

**Community Oversight Board Meeting**  
**MEETING MINUTES**  
**Wednesday, April 22, 2020 – 3:00 PM to 5:00 PM**  
WebEx Meeting

**1. Call to Order**

- **Ashlee Davis (Chair), called the meeting to order at 3:00 p.m.**
- **Board Members in Attendance:** *Ashlee Davis (Chair), Andrew Goddard, Jamel Campbell-Gooch, Phyllis Hildreth, Walter Holloway, Timothy Hughes, Andres Martinez, Brenda Ross, Matthew Sweeney, and Shawn Whitsell.*
- **Board Members Absent:** *Adele Lewis*
- **Others in Attendance:** *Jill Fitchard (Community Oversight Board Executive Director), Chris Clausi (Community Oversight Board Assistant Executive Director), R. Todd Pinckley (Community Oversight Legal Advisor), Community Oversight Staff. The meeting was convened by Stephanie Judd (of Metro IT). The meeting was publicly broadcast contemporaneously.*

**2. Establish Quorum/Reading of Appeals Statement**

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

**3. Electronic Meetings Update**

- Todd Pinckley explained that due to the COVID-19 Pandemic occurring, under the Governors executive order # 16 to protect the citizens of Nashville, a vote was needed to conduct the following Community Oversight Board (“COB”) meeting electronically.
- Matt Sweeney moved to approve the electronic meeting. Andres Martinez provided a second on the motion. The electronic meeting was unanimously approved.

**4. Approval of the Minutes**

- Jamel Campbell-Gooch moved to approve the February 26, 2020 minutes. Brenda Ross provided a second on the motion. The February 26th minutes were unanimously approved.

**5. Amendment to COB Bylaws**

- Legal Advisor Pinckley discussed new proposed rules to address emergency situations where a scheduled monthly Board meeting cannot be held, or a Board or committee meeting cannot be held in person. The proposed rules allow for Board meeting cancellation and rescheduling, and for remote meetings; it also provides in essence for the entire Board to override such a decision. The rules if adopted will

apply to any emergency situation, not just during the current pandemic. Member Campbell-Gooch moved to approve the amendment to the bylaws. Member Martinez provided a second on the motion. The rule amendment was unanimously approved.

- Member Hughes asked if the provision related to the current pandemic only. Todd Pinckley stated the provision would relate to any emergency issue that should occur.

## **6. Retroactive Approval; Cancellation of March Board Meeting**

- Todd Pinckley explained that due to the Board not having the amendment in place when the March Board meeting was cancelled, a vote would need to be taken by the full Board to retroactively approve the cancellation. However, with the new amendment being approved, a situation similar to this would be avoided in the future.
- Member Campbell-Gooch moved to retroactively approve the cancellation of the March Board meeting. Timothy Hughes provided a second on the motion. The cancellation of March's Board meeting was unanimously approved.

## **7. Chair Remarks**

- Chair Davis stated that since our February meeting she did not conduct any in-person and very few phone call meetings related to COB business.
- Chair Davis thanked the Board members for working through the current challenges and giving of their time. She also reminded the members to be great professionals whether they are all in agreement or have dissenting opinions.
- Chair Davis welcomed Assistant Executive Director Chris Clausi as a new MNCO staff member.
- Chair Davis informed the Board that within the past few hours, she was made aware of an online article in the Tennessean that reported the City of Nashville would not be moving forward with the second phase and ultimately the full implementation of body worn cameras due to budget constraints. Chair Davis shared this was the first time she was made aware of that decision.
- Chair Davis stated that she reached out to Director Fitchard and John Buntin in the Mayor's office regarding the body cameras just prior to the Board meeting, but they were unavailable. New information will be shared with the Board as it is received. Chair Davis stated the need to obtain body worn cameras (BWC) will continue to be a priority of the Board.
- Member Holloway stated that the body cameras need to be a high priority and that the COB should remain vigilant in its efforts, Chair Davis agreed.

