

Community Oversight Board Meeting
MEETING MINUTES
Wednesday, August 26, 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, 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), John Drake (MNPD Interim Chief of Police), 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. 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 51 is set to expire on August 29, 2020.
- Drew Goddard moved to approve the electronic meeting. Brenda Ross provided a second on the motion. The electronic meeting was unanimously approved.

4. Approval of the Minutes

- Andres Martinez moved to approve the July 22, 2020 minutes. Phyllis Hildreth provided a second on the motion. The July 22nd minutes were unanimously approved.

5. Chair Remarks

- Chair Davis stated that Mayor Cooper released a statement and announced the members of the Police Commission. The Commission will be tasked with reviewing policies that will be used by the search committee to conduct interviews for the new Chief of Police. Chair Davis expressed her dismay over the selection process and community representation of the Police Commission.
- Chair Davis stated that she had a call with Eric Brown and followed up the call with outlined suggestions on ways to reduce the number of commission members from forty members while still completing the necessary work. Chair Davis suggested that a member of the trans community be included and provided points of contact. The follow-up email was sent on August 14, 2020, and the only response provided was that the Commission would be moving forward.
- An email was sent to commission members inquiring in which of the three committees they wished to serve. Each member has been assigned a committee in which they will serve. Chair Davis asserted her position that COB members should not be on one-third of the commission. Chair Davis submitted another email specifying that the COB should be heavily involved and offered additional solutions on reducing the size of the commission.
- Member Campbell-Gooch stated that numerous COB members and Councilmembers should be a part of the subcommittees and commission. Member Campbell-Gooch asked about the nature of the three different subcommittees and their intended goals.
- Chair Davis stated that the three subcommittees are as follows: 1. Policy, Tactics and Training, which focuses on Nashville best practices and how police engage residents, along with use of force, search warrants and use of body-worn cameras. 2. Communities, school/youth, homelessness, mental health. 3. Workforce Committee which focuses on improving recruitment tactics, diversity, discipline.
- Member Campbell-Gooch asked if the Police Commission structure changes the way the COB functions. Chair Davis stated that the COB will continue to exercise its authority in the interests of the community and that service on the Mayor's commission will not change that.
- Member Hughes asked the breakdown of people of color on the Police Commission. Chair Davis stated the breakdown as sixteen white men, six white women, and eighteen people of color. Member Hughes expressed his concern about the lack of community members with vulnerabilities (hard of hearing, sight impaired) being included.
- Member Sweeny asked if each subcommittee would work independently and make a report or if they would gather information and hold meetings. Mr. Sweeney also asked

about the operational functions of each subcommittee. Chair Davis stated that the current plan is for the committees to meet separately and any additional plans have not been stated; she has asked for clarification and suggested regular meetings at least among subcommittee chairs.

- Member Goddard stated that the COB needs to find a way to participate on all subcommittees. Member Sweeney agreed and recommended Chair Davis make alliances with members serving on the other subcommittees. Member Campbell-Gooch suggested that we should seek to have other COB members appointed to the subcommittees.
- Member Martinez stated that he also agreed and the COB should advocate for the diverse participation of the subcommittees by making a formal request.
- Member Sweeny asked if the subcommittees are staffed and by whom; to the extent they are supported by our research staff, we could influence outcomes in that way as well. Chair Davis stated she believed that the subcommittees will be staffed.
- Member Ross stated that a press release should go out to engage the community for their support.
- Member Campbell-Gooch asked how long the subcommittees would continue. Chair Davis stated the subcommittees would last until mid to late October.
- Member Hildreth explained the charter agreement and the importance of the COB. Member Hildreth also stated that the Board must ensure that community voices are heard and that the work of the COB continues.
- Peter Vielehr provided updates on the use of force policy commission. The work should be complete by the beginning of October to prepare for the Chief of Police candidates.
- The Board supports our continued involvement with the Mayor's Police Commission. The COB and Broader Community interests should be consistently pushed and emphasized by whatever means is available, including COB reps serving on all subcommittees, forming alliances with those on other subcommittees and though the staffing of committees. The community should be informed of what we are doing and the Board should be kept current on developments.

