

Community Oversight Board Meeting
MEETING MINUTES
Wednesday, July 22, 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), Community Oversight Staff.* The meeting was publicly broadcast contemporaneously.

2. Establish Quorum and Reading of Appeals Statement

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

3. Approval of the Minutes

- Phyllis Hildreth moved to approve the June 24, 2020 minutes. Andres Martinez provided a second on the motion. The June 24th minutes were unanimously approved.

4. Electronic Meetings Statement

- 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. Executive Order 51 is set to expire at the end of August.
- Matt Sweeney moved to approve the electronic meeting. Andres Martinez provided a second on the motion. The electronic meeting was unanimously approved.

5. Chair Remarks

- Chair Davis stated that she did not conduct any in person meetings; however, she did have an email exchange with the Mayor’s office to relay the importance of

ensuring that the communities voices are heard regarding the selection of the next Chief of Police.

- The Executive Committee met on July 13, 2020 and discussed the COB participating in the selection process of the next Chief of Police. The floor was opened to questions from Board members and there were no questions asked. Member Campbell-Gooch expressed that citizens would like to be able to change the system and be able to select the next Chief of Police.
- Chair Davis stated that she has a call scheduled with John Buntin, the Mayor's Director of Policy/Community Safety, next week to explore the Board's future needs and concerns.
- Member Campbell-Gooch voiced his appreciation of Chair Davis and fellow Board members for their continuous work and commitment.

6. Executive Director Report

- Director Fitchard provided highlights from her written report to the Board.
 - ❖ The COB will continue to have virtual Board meetings in accordance with the Governor's Executive Order until it expires.
 - ❖ The MNCO office remained closed to the public during June. A safe plan of action has been created with Assistant Director Clausi on the reopening of the MNCO office. The plan was halted on July 3rd when the Mayor reverted to a modified version of phase two of the road map to reopen Nashville.
 - ❖ Staff training is continuing, including the 2020 NACOLE Annual Conference which began on July 20th.
 - ❖ Meetings were held with John Buntin and Eric Brown (Mayor's Office, Coordinator of Economic Opportunity and Empowerment/Youth Development) regarding the Use of Force Commission. The Research Analysts began working on the Policy Advisory Report including requesting necessary records. Dr. Peter Vielehr will address the issues with the records request later in the meeting.
 - ❖ The Board's #8cantwait Policy Advisory Report recommendations and a letter were sent to MNPD Chief Anderson on June 24th. The Policy Advisory Report and letter were also sent to the Councilmembers. The recommendations were well received by the Councilmembers who thanked the COB for completing a thorough report. The MNPD accepted and acknowledged the COB's recommended language to clarify prohibitions against choke holds and strangle holds and revised its policy accordingly.

- ❖ Member Campbell-Gooch questioned the role of the COB in relation to the Mayor's use of force policy review. Director Fitchard reported having a couple meetings with John Buntin and Eric Brown to discuss the COB's role. As of now, MNCO is only providing research information to the Mayor's office. Dr. Vielehr will provide additional information in his presentation later in the meeting.
- ❖ MNCO expects to complete and issue this month a newsletter/bulletin to highlight important community issues. Ms. Thompson is working on updating the MNCO outreach materials and will host several virtual MNCO community meetings in the coming weeks.
- ❖ MNCO has received two complaints and assisted with 22 non-complaint calls since the last Board meeting in June.
- ❖ MNCO received a copy of an agreement between MNPd and the District Attorney General's office, facilitated by Metro Legal Director Bob Cooper, as a means by which MNCO may obtain MNPd records indirectly from the DA. MNCO has a meeting with Bob Cooper scheduled for July 23rd to discuss the MNPd records issues. Member Campbell-Gooch asked about the expected outcome of the meeting. Director Fitchard responded that the meeting is to ensure the agreement is working properly and that the necessary information is loaded into the proper systems so the DA's office can provide the information to MNCO. The second goal is to repair any miscommunications or misunderstandings among the parties involved.
- ❖ Member Campbell-Gooch questioned why there were issues with obtaining records from the DA's office. Director Fitchard clarified that in some instances the DA's office does not have the records that we have requested from MNPd. Ultimately, we need get beyond this indirect method of securing MNPd records. MNCO should be able to request and receive documents directly from MNPd, which is why the proposed stronger MOU is needed.
- ❖ Member Sweeney stated that we continue to encounter problems due to the citation to Criminal Rule 16, which has no application; until that non-issue is conceded by MNPd the problems will continue.
- ❖ A discussion was held regarding MNCO's progress being impeded, necessary changes to the MOU, the need for support from the Mayor's office, and MNCO receiving the same access as MNPd OPA to necessary MNPd documents.
- ❖ Director Fitchard discussed contacts with the Metro Council toward its adoption of a process or approval of subpoenas requested by the COB for an investigation.

