

Community Oversight Board Meeting

MEETING MINUTES

Wednesday, February 26, 2020 – 4:00 PM to 6:00 PM

E.S. Rose Park Community Center
1000 Edgehill Avenue, Nashville, TN 37203

1. Call to Order

- **Ashlee Davis (Chair)**, called the meeting to order at 4:00 p.m.
- **Board Members in Attendance:** *Ashlee Davis (Chair), Andrew Goddard, Jamel Campbell-Gooch, Phyllis Hildreth, Walter Holloway, Timothy Hughes, Andres Martinez, Adele Lewis, Brenda Ross, Matthew Sweeney, and Shawn Whitsell.*
- **Board Members Absent:** *NA*
- **Others in Attendance:** *Jill Fitchard (Community Oversight Board Executive Director), Councilwoman Sharon Hurt, Community Oversight Staff, Members of the Public and the media.*

2. Establish Quorum

- A quorum was established for the meeting.

3. Approval of the Minutes

- Matt Sweeney moved to approve the January 22, 2020 minutes. Jamel Campbell Gooch provided a second on the motion. The January 22nd minutes were unanimously approved.

4. Welcome Introduction of New Board Members

- Jamel Campbell Gooch shared the history of the E.S. Rose Park Community Center with the Board and Community. Mr. Campbell- Gooch expressed the significance the center had for him and the people within the community.
- Chair Davis acknowledged and welcomed Shawn Whitsell and Timothy Hughes as the newly elected Board members. Shawn Whitsell and Timothy Hughes introduced themselves and provided their background and experience.
- Adele Lewis congratulated Chair Davis on her re-election to the Board.

5. Chair Remarks

- Chair Davis read the appeal statement.

- Chair Davis provided the February 21, 2020, Executive Committee Meeting update. She expressed concern about the COB not being timely informed that a publicly noticed meeting would be held about the MNPd in-car and body worn camera systems. Director Fitchard, along with Chair Davis, learned of this meeting only six days in advance.
- Chair Davis informed the Board that she sent separate emails to John Buntin, Director of Policy for the Mayor's Office, and to Councilman Russ Pulley, Chairman of the Metro Council Public Safety Committee. The emails expressed concern over the late notice, open lines of communication, and including the COB staff in all Criminal Justice and Public safety meetings. Director Fitchard also has requested to be included in the criminal justice stakeholder meetings and has not yet been included.
- In her letter to John Buntin, Chair Davis also expressed the need for a liaison from the Mayor's office to the COB, who would regularly attend the COB Board Meetings. Mr. Buntin responded that he is the liaison; he thanked her for reaching out and said the Mayor's office is trying to clearly communicate. (Director Fitchard advised that Mr. Buntin also directly reached out to her in response to the BWC meeting notice problem.)
- Mr. Pulley's response to Chair Davis was apologetic. He told her that the COB was a priority and that he understood the reason for her frustration. Chair Davis and Director Fitchard are scheduled to meet with Councilman Pulley on March 3 to discuss future communications.
- The Board also discussed the limited community participation at the BWC meeting which was due to the late notice, time and location. Member Timothy Hughes asked if he or Member Whitsell could join the March 3 meeting with Mr. Pulley. Chair Davis stated that only one member of the Board could attend because of public meeting restrictions. Chair Davis will provide the Board with an overview of the meeting.
- Mr. Campbell Gooch asked if Mr. Buntin responded that he would be present in the COB meetings? Chair Davis said he did not other than that he would need sufficient advance notice of the meetings; She will work with Director Fitchard to provide him with notice of regularly scheduled meetings and those specially set. Member Campbell Gooch expressed the importance of the Mayor's liaison attending our meetings, so he can answer any questions that members may have.
- Councilwoman Sharon Hurt spoke to the Board regarding her communication with John Buntin about the inclusion of the COB in criminal justice matters. She advised that she explained to him that she expected the COB would not only be timely informed of events but would be actively engaged by the Mayor's office before decisions are made. Mr. Buntin assured her the Mayor wants there to be a good relationship between the police and the COB. Councilwoman Hurt offered her services and support to the Board. The Metro Council's Minority Caucus has made the COB a priority for this year and extends an invite to the Board to their meetings which are held on the 2nd Monday of every month. Walter Holloway expressed his appreciation for the support of the Councilmembers towards the COB.