6. MNPD Interim Chief of Police

- Chief Drake thanked the COB for inviting him and expressed that he would like to have a member of the police department attend future COB meetings. Chief Drake stated that he looked forward to having a good relationship and rapport with the COB along with Director Fitchard.

- Chief Drake noted the areas where he wanted improvement, including the COB’s access to records. Metro Legal is developing a process to provide access. Bob Cooper will be meeting with Director Fitchard, District Attorney Funk and Deputy Chief Mike Haggard to improve the document process.
- Chief Drake also said that a liaison position will be created to work with several community organizations including the COB. This Chief Diversity Officer would connect with Community Oversight, Gideon’s Army, etc. to build and develop a good rapport with communities.
- Chief Drake stated that he is looking forward to going over the MOU and negotiating in a timely manner ensuring its effectiveness for all involved.
- Discussion was held over police officers being respectful and in a “guardian” role as opposed to a “warrior” mentality. Flex teams were replaced with community engagement teams in an effort to have a friendlier, engaging police department. These officers will walk through neighborhoods, help tutor, deliver meals, mentor children and families, and problem solve within the communities.
- Thanks was given to the COB for the work that they do. Chief Drake stated that the community voted overwhelmingly to support the oversight board and he wanted to reaffirm his commitment.
- Member Holloway asked how Chief Drake could assist Director Fitchard in receiving denied 911 calls. Chief Drake stated that it would be a TBI investigation, so TBI would need to be informed of the complaint.
- Member Sweeney thanked Chief Drake for joining the meeting and for his positive approach to the COB. While acknowledging that he had not had time to study the revised MOU., he asked Chief Drake whether he supports parity between the OPA and the COB in all respects in the investigation of alleged MNPD misconduct. He said that he did, and that COB and the OPA should have the same access to the same information, documents, incident scenes and witnesses necessary to a complete investigation.
- Member Campbell-Gooch thanked Deputy Chief John Drake for acknowledging the changes and Gideon’s Army and asked what other improvements would occur. Deputy Chief John Drake stated that diversity will improve to include more minorities as well as more female officers. There will be an improvement and bias behavior. Interim Chief John Drake affirmed that good things are in place for the police department.
- Member Campbell-Gooch asked about alternatives to policing. Chief Drake spoke about the quality of life teams for the homeless and displaced community and police officers connecting these individuals with services. He also stated that civilians and clergy

members are encouraged to work within communities to foster relationships. Additionally, traffic related crashes will be examined to determine how civilians can impact the role as opposed to police officers. It is important that the community sees the police in a different light.

- Chief Drake stated that he or a staff member would like to return to speak at future COB meetings.

7. Executive Director Report

- Director Fitchard provided highlights from her written report to the Board.
 - On August 21 the MNCO's Lead Investigator (Enrique Martinez) resigned. Assistant Director Clausi is working with Metro HR to have the vacancy approved and publicly noted.
 - Staff training is continuing training, including the 2020 NACOLE Annual Conference which began on July 20 with thirty-two webinars ending on September 22nd. Staff attended the two-day Legacy of Trauma/ Developmental Trauma of African Americans training provided by the Nashville Conflict Resolution Center.
 - Brensey Thompson has been working with Metro Human Relations Commission and held the first community outreach town hall on Monday, August 24. The next town hall will be on Monday, August 31 from 5:00 – 6:30 pm. We are interested in hearing from survivors of domestic violence, trafficking, victim rights advocates, and members of the mental health communities. The forums are open to all Nashville residents and the information is posted on the MNCO website and social media.
 - MNCO received four investigative complaints since the last Board meeting (2 of those were this week, so not in Report); additionally the staff has assisted with thirty-nine other non-complaint calls.
 - MNCO received some of the use of force records it requested the MNPd; the documents were obtained indirectly through the DA's office. However, the use of force records involving juveniles records are still under review by MNPd/DA and still have not been produced.
 - On August 6 an elderly black homeless man was jailed for a mask violation; several members of the community called expressing concern about the arrest. The Director contacted DA Glen Funk and Chief Public Defender Martesha Johnson to obtain additional information and express the community's outrage.

