

**Community Oversight Board Meeting**  
**MEETING MINUTES**  
**Wednesday, June 24, 2020 – 4:00 PM to 6:00 PM**  
**WebEx Meeting**

**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, Adele Lewis, Andres Martinez, Brenda Ross, Matthew Sweeney, and Shawn Whitsell.*
- **Board Members Absent:** *NA*
- **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), John Buntin (Mayor’s Office Director of Policy), Eric Brown (Mayor’s Office Coordinator of Economic Opportunity and Empowerment / Youth Development), Community Oversight Staff.* 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 occurrence of the COVID-19 pandemic, a vote was needed pursuant to Governor Lee’s Executive Order 16 and Executive Order 34 to conduct the following Community Oversight Board (“COB”) meeting electronically.
- Executive Order 34 extends Executive Order 16 through June 30, 2020. Governor Lee has indicated that he will not extend the order past June 30. Without an extension, this will be the last electronic meeting for the Board.
- Andres Martinez moved to approve the electronic meeting. Phyllis Hildreth provided a second on the motion. The electronic meeting was unanimously approved.

**4. Approval of the Minutes**

- Matt Sweeney moved to approve the May 27, 2020 minutes. Walter Holloway provided a second on the motion. The May 27<sup>th</sup> minutes were unanimously approved.

## **5. Chair Remarks**

- Chair Davis opened the floor for Board Members to make statements.
- Member Hughes reminded everyone of the upcoming elections on August 6<sup>th</sup>, early voting starts July 17<sup>th</sup>. The last day to request an absentee ballot is July 7<sup>th</sup>. Member Hughes encouraged everyone to vote in the upcoming election.
- Jamel Campbell-Gooch stated that there was an issue with community members trying to access the live stream through the website. Member Campbell-Gooch requested a moment of silence for the country and gave a brief history of over-policing and radical change.

## **6. Use of Force Policy Review Committee**

- Mr. Buntin introduced the Coordinator of Economic Opportunity and Empowerment and Youth Development, Mr. Eric Brown. Mr. Buntin stated they would be working together on the Mayor's Use of Force Task Force to review MNPD's use of force policies.
- Eric Brown introduced himself to the Board members and provided his work background.
- Mr. Buntin explained how Mayor Cooper wanted a task force in place to strengthen policies based on the #cantwait principles. The task force will be assembled in partnership with the COB. On June 15, Mayor Cooper sent a letter to Chair Davis and Director Fitchard requesting an independent review of the use of force policies and to recommend best practices.
- Chair Davis welcomed and thanked Mr. Buntin for speaking to the Board and provided the opportunity for questions.
- Member Martinez asked what actions and accountability measures are in place to ensure the COB's recommendations are implemented. Mr. Buntin stated the recommendations would be presented to the Mayor, the City Council, and the public along with opportunities to provide input to improve the policy recommendations.
- Member Campbell-Gooch asked how the task force members will be selected? Mr. Buntin stated the Mayor will contact a broad, representative group of people to serve on the task force. Member Campbell-Gooch asked why the COB was not utilized for this policy review. Mr. Buntin stated that the rationale for the June 15<sup>th</sup> letter was to encourage COB involvement and that incorporating more people outside of the COB will bring additional attention to the proposed reforms. Member Campbell-Gooch voiced his displeasure with some aspects of the letter and the cyclical nature of proposed reform under previous Mayors with little action or follow-up. Eric

Brown stated that he understood the frustration and voiced his willingness to take on the challenge to ensure a successful outcome.