- As a general matter, Chair Davis reminded the Board that under our bylaws only she and Director Fitchard are authorized to speak for the COB to the media.

6. Executive Director Report

- She has hired a new Assistant Director, Christopher Clausi, who will be start on March 16th.
 - She is working on the Youth Advisory Council and Community initiatives.
 - The department will attend the Civil Rights Program at Cane Ridge High School to discuss the COB's function and youth engagement.
 - Beginning in March and April, more time will be spent in the community providing Community Oversight education.
 - She attended nine community meetings this month.
 - The next Board meeting will be held at Coleman Park Community Center in South Nashville. Future COB meetings will be held in the community.
 - She met with John Buntin from the Mayor's office and with the Public Defender's office to discuss department collaboration.
 - She has a MNPDP ride-along in another precinct scheduled for February 27th.
 - The Policy Promulgation Committee met three times in the past month to discuss rules and procedures for the development, presentation and consideration of Policy Advisory Reports.
 - She participated in a Metro Finance Department budget meeting today and all went well.
 - Saturday, April 4th at noon, MNCO will have its open house.
 - The COB Annual Report was timely delivered to the Tennessee General Assembly on January 31.
- MNCO Investigation letters were mailed to several police officer's this week; the officers have engaged counsel and have invoked *Garrity* rights. Chief Anderson ordered the officers to speak with COB investigators. However, OPA Director Kathy Morante scheduled the interviews to be at MNPDP Headquarters. Director Fitchard wants the interviews to be conducted at the MNCO office. Ms Morante advised ED Fitchard that Chief Anderson will not allow the officers to be interviewed at MNCO.
 - Member Walter Holloway, a former MNPDP officer, supported the Director's view that the interviews should take place at the MNCO office. By way of background, Member Sweeney mentioned that in a pre-MOU Board approval exchange with John Buntin Mayor's office and Metro Legal Director Bob Cooper, they advised that that *Garrity* was rarely invoked in OPA matters and there is no reason to expect it to be invoked as a practice to interfere with COB investigations. Sweeney expressed concern that with 4 of 5 officers have invoked *Garrity* in cases where Director Fitchard advised there is no apparent basis to do so; MNCO legal advisor Pinckley confirmed that there are no criminal issues in these investigations that would support the invocation of *Garrity*. Member Campbell Gooch asked whether Chief Anderson could be involved in the negotiation taskforce to aid in quickly resolving this process issue. Member Holloway expressed the need to engage the Mayor on this issue.
 - Mr. Campbell Gooch moved to conduct an emergency taskforce meeting within the next seven days under the MOU. Adele Lewis provided a second. The motion was unanimously approved.

- Andrew Goddard noted that under the MOU the Chief or Deputy Chief should be present to negotiate or compromise when the emergency provision under the MOU is invoked.
- Director Fitchard advised that the next Citizens Police Academy Training will be on March 17 – May 25, at the south precinct. The summer session will run from June 2 – August 18, and the fall session is Sept 1 – November. New Board members are required to attend this training within their first year.
- The Board also discussed training content, class efficiency, issuing certificates, and the MNPd's position on refusing to allow Board members to make up a missed training class, including taking those classes this year, versus the requirement of taking the entire course again. Director Fitchard will follow up with the MNPd about the make-up classes
- Member Sweeney asked about the two pending 2019 matters on the complaint log. Director Fitchard explained that those two cases were delayed during the MOU negotiations and that they are the matters where the officers have now invoked the *Garrity*.

7. Policy Promulgation Committee Update

- Peter Vielehr gave an update on the policy meetings and discussed the process flowchart, which diagram will be uploaded to the COB website. He also stressed the need for Board member involvement creation of the policy reports, as distinguished from approval alone.

8. Revision to Policy Advisory Report Rule (Art.3)

- Member Sweeney summarized the Policy Advisory Report rule revision as outlined in the memo sent to the Board, which corresponds to the process flowchart referenced above. He emphasized that any COB policy recommendation is that of the Board and not the MNCO staff. He also discussed the importance of individual Board member involvement in review and discussion of the reports as they are being researched and developed by the MNCO, including attending Monthly MNCO Research Review meetings and providing written feedback on drafts. Member Sweeney also noted that the Board Review process emphasizing that the report and each individual recommendation must be separately approved by the Board.
- Phyllis Hildreth thanked Peter Vielehr, the MNCO staff, and the Policy Promulgation Committee for all the hard work displayed.
- Member Hildreth moved to approve the adoption of the revised Art. 3 of the Board's Rules. Member Goddard provided a second on the motion. The motion was unanimously approved and is attached hereto as **Exhibit A**.