Concern was expressed over the selective and biased enforcement of the mask mandate on Broadway. The Director requested and received from Deputy Chief Mike Haggar MNPd rollcall training materials involving the mask mandate.

- The Board's Proposed Resolution Reports committee met on August 3 with the MNCO to review and discuss the report process and format. Member Whitsell, committee Chair, provided an update from the committee that approved the MNCO approach.
- On August 10 the Executive Committee Met. Members received a mock Proposed Resolution Report, and Investigation Summary upon which the PRR was based, to review and provide feedback. The Executive Committee approved the design and format of the Proposed Resolution Reports, which will be presented to the Board in September.
- Body-worn and in-car camera update: The West precinct deployment began on July 27 and is on schedule. Cameras have been installed in thirty-two West Precinct cars and thirty-three remain to be outfitted. Fifty-three officers have been issued cameras and forty remain. East will be the next precinct to receive body worn and in-vehicle cameras.
- On August 13 Director Fitchard spoke with Gary Petersen, the lead consultant for the search team for the new Chief of Police about the hiring process, the relationship between the COB and MNPd, and policing practices.
- Director Fitchard was Invited and attended the Metro Criminal Justice steering committee on August 17; Mayor Cooper addressed the attendees. The discussion included upcoming initiatives and priorities, COVID 19 and Nashville arrest trends.
- On August 17 Captain Jason Sterling called the Director and provided information regarding an in-custody death. Captain Sterling stated that a man had died while in the custody of the Sheriff's office; the DA's office along with the TBI were contacted. There were no preliminary indications that MNPd was involved. An investigation by the MNPd cold case unit is open and an autopsy will be performed by the medical examiner.
- Director Fitchard provided an update on the COB subpoena ordinance. On Tuesday, August 18 Metro Council Member Bob Mendes along with fourteen other council members, sponsored Bill BL2020-401, to establish the process by which the COB can request the Council to issue subpoenas, which passed on first or 3 required readings. The second reading is set for September 1, 2020.

- Director Fitchard provided an update on the MDHA/MNPD Search Warrant raid that occurred on Wednesday, August 19. Following the incident Chief Drake contacted Director Fitchard about a search warrant and the decommissioning of several involved MNPD officers. Chief Drake informed Director Fitchard that because of this incident, he had changed the Department policy for search warrant approval and that he was going to hold a press conference shortly to discuss the incident and policy change. Director Fitchard confirmed that MNCO was investigating this issue. Additionally, Deputy Chief Mike Hagar sent Director Fitchard the updated Roll Call Training regarding the policy change entitled, “Search Warrant Approval Required Revision.”
- Metro Human Resources: Friday, August 21— Director Fitchard and Assistant Director Clausi spoke with HR Director Shannon Hall, Assistant Director Mike Taylor, and Manager Stephen Cain to discuss Civil Service Rules, Policies, and Procedures regarding Metro employee complaints that are related to equal employment opportunities and workplace conduct issues. Metro HR is willing to work with all partner agencies and is working with Director Fitchard and Assistant Director Clausi toward finalizing a clear and direct path going forward to address the needs of MNPD employees and give them options on how to file complaints regarding the violation of civil rights under Title VII.
- Director Fitchard contacted MDHA Director Jim Harbison to discuss concerns related to MDHA’s policies regarding residents’ privacy. Director Harbison stated that he took steps to make certain that residents feel safe in their apartments and he has enacted a new policy that will ensure keys are no longer available to MNPD without his personal approval, even with a search warrant. Additionally, he will send out messaging to residents informing them of his new policy and procedures; he has a meeting scheduled with Chief Drake to discuss the relationship between his MDHA residents and MNPD. Director Harbison and Director Fitchard agreed to meet soon to continue conversations that will benefit the community members who reside in MDHA properties.
- Director Fitchard had a meeting scheduled on August 24 with Metro Legal Director Bob Cooper, District Attorney General Glenn Funk & Deputy Chief Mike Hagar to discuss the ongoing issues related to MNCO obtaining MNPD record. Blocked primarily by the claimed prohibition of Criminal Rule 16. However, this meeting was postponed due to a scheduling conflict and has been re-set for Tuesday, September 1 at 2:00 PM.
- Member Campbell-Gooch asked if MDHA has an MOU with MNPD. Director Fitchard stated that there is an MOU in place; however, it does not include provisions regarding access to keys.