- Chair Davis stated the necessity of a discussion regarding the acceptance of an invitation to join the committee.
- Member Ross requested a time frame for starting the committee and the number of members on the committee. Member Ross also expressed her belief that actual community members should be used for the committee. Mr. Buntin stated that a list of candidates is being compiled, and although the proposed timeframe is 90 days, they want to proceed in a quick but thorough manner.
- Member Goddard stated that he is cautious, but hopeful because this is an opportunity for the Board to take a leadership role in this policy review. Member Goddard also provided that, depending on the recommendations made by the task force, the charter authorizes the COB to make its own policy recommendations to address these issues, if needed.
- Member Martinez asked whether the Mayor's office is prepared to weigh in on MNPD's acceptance or rejection of COB policy recommendations in the future. Mr. Buntin referenced the July 15<sup>th</sup> letter to demonstrate Mayor Cooper's commitment to improving policy and seeking COB input.
- Member Campbell-Gooch stated that community members not affiliated with a group should be used and should be compensated for their time; the task force should also include those who are or were incarcerated. There should also be a 30-day window for this to happen quickly.
- Mr. Buntin stated he is looking forward to working with the Board.
- Andrew Goddard moved to accept Mayor Cooper's invitation to join the task force. Brenda Ross provided a second on the motion. Mayor Cooper's invitation to join the task force was unanimously approved.
- Member Campbell-Gooch asked for the Board's opinion regarding community outreach. Member Ross voiced her concern regarding the Mayor's task force list and stated that others in the community should be involved with the task force. Chair Davis stated that a letter could be sent to Mayor Cooper to address the COB's concern and the need to engage and include the community. Member Hildreth addressed her concerns and agreed on community involvement and how to engage the community during the pandemic. Member Campbell-Gooch spoke about the process of a participatory group with quick interaction. Member Sweeney agreed with transparency and suggested a letter be drafted to capture how to have an effective committee.
- Extensive discussion was held regarding a committee that would draft a letter to the Mayor and support the task force.

- Brenda Ross moved to form a Use of Force Policy Committee. Shawn Whitsell provided a second on the motion. The Use of Force Policy Committee was unanimously approved. The first meeting will be held on June 30, 2020, and will be comprised of Chair Davis, Member Campbell-Gooch, Member Ross, Member Whitsell.

## **7. Executive Director Report**

- Director Fitchard provided highlights from her written report to the Board.
  - The MNCO office remained closed to the public during June. Director Fitchard has informed the staff of the MNCO's COVID-19 safety plan to keep the office sanitized and the requirement of wearing masks when working in the office. ED Fitchard and AD Clausi continue to work on creating a safe plan of action to reopen the MNCO office in the coming months with guidance from the Metro Human Resources office.
  - The staff attended training webinars and forums through NACOLE that focused on investigations, policing, and incarceration during this climate of protests, police reform, and COVID-19.
  - Liz Orozco and Dr. Peter Vielehr developed and worked on multiple advisory reports to include the #8cantwait and language-outreach reports. Liz Orozco continues to work on the Language Outreach Report.
  - MNCO Community Liaison continues to share the latest MNCO-COB information with the Nashville community by using multiple social media platforms. A newsletter/bulletin to highlight important issues for the community is coming in July 2020.
  - MNCO continues to receive calls from the public to initiate complaints of alleged misconduct by MNPB officers. The MNCO has received a total of six investigative complaints since its last Board meeting in May and assisted with 50 non-complaint calls for service as of June 19, 2020.
  - Director Fitchard provided the details of the officer-involved shooting on Wednesday, June 3 and how MNCO responded.
  - Member Campbell-Gooch thanked Director Fitchard for the information and asked if OPA still had more access than MNCO and why civilians had more access than COB? Director Fitchard stated it was her first experience of civilians having access. Director Morante did not access the scene (while her investigators did), which prevented all MNCO staff from accessing the scene, supposedly due to the language in the MOU.

- Member Campbell-Gooch asked if Mr. Buntin provided information on who would conduct the debriefing later in the day on June 3, after MNCO was denied access to the site. Director Fitchard stated she assumed that MNPDP's Public Affairs Manager, Mr. Don Aaron, would provide the debriefing.
- Member Sweeney requested clarification on whether two OPA investigators accessed the scene while Director Morante did not, and whether all MNCO staff was denied access. Director Fitchard stated that this was correct.
- Records were requested (arrest, incident, and CAD reports) for the June 3 investigation along with the officer's personnel and discipline records. The warrant was obtained without any problems.
- Member Sweeney asked if Director Fitchard was satisfied with the site access outcome. Director Fitchard answered no and voiced her concerns.
- On Thursday, June 4 Director Fitchard met with John Buntin and Deputy Chief Hagar to discuss the June 3 shooting and why MNCO was denied access the crime scene. The meeting was solution-driven and overall productive. Captain Jason Starling (Head of CID) was provided as a future point of contact when any scene access situation occurs. Captain Jason Starling sent an introductory email and provided his contact information.
- Deputy Chief Hagar provided information to Director Fitchard to contact a MNPDP field supervisor on duty for assistance during the hours of 6:00 AM to 6:00 PM through the Department of Emergency Communications (DEC) when additional call-out or scene issues arise. To observe the process, both Mr. Buntin and Deputy Chief Hagar will both respond to the next officer-involved-shooting crime scene to observe what occurs and to assure proper access is provided.
- Discussion was held regarding OPA officer's access to a crime scene while access was denied to MNCO investigators. Director Fitchard answered that OPA officers are sworn, active-duty officers, which under the MOU gives greater access, when in fact there is no reason for any distinction.
- Director Fitchard provided clarification for her statement to Mr. Campbell-Gooch that the crime scene and records access meeting was solution-driven and productive overall.
- Member Holloway commented on MNPDP Chief of Police Steve Anderson retiring and the necessity of establishing a relationship with the new Chief.
- Friday, June 5—Director Fitchard, AD Clausi, and Legal Advisor Todd Pinckley met with Legal Director Bob Cooper to discuss MNCO's the roadblocks to access to MNPDP documents due the claimed application of Rule 16 of the Tennessee Rules of Criminal

