cooperation and Access of Information

- Section B – Library: things we will always have, will be current and won't have to ask anyone for, it's there for our reference and we have it
 - Section C – Info that relates to a complaint that we request and get promptly
 - Section D – Information that we can wait upon: databases, has a presumption time of 7 days but may be negotiated if additional time is needed to produce it
- Article 5 – Confidentiality
 - What we receive as confidential from MNPd we will maintain as confidential. Confidential material provided needs to be clearly defined so the COB will know.
- Article 6 – Intake Investigations
 - Process by which the COB will conduct the investigative process. A reference is made to the MNPd manual as to what notice is giving to police officers and how that process works.
 - Member Cooper suggested to change the language of department personnel to Employee.
- Article 7 – Mediation
 - This sets the general framework for the more detailed SOP that is developed by MNOC staff. Certain time periods are left blank for negotiation purposes.
- Article 8 – Administrative Leave
 - Provides that the MNCO Director may make the request that an officer be put on administrative leave based on information provided and Chief would need to act upon that request in a certain amount of time.
- Article 9 – Resolution Reports
 - Process by which reports will be prepared and sent to us. The Chief will have a certain amount of time to respond and that response will be posted, along with the report.
- Article 10--Policy Advisory
 - Process by which we'll submit to police and they will be respond within a 60-business day time period
- Article 11-- Force Review Board
 - Appoints Director Weeden or designee to sit on this board; the Chief has already agreed on this
- Articles 12-14--Call-out Procedures
 - This communication is in place with the current DEC MOU, which is why changes took place in section A to take out certain matters.
- Article 15 & 16 – Training Provided by Police Department
 - In addition to CPA, specific modifications have been set as to what options will be provided to those who may not be able to attend a session.
 - Member Cooper suggested limiting what can be available to review by computer because of the importance of face-to-face interaction.

- Member Hildreth requested that we not put a limit on the amount of information that could be made available on trainings via computer.
- Member Hildreth would like added to the numerated Types of Training, Officer Involved Shooting, Verbal De-escalation, traffic stops.
- Member Martinez made a motion to accept the revisions and approve the final MOU proposal to go to MNPd; Member Ross made a second and the motion carried.
- Member Sweeney suggested that a Board member attend the negotiations with Director Weeden and AD Fitchheard with MNPd. Chief Davis suggested Member Turner be the person to attend those negotiations, and he accepted.

13. Staggered Terms for COB Members

- Lots were drawn by the Board members per Article 5, Section 2 of the Bylaws, resulting in the following:
- Community Members
 - Member Ross: 2 years
 - Member Martinez: 3 years
 - Member Davis: 1 year
 - Member Campbell-Gooch: 3 years
 - Member Lewis: 2 years
 - Member Marsh: 2 years
 - Member Turner: 1 year
- Council-nominated Members
 - Member Holloway: 3 years
 - Member Sweeney: 2 years
- Mayor-appointed Members
 - Member Hildreth: 1 year
 - Member Cooper: 3 years
- Member Sweeney suggested that the Board petition the Council for any one-term members who would like to stay. Member Hildreth stated that as a mayor-appointed member she believes that decision would be up to Mayor Cooper. Mr. Cooper said that he didn't believe it would be a good precedent for the Board to set recommendations as to who should be appointed to it. Director Weeden will notify the Metro Clerk about the Board determined terms.

14. Public Comments

1. Austin Davis thanked the Board for the opportunity to freely speak of his concerns. He cautioned the Board to be very careful before signing an agreement with Chief Anderson, stating that we have a major transparency and trust issued with MNPd. Prior to making any long-term agreements with Chief Anderson, Davis stated that the Chief should provide truthful answers about retired Police Officer Richard Hillenbrand who was involved in a major sex-

cocaine scandal in 1988, along with various other claims he was involved in. He makes a second public call for chief Anderson to resign.

2. Constance Mollet voiced her concerns about some issues she was having in her neighborhood with being intimidated and harassed by her neighbors when she was in Detroit. She also talked about drug issues that were happening on Buena Vista Pike when she lived there and how she would complain to MNPd about the matter. The FBI and CIA did finally get them but were very slow. She now has an issue with her neighbor across the street and feels afraid of him.
3. Davie Tucker stated that he is perplexed and dismayed that the Chief would not appear before the COB and members of the public. He is convinced that he is not showing up to flex who he really thinks he is. He believes that the MNPd leadership must change if the COB is to be effective. He went on to say that in order for the MNCO staff to do their job right, they would have to understand that not everyone will like them and don't compromise. Those fighting for the COB will fight to get the right commissioners and the right staff.

14. New Business/Announcements

- Member Martinez read a letter to the editor that was sent to the Tennessean from new Council Member Robert Nash out of District 27. The document contained Nash's thoughts on the COB and how he feels skeptical of the COB's structure. Member Martinez urged COB members and MNCO staff to reach out to the new council members and discuss the work of the COB to clear up any misunderstandings.
- Member Hildreth shared a communication from Keith Durban from ITS stating his full cooperation with the COB and MNCO. He stated that he and his staff is fully committed to helping the COB and its efforts in anyway possible. She wanted to recognize and honor those who stand with the COB and are supportive to its work.

15. Adjourn

- Member Cooper made a motion to adjourn the meeting, Member Martinez made a second and the meeting was adjourned at 6:49 PM.