- ❖ Member Campbell-Gooch, along with other members of the Board, expressed their dismay regarding the barriers in receiving records. Member Campbell-Gooch moved that a seven-day time limit be set for the Council to adopt a subpoena power process.
- ❖ Member Hildreth added that an amendment with a clear, effective process through Council should be added to the motion.
- ❖ Member Sweeney moved that Member Martinez should lead the inquiry into the subpoena power process and act as our liaison with the Council for that purpose. Member Ross provided a second and the motion was unanimously approved.
- ❖ A discussion was held regarding taking the records issues to the Minority Caucus and receiving their input as the support of the Caucus would be very effective. Member Hildreth stated that this is the responsibility of the Mayor and an ultimatum should be given.
- ❖ Director Fitchard discussed the status of the Boards Immigration Policy Recommendation. On Tuesday, July 14 she emailed Chief Anderson follow-up questions to his initial response to our recommendations, requesting a response within seven days. In the email Director Fitchard also requested a follow-up meeting with the Chief, a Board Member and her to discuss the MNPD response in person. Chief Anderson responded the next day requesting a meeting in person that same day. ED Fitchard, in consultation with the Chair Davis, requested that Chief Anderson first respond to the outstanding questions and that then a meeting could be had.
- ❖ Chair Davis stated that if Chief Anderson does not respond, then Director Fitchard should contact John Buntin and the Mayor's office. Chair Davis stated that correspondence should be sent to the Mayor's office addressing these concerns.
- ❖ Member Sweeney suggested that the Board wait before taking a vote to send a letter to the Mayor because he would like to discuss the MOU and the possibility of including that topic in the correspondence as well.

7. MOU Proposals

- Director Fitchard reviewed the terms of the newly proposed MOU between the TBI and COB, and what it was intended to accomplish. Basically, it will best assure that MNCO can do its job in those situations where the TBI controls a crime scene and will give MNCO the same access that is given to OPA. She also reviewed the proposed amendments to the MOU with MNPD discussing issues that have arisen under the first agreement, frustrating MNCO investigations. The revised draft is more specific, resolves the MNPD document issue (specifically acknowledging

that Criminal Rule 16 is not an impediment to document access), treats MNPB equivalently to OPA on crime scene access and witness access. It also provided for annual meetings between the MNCO Director and the Police Chief and updates training to tailor it more specifically to the needs of the COB and its staff. Member Sweeney, as chair of the Rules Committee, reported that the committee reviewed the MOU drafts with Director Fitchard and her staff to ensure that their needs were met and based on actual interactions and past issues. The committee recommends the approval of both documents.

I. MNPB MOU Proposal

- Member Sweeney moved to approve the MNPB MOU Proposal draft, Member Hildreth provided a second on the motion. The MNPB MOU Proposal draft was unanimously approved.

II. TBI MOU Proposal

- Member Sweeney moved to approve the TBI MOU Proposal draft; Member Ross provided a second on the motion. The TBI MOU Proposal draft was unanimously approved.

8. Process/Protocol Discussion for Resolution Reports

- Director Fitchard asked that a committee be established to review the Resolution Report process so that the process will be in place for the August meeting.
- Member Martinez moved that a Resolution Report Committee be established. Member Whitsell provided a second on the motion. The motion was unanimously approved.
- Members Sweeney, Whitsell, Ross, and Martinez will serve on the Committee, and Member Whitsell will serve as Chair.

9. Policy Advisory Reports Update

- Dr. Peter Vielehr advised the Board that he had requested certain documents necessary to the Mayor's Use of Force review. He reported that all of the documents requested were not provided. He noted that objections had been raised to the volume of documents requested and MNPB indicated that redactions would be needed (including open criminal cases, juvenile cases, or expungements) before documents could be produced.
- Member Sweeney asked whether MNCO had shared with MNPB the methodology MNCO used for the sample selection. Dr. Peter Vielehr responded that information was sent today to Deputy Chief Haggar and Legal Director Cooper by Director Fitchard.

- Member Campbell-Gooch questioned if there was a relationship between the use of force and police-initiated contact, versus other initiated contacts. Dr. Peter Vielehr stated that he could link the use of force database to see police-initiated contacts in comparison to the dispatched contacts and explained the difference between the two.
- Liz Orozco discussed the status of the Immigration Policy recommendation in light of the MNPDP response to date (which is incomplete). MNPDP currently does not have practices regarding interactions with Federal Immigration Authorities. After review of an MNPDP roll call training document, the research team felt that section H, which outlines information to be included in reports to the Mayor's office, was comprehensive and in line with recommendation number 4 of the Policy Advisory Report that examined local law enforcement policies and called for the tracking of Metro resources in assisting Immigration and Customs Enforcement actions in Davidson County.
- Member Martinez wanted clarification on roll call trainings becoming formalized for future police officers. Liz Orozco stated that Chief Anderson was adamant that the roll call trainings are formal, but a response is still needed from Chief Anderson regarding training and enforcement for new cadets.
- Member Campbell-Gooch suggested a follow-up policy to the #8cantwait policy, which would reduce police killings and eliminate police harm. Dr. Peter Vielehr stated that he is looking into researching data and examining what programs would divert calls of service to alternate responses.

10. Police & Youth Engagement Proposal from NCRC

- Tabled

11. New Business/Announcements

- Brensey Thompson read two emails and played nine voice mails from community members that presented statements for the Board.
- The Board discussed and agreed that Member Hildreth should continue in the role as the Board's negotiator for the upcoming MOU discussions with MNPDP.
- Chair Davis suggested that Member Sweeney assist Director Fitchard with the TBI MOU discussions and necessary and he agreed.
- Chair Davis suggested that Director Fitchard open up the lines of communication with TBI and include a member of the Board so that TBI can have positive engagement with all parties.

- Chair Davis will work with Director Fitchard and the MNCO staff with drafting a letter to the Mayor regarding the Board's concerns as noted throughout these minutes.
- Elections for the Executive Committee will be held at the August meeting. Todd Pinckley reminded the Board of the voting process and shared the nominations.

12. Adjourn

Member Campbell-Gooch moved to adjourn the meeting with Member Hildreth, providing a second. The motion was unanimously approved. The meeting adjourned at 6:59 pm.

Approved by the Board at COB meeting 8/26/20

/s/ Matt Sweeney 9/4/20
Secretary