Procedure. A list of MNPB essential records needed for investigations was emailed to Bob Cooper, and he stated that he would work on the request for assistance to remove the roadblocks.

- Director Fitchard had two separate phone calls with DAG Glenn Funk on June 4<sup>th</sup> and June 5<sup>th</sup> about records access and authorization for MNCO investigators access to body worn camera recordings (BWC) and in-car camera recordings (ICC). AD Clausi has been in contact with District Attorney Jenny Charles who will assist with the MNPB records access process flowing through the DA's office.
- Thursday, June 11—Director Fitchard sent an email to Chief Steve Anderson requesting a response to the COB's Policy Advisory Report—Examining Local Law Enforcement and Immigration Enforcement Actions—that was sent to him on April 16, 2020. Chief Anderson sent his response to the recommendations to Director Fitchard on June 14, 2020. His responses were forwarded to the Board for review. Department of Communication ED Stephen Martini has responded to the recommendation directed towards DEC and is working on the technical issues referenced.
- Liz Orozco stated that ED Martini has been very helpful in clarifying miscommunication regarding what DEC thought was needed and what MNCO actually needs. Liz Orozco explained the discussion was regarding a recommendation from the Immigration Report over the number of times Emergency Services or MNPB had been sent to respond to a call from an ICE agent. DEC was having issues pulling the records; however, the issue was resolved by changing the key words used in searching the CAD reports.
- Director Fitchard discussed other meetings that she had in June. She and AD Clausi had a positive and productive meeting with General Funk and TBI Agent Winkler to discuss TBI crime scene access and access to records. General Funk and Agent Winkler were able to work towards an agreement with Director Fitchard that will allow the MNCO investigators to have TBI crime scene access to observe the processing of any MNPB officer-involved incident where MNCO would respond.
- Director Fitchard explained the process of how a court order would work to get access to, and then copies of, BWC/ICC recordings. Copies will require some type of court order, although the process is unclear. Legal Advisor Todd Pinckley stated that he would like to have a meeting with General Funk to obtain details on getting an actual process in place.
- Member Campbell-Gooch stated MNCO should have more access to crime scenes than OPA and asked if signing MOU's with varying bodies would help clarify any issues. Director Fitchard responded that she finds MOU's helpful in providing clarity.
- Jamel Campbell- Gooch moved to create an MOU with the TBI. Adele Lewis provided a second on the motion. The MOU creation was unanimously approved.

- Chair Davis stated that the MOU needs to go before the Bylaws and Rules Committee (Rules Committee). Member Sweeney, who chairs the committee, suggested that much of the MOU drafting could be done by the MNCO staff. Member Sweeney will confer with Legal Advisor Todd Pinckley and keep the Board members updated.
- Member Campbell-Gooch questioned whether an MOU is needed for the body camera footage. Director Fitchard explained she did not feel that an MOU is currently necessary. Member Holloway stated that we need to ensure COB access to the body camera footage. Director Fitchard stated she is not opposed to pursuing an MOU.
- Director Fitchard has been working with the Metro Public Health Department regarding MNPD having access to positive COVID 19 tests.
- Member Sweeney asked if Chief Anderson declined to accept the COB's public policy recommendations and whether MNCO staff has conducted any additional review of the policy response that could be shared with the Board. Director Fitchard responded that in some instances Chief Anderson agreed, but only in part, and did not accept the recommendations as a whole. Director Fitchard advised that the research team is reviewing Chief Anderson's response, but as of yet there has been no executive team discussion of the response. Member Sweeney indicated it would be useful to provide the Board with an analysis and a recommendation on how to proceed. Director Fitchard stated this will be provided to the members soon.