- Member Ross asked if the Mayor’s office contacted the Executive Director or Board Chair about the body cameras before the press announcement? Both said they had no notice and no opportunity for input. Director Fitchard stated she also had no idea. Director Fitchard said she had been informed by Captain Whitehead (head of the MNPB BWC task force) that there would be a delay to the May BWC rollout due to infrastructure damage caused by the tornado and he wasn’t aware of anything beyond that one delay. Email communication from Captain Whitehead stated he was still waiting to see how things turned out with the budget process.
- Member Ross expressed her disappointment with the body camera delay and the COB being left out of the decision-making process.
- Chair Davis told the Board she had expressed her disappointment to John Buntin in an email and explained the decision was a shock to her without any advance consultation with the COB. John Buntin responded to Chair Davis, by email, explaining that he was currently working through the City’s response to the COVID-19 outbreak and safely re-opening the City. Chair Davis responded to the email, explaining to Mr. Buntin the Body Worn Cameras are an issue just as important to the Board.
- Member Campbell-Gooch suggested the following questions be asked of Mr. Buntin.
  - ❖ Will there be a limited number of body cameras rolled out?
  - ❖ What precinct will the body cameras be placed in?
  - ❖ What is the actual/realistic price tag of the body cameras?
  - ❖ Who will have access to the cameras?
  - ❖ Can the cameras be spread out to provide each officer with one Body Worn Camera instead of each officer getting two cameras, one Body Worn Camera and one Dash Camera?
- Member Campbell-Gooch also requested Chair Davis inquire about getting a consistent, official liaison from the Mayor’s office to partner with the COB.
- Director Fitchard clarified that there are twenty-three body cameras and twenty-three In-car cameras totaling 46, with each police officer receiving two cameras.

**8. Executive Director Report**

- Director Fitchard provided highlights from her written report to the Board.
  - ❖ Director Fitchard has been in touch with Deputy Chief Haggar asking him about policies, practices, and roll call briefings. She expressed to Deputy

Chief Hagar that the MNCO was a criminal justice stakeholder and needed to be informed of related items. She expressed disappointment in having no advance knowledge or input regarding delay in implementation of the body worn cameras.

- ❖ She Introduced MNCO's new Assistant Director, Christopher Clausi, who started on March 16th.
  - ❖ The emergency meeting with the Mayor's Office Negotiation Task Force regarding the location of interviews with MNPd police officers was delayed due to the tornado and the COVID-19 pandemic. Kathy Morante and Christopher Clausi have agreed to conduct those interviews over the phone. Therefore, location issues have temporarily been resolved. The interviews should begin next week.
  - ❖ The MNCO staff successfully transitioned to working remotely. Director Fitchard thanked Keith Durbin and his team for providing all the ITS support. There have been no setbacks or interruptions to MNCO services during this time of working remotely. The staff is available to receive and investigate complaints and there are currently eight open cases.
  - ❖ Deputy Chief Haggar, Director Kathy Morante, and Captain Whitehead have all responded to needed requests. Captain Whitehead provided a detailed report on the body camera launch for March.
  - ❖ MNCO has requested thirteen non-lethal use of force reports related to emergency communication notifications. Two of the thirteen reports have been received, the remaining requests are pending or have been denied under the citation to Criminal Rule 16 relating to an open criminal investigation.
  - ❖ Director Fitchard thanked the research analysts, in particular Liz Orozco for her work on the Policy Advisory Report Examining Local Law Enforcement and Immigration Enforcement Actions. A special thanks went to the COB members for approving and adopting the policy recommendations which were adopted and sent to Chief Anderson, the Mayor's office, Vice Mayor, Metro Council members, the Department of Emergency Communication, CJ Stakeholders and Community Stakeholders.
- Member Campbell-Gooch asked what does being a CJ Stakeholder entail, and is it an official designation? Director Fitchard explained that CJ Stakeholders should be provided access to documents and information the departments are sharing. It would also include being invited and involved in meetings. It specifically provides a seat at the criminal justice table.

- Member Campbell-Gooch asked how the Board could support the Executive Director to ensure the MNCO is provided the appropriate access. Director Fitchard explained it starts with the CJ Stakeholder Liaison, John Buntin, to ensure that the COB is included.
- Member Campbell-Gooch asked for information about the Budget Key Performance Indicators (KPI's) requested by the Mayor's office. Director Fitchard explained the Budget Performance Management Team took a list of a few of the metrics submitted by the MNCO and created a list of 10 Key Performance Indicators. A final KPI report would need to be provided to the Mayor's office each month (3rd Monday of each month beginning July 2020).
- Member Campbell-Gooch asked that a detailed discussion be held between the Board and the MNCO staff regarding what those numbers mean and what we consider success. He also suggested that we get an indication of what the Mayor's office would consider a success as well.
- Chair Davis suggested that a conversation occur around this topic the beginning of May. Member Ross agreed.
- Member Ross asked if there had been an increase in complaints since COVID 19. She also asked if anybody knew what was being recorded with the body cameras so far? Director Fitchard stated there was a case increase in March, and the body camera recordings have captured public interactions and camera tests.
- Peter Vielehr provided additional insight explaining that the KPI's are designed to track productivity within the MNCO office in order to demonstrate the amount of work being provided to the community.
- Member Sweeney asked if there had been any contingency cuts to our budget. Director Fitchard explained that the department had not heard anything about any contingency cuts occurring to the MNCO budget.
- Member Holloway asked if the MNCO investigators are provided Metro issued cell phones.
- Director Fitchard informed the Board that all investigators have been issued work cell phones and the Metro Police Department has been outfitted with new iPhone 11's to be used along with the body cameras. Chair Davis and Member Campbell-Gooch both requested that further information be provided to the Board regarding the circumstance of the iPhone 11 purchases.
- Member Campbell-Gooch asked if any responses were received after the COB immigration policy report was issued and wanted to hear more about future research proposals? Director Fitchard stated that she received two responses, one from Emergency Communications and another from John Buntin, merely

acknowledging receipt. She advised that MNCO will be presenting the Board a research proposal to address law enforcement accessibility and community outreach with limited English, deaf, and hard of hearing communities.

- Chair Davis asked for clarification on the MNCO's status of being considered or lack of being considered a CJ Stakeholder. Director Fitchard stated that in the past the MNCO was treated as a CJ Stakeholder but currently, it is not. Chair Davis expressed a desire to have a written protocol to designate the MNCO as a CJ Stakeholder. This would further ensure that if the MNCO is left out of CJ Stakeholder initiatives, there would be some type of consequence for that failure. Chair Davis requested Mr. Pinckley determine if there is a written accounting of who gets CJ stakeholder status and if there isn't, determine if we should engage the Mayor's officer to discuss this effort. Member Ross agreed that the designation should be placed in writing and community involvement should be solicited if that designation is not applied to the MNCO.
- Member Campbell-Gooch commented that media outlets need to be included along with the community on the challenges the MNCO and COB are facing around exclusion from CJ Stakeholder meetings. Member Hughes addressed his concerns regarding hearing about the body camera roll out by social media rather than from the Mayor's office. He expressed that being included is critically important for the community to be aware and involved in this decision-making process.
- Member Sweeney identified a Metro website for Criminal Justice Planning. The site identifies who is on the steering committee as well as who is on the Criminal Justice Planning Board. He suggested MNCO look at the site to determine if the Metro Council could get the ordinance amended ensuring the MNCO is both part of the steering committee and the planning advisory board.
- Member Hildreth advised that she met with John Buntin after the February Board meeting. She strongly urged him to clearly identify a uniquely dedicated representative from the Mayor's office to the COB. During that meeting, they also discussed three options for how to resolve the concern about MNCO interviews of MNPd officers in MNCO investigations. These efforts are an example of immediate dialogue that was occurring prior to the tornado hitting Nashville. Member Hildreth discussed, once again, the need to address issues with the Mayor's office to ensure the work and concerns of the COB are looked at with the same enduring importance and significance as any other emergencies that threaten the health, safety, and welfare of all members of the community. She concluded her remarks by stating that just prior to today's meeting, she received an email from John Buntin regarding the body camera delay. Once she speaks with John Buntin, the information will be relayed back to Director Fitchard. Chair Davis asked that she be contacted and informed after that meeting.
- Member Whitsell stated he also believed the MNCO needed a seat at the CJ Stakeholder table and needed to determine exactly how to make that happen. He