9. Monthly Research Review

- Peter Vielehr informed the Board members that Monthly Research Review meetings will occur every month at the MNCO office and will be led by himself and Liz Orozco. The first meeting will be held on Tuesday March 10 from 1:00 – 2:00 pm; one Board member should attend each meeting to provide Board input. The Board members can alternate attending future monthly meetings.
- Member Campbell Gooch will attend the March 10 meeting, and Shawn Whitsell will attend if Mr. Campbell Gooch cannot. Director Fitchard said the Monthly Research Review meeting times can be adjusted to later in the day to accommodate schedules, if needed.
- The policy topics for discussion at the March meeting will include: Immigration, traffic stops, and body cameras.
- On a related matter, Director Fitchard told the Board it would be helpful to have a new committee, similar to the Policy Promulgation Committee, to help establish the process for MNCO preparation and Board consideration of Proposed Resolution Reports for complaints against MNPD officers.
- Member Sweeney moved that the scope of, and charge to, the Policy Promulgation Committee be broadened to include the MNCO preparation and Board consideration of resolution reports. Member Hildreth provided a second on the motion. The motion was unanimously approved.
- Chair Davis asked whether the leadership of the committee needed to be shared; Member Campbell Gooch, who chairs the committee, said he could handle the committee responsibilities.

10. 2020 COB New Members and Elections

- Chair Davis informed the Board that officer elections will be held at March Board meeting and she hoped everyone will be able to attend.
- Todd Pinckley provided the Board with an overview of the election process. He read the COB descriptions for the offices of Chair, Vice- Chair, 2nd Vice- Chair, and Secretary. He advised that all Board members are eligible to be nominated and elected. A nominating committee, selected today, will nominate the initial panel, which will include one person for each office. He explained that other nominations could be made from the floor by any member at the Board meeting.
- Brenda Ross, Adele Lewis, and Timothy Hughes volunteered to serve on the nominating committee. Member Martinez moved to approve the nominating committee composed of those three Board members. Member Campbell Gooch provided a second on the motion. The

nominating committee was unanimously approved. The committee will meet within the next ten days.

11. Public Comment

- No public comment was provided at this meeting.

11. New Business /Announcements

- Member Martinez asked whether the MNCO could provide an expedited report commenting on the draft BWC policies released by MNPDP on February 25. Director Fitchard advised that there will be two to three more public meetings about the draft policies and that John Buntin and Captain Whited will be soliciting comments from the community as well.
- Member Sweeney suggested that the method, timing and content for providing feedback on the draft MNPDP BWC policies could be discussed at the March 10 Monthly Research Review meeting, and recommendations could then be made.
- Chair Davis advised that there may be a need for an Executive Committee meeting even before then and she will work with Director Fitchard if there is a need for that committee to weigh in.
- Member Holloway stated that he appreciates this process for considering feedback on the draft policies, which shows that the COB is taking initiative.
- Director Fitchard read a statement from MNPDP Captain Blaine Whited, who is overseeing the deployment of the BWCs, referencing the imminent posting of a video that will address concerns and questions about the body-worn cameras. The video should be available on YouTube.
- Chair Davis urged everyone to participate in Black History Month events. She also reminded everyone of the MNCO open house being held on Saturday, April 4 at 12:00 pm.

12. Adjourn

- Member Lewis moved to adjourn the meeting with Member Campbell Gooch providing a second. The motion was unanimously approved. The meeting adjourned at 5:45 pm.

EXHIBIT A TO COB MINUTES OF 2/26/20

SECTION 3. Policy Advisory Reports

A. The Board is empowered to issue Policy Advisory Reports and is aided in that process by the MNCO.

B. The MNCO, on its own initiative or at the request of others, may review and investigate any aspect of the Davidson County criminal justice system without need for anyone having filed a Complaint as to any incident, policy or practice. To assure the best use of resources, however, before undertaking such a matter, the MNCO shall prepare a Research Proposal and Project Plan (“Research Proposal”), which will include an overview of the proposal, primary research questions, a brief background of the topic, research methods, data required, a list of relevant stakeholders, an implementation timeline, an impact and risk assessment, and advice on whether expedited Board consideration of the intended draft Public Policy Advisory Report will be necessary. The Director upon review and approval of the Research Proposal, shall present it to the Board and request approval to proceed on either an expedited or regular schedule; with the Board’s approval and as governed by a SOP, the MNCO may undertake the matter and prepare a draft Policy Advisory Report for the Board’s consideration. Furthermore, if later the Director determines that the Board’s consideration of an anticipated draft Policy Advisory Report should be expedited, the Director should advise and seek permission from the Executive Committee for such a review.

C. Before the Board votes to adopt a draft Policy Advisory Report, the proposed action must be noticed on the agenda and considered at no fewer than two Board meetings on different days. At the first meeting the MNCO will present and explain the draft report, how it was developed and key issues for Board consideration. The Board may discuss, but not vote to adopt, the proposed report at that first meeting. Unless the draft is withdrawn by the Director at or before that Board meeting, it shall proceed and the Chair will appoint a one-person Board Committee to solicit public comment and conduct a public forum with the Director to receive community input on the draft; all Board members are encouraged to attend each forum.

D. Whether on an expedited track or a regular track, where a draft Policy Advisory Report is first noticed for a vote on its adoption, the consideration of that report shall be the primary agenda item for the Board’s consideration. The review shall then proceed as follows:

(1) If the draft Policy Advisory Report is considered on an expedited track, the second Board meeting, where a vote may first be taken, shall be held on the same day as the public forum and immediately following the forum.

(2) If the draft Policy Advisory Report is considered on a regular track, the second Board meeting, where a vote may first be taken, shall be set on another day after the public forum has been held.

(3) After the Board’s full consideration of a draft report at a second or subsequent meeting either on the regular or expedited track, then, if necessary, the draft may be noticed for further consideration at any subsequent Board meeting as one of several agenda items.

(4) When a draft report is presented for a vote, the Board will consider the report as a whole and each separate policy recommendation; the report and its policy recommendations may be considered by the Board as a whole, unless a Board member requests separate consideration of one or more policy recommendations. At any time, the Board may refer the draft report or any part thereof back to the MNCO for revision or for further consideration/development.

E. The MNCO SOP for the development of Policy Advisory Reports shall include, but is not limited to, the following criteria:

(1) Before it is first presented to the Board, the Director shall vet and endorse the draft Policy Advisory Report and each of its policy recommendations. Additionally, before a draft report is later presented to the Board for a vote, the Director and the Chair shall meet to vet and finalize the draft.

(2) Reports shall be presented in a uniform style appropriate for the subject matter and the particular type of policy recommendation(s) made.

(3) Each policy recommendation in a report should be evidence-based, grounded in solid reasoning and practical. The recommendation should take into account existing applicable policies and their rationales, as well as insights related to the proposal from NACOLE, the Commission on Accreditation for Law Enforcement Agencies, Inc., any related and recognized law enforcement “best practices,” the fields of criminology, criminal justice, law enforcement theory, civil rights, and racial justice, as applicable.

(4) The development of draft report should include and document actively solicited input, both by written comment and by public forum, from those stakeholders most directly affected by the proposed policy, including various communities and criminal justice entities. Unless it has earlier occurred, the solicitation and receipt of stakeholder input should occur between the first Board meeting when a draft report has been presented and the subsequent Board meeting when the Board will be asked to vote on the report. Furthermore, outside of the Board meetings, and before the Board’s scheduled vote to approve a Policy Advisory Report, each Board member also may, and is strongly encouraged to, provide direct input to MNCO about the draft report and its policy proposals.

(5) To the extent practical, each policy recommendation in a report should include a clear cost benefit analysis that considers anticipated outcomes, the potential impact on stakeholder groups identified, clear and quantifiable performance goals, and how success is to be measured. And

(6) Legal analysis of the draft report in relation to applicable Tennessee and/or federal law.

F. The Board will provide its Policy Advisory Reports to all affected criminal justice agencies for their review and response. Copies also will be provided to the public, the Mayor and the Metro Council. Publication of such a report will authorize the Director and the Board to advocate on behalf of the recommendation and to work with the affected agencies and other parties toward implementation.