## **8. MNPD MOU Discussion**

- Director Fitchard explained the necessity to update the MOU between COB and MNPD to strengthen weak areas and presented a proposed revised draft.
- Member Sweeney commented that the MOU was designed to obtain information to operate within the areas of our responsibility. MNCO should have the same access that OPA has in investigations and Mayor Cooper should publicly state that he supports the equivalency between the COB and OPA.
- Member Hildreth endorsed Member Sweeney's analysis stating the conduct of the police is up to Mayor Cooper.
- Per Member Sweeney, revisions to the MOU should go through the Rules Committee first then come back to the Board, as approval of a revised draft of the MOU it not listed as an action item on the Agenda.

- Member Hildreth made a process recommendation asking that the Board vote again for a negotiator on the amended document and that person should attend the Rules Committee Meeting to have the full benefit of understanding the intent behind the recommendations.
- Brenda Ross moved that Dr. Phyllis Hildreth remains the COB negotiator. Member Sweeney provided a second on the motion. The motion was unanimously approved.
- Chair Davis stated that the Rules Committee would discuss the MOU along with the TBI information (and need for a MOU) and report back to the Board in July with results as to both.



## **9. #8cant wait Policy Advisory Report**

- Dr. Peter Vielehr presented a PowerPoint presentation regarding the Policy Advisory Report on the #8cantwait Use of Force Policy Recommendations created by Campaign Zero. Campaign Zero is the national reform organization that aims to reform the use of force policies across the United States.
- The eight policy proposals are as follows: Ban Choke Holds and Strangle Holds, Requiring De-escalation Before Use of Force, Require Warning Before Shooting, Require Exhausting All Alternatives Before Shooting, Duty to Intervene, Ban Shooting at Moving Vehicles, Use of Force Continuum, Require Comprehensive Reporting.
- Dr. Vielehr identified those Campaign Zero recommendations that MNPD has already implemented and explained each MNCO policy proposal as to those that remain. Dr. Vielehr noted that if the document is approved, there are four typographical errors that need to be corrected. None of which change the content of the document.
- Following discussion of the normal process for adoption of policy recommendations, why prompt consideration of this report is important, and how/whether the COB's rules for consideration of policy recommendations can be suspended, member Goddard made a motion to suspend the Board's rules on policy proposals, under Roberts Rules of Order, to consider the adoption of the MNCO's #8cantwait policy advisory report at this time, rather than requiring consideration at multiple meetings. Member Martinez provided a second on the motion. The motion was unanimously approved.
- Member Martinez made a motion to adopt the #8cantwait policy advisory report. Member Sweeney provided a second on the motion. The motion was unanimously approved.

## **10. Public Comment**

- Director Fitchard read two emails and played three voicemails from community members.

## **11. New Business /Announcements**

- Member Campbell-Gooch stated that there would be a North Nashville Block Party hosted at the McGruder Center from 10:00 am – 2:00 pm on June 27, 2020. The purpose is to connect the community to tornado relief resources.
- Director Fitchard announced that the first hired MNCO staff members had their one-year anniversary on June 17, 2020 and thanked the staff for their hard work and dedication.

- Walter Holloway expressed that he would like to be a candidate for a position on Metro's committee/task force to select the next Chief of Police.
- Chair Davis stated she is prepared to reiterate in the letter that will go to the Mayor that the COB should be a part of the discussion in hiring the new Chief of Police.
- Chair Davis stated if the Governor does not extend electronic meetings, we will work to have a safe meeting space. The Nominating Committee conduct of elections will be coming up soon, so if any Board members are interested in serving on the executive committee, they reach out to Legal Advisor Todd Pinckley before the August Board Meeting.

## **12. Adjourn**

- Member Ross moved to adjourn the meeting with Member Hildreth providing a second. The motion was unanimously approved. The meeting adjourned at 7:02 pm.

**Approved by the Board at COB meeting 7/22/20**

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