8. Chief of Police Search/Community Safety Townhall Meetings Update

- Member Ross expressed concern that only seventeen people made comments at the recent Chief selection forum and suggested that we reach out to more community members and council members.
- Brensey Thompson stated that the forum was promoted using social media, Nashville.gov, twitter, and shared with Human Relations. Human Relations sent it out to their community groups. It was also on News Channel 4. The next meetings will occur the same manner with a jump start on the following meetings. Radio ads will be used along with reaching out to other media contacts. Ms. Thompson urged Board Members to share the information on their social media platforms as well.
- Chair Davis stated that the common thread expressed during the forum was the need for the new Chief of Police and the COB having a clear line of communication. Speaker comments are limited to two minutes for forum conversation and the number of speakers is limited. The next forum will be hosted by Member Martinez.
- Chair Davis asked whether she will continue serving on the Police Commission due to the current COB elections. Member Hughes moved that Chair Davis continue to serve on the Police Commission as the COB's representative. Member Ross provided a second on the motion. The motion was unanimously approved.

9. MOU Finalization Discussion

- Director Fitchard stated that she emailed the final draft MNPD MOU (approved at the July Board meeting) to Chief Drake. The next step is to meet with the negotiation task force to secure agreement to the new draft. Interim Chief John Drake responded to the email and stated that he would be giving the MOU draft to his team to review. Director Fitchard also said that she intends to set a meeting with TBI Director Rausch in the next few weeks to discuss the proposed MOU agreement between COB and the TBI.
- Member Sweeney suggested that the best way to move forward on the MNPD MOU was for the Board's representative, Member Hildreth, to request a meeting with the Mayor's MOU Task Force as provided under the current MOU. Member Hildreth is going to contact the Mayor's office and schedule a meeting to move this forward.

10. Proposed Resolution Report Presentation

- Attorney – Advisor Todd Pinckley walked the Board through the process for the preparation and presentation of Proposed Resolution Reports involving alleged MNPD misconduct. This training addressed intake, investigation, report preparation, Board

presentation and consideration, and publication. The PowerPoint presentation has been sent to all Board members for further review.

- Director Fitchard then shared with the Board a mock investigative report and a mock PRR for the members' closer review. The Board will have the authority to accept the PRR as submitted, accept it as modified, reject it based on information in the report, or to return to the staff for additional investigation.
- Peter Vielehr explained the process for the publication of the PRR on the Metro government website.
- Director Fitchard stated that she would like the Proposed Resolution Report Committee to meet another time to discuss the next steps on posting information. The rules state the document must be posted ten days before a Board meeting . Attorney - Advisor Pinckley will send out a doodle poll for a meeting date and time to the Committee members.

11. COB Annual Executive Committee Elections

- Attorney - Advisor Pinckley stated that the nominating committee that consisted of Members Lewis, Ross and Hughes returned with nominations as follows: Chair – Member Martinez, Vice- Chair – Member Campbell-Gooch, 2nd Vice-Chair – Member Ross, Secretary – Member Sweeney.
- Members whose terms end in January are Davis, Ross, Lewis, and Sweeney.
- Member Hildreth moved to adopt the COB Executive Committee Election Nominee's presented. Andrew Goddard provided