also stated the community needed to be informed and rallied for their support during that process.

- Director Fitchard stated that she received an email from John Buntin during the Board meeting stating the 2nd phase of body worn cameras is on hold due to the severe revenue shortfall. The email also stated that the body cameras are still a priority for Mayor Cooper. Once the current funding crisis is over, they will be a top priority with full deployment to follow.
- Member Goddard suggested that Todd Pinckley speaks with Metro's Legal Director Bob Cooper for assistance on the issues that the Board is experiencing.
- Member Holloway suggested that if any additional BWC's were purchased, they be provided to officers working in high crime areas.
- Chair Davis requested that Director Fitchard let the Chair know any updates shared from Member Hildreth after they speak. This will ensure the Chair has all the appropriate information to share with John Buntin when they speak. Chair Davis also requested that Todd Pinckley respond to her regarding the legalities of taking next steps.

## **9. COB Executive Committee Elections**

- Todd Pinckley advised the Board that he was mistaken when he informed the members last month that it was time for Executive Committee elections; he had mistakenly believed that the current officer terms were for six months rather than a year as provided in the bylaws. He pointed out the potential issues with the August 2020 elections, however, when member transitions occur in February. He suggested that the member terms and the officer terms be synched.
- Member Sweeney, as chair of the Rules and Bylaws Committee reviewed the officer election history and drafting of the related bylaw provisions. At the first Board meeting the members decided to elect officers but as the Board was new to set the initial term at six months. During the bylaw drafting process the committee recommended and the Board determined going forward, officers would serve one-year terms. Member Sweeney also suggested that if the Board wanted to make any changes to the election process, there is a provision for an easy amendment to the bylaws.
- Member Holloway moved to have the elections in May because some Board members had left.
- Todd Pinckley informed the Board there is a provision in the bylaws that allows the Chair to appoint a person to serve the remainder of an officer term if a member resigns or steps down from the Board.

- Member Campbell-Gooch expressed his desire to keep the elections at one-year making the next election in August.
- Member Martinez recalled the initial elections being the same as Member Sweeney had described. He suggested that the Board hold off on officer elections until August as stated in the current bylaws.
- Member Holloway made a motion that elections be held in May. There was no second; the motioned failed.
- The COB Executive Committee Elections will be tabled until August.
- Chair Davis requested Director Fitchard to ensure the nomination committee reconvene in June to address nominations and procedures.
- Member Ross asked whether the current nominees will be the nominees for the August election. Todd Pinckley advised that he presumed so, but the committee could decide otherwise.

**10. Public Comment**

- No public comment was made at this meeting.

**11. New Business /Announcements**

- Member Campbell-Gooch mentioned that any Nashvillians needing help rebuilding their homes after the tornado can receive assistance by going to [Rebuildnorthnashville.com](http://Rebuildnorthnashville.com).
- Director Fitchard shared with the Board that additional training for the Board and a Board retreat would be discussed at the next Executive Committee meeting.

**12. Adjourn**

Member Sweeney moved to adjourn the meeting with Member Ross, providing a second. The motion was unanimously approved. The meeting adjourned at 4:43 pm.

**Approved by the Board at COB meeting 5/27/20**

*/s/ Matt Sweeney 9/4/20*  
**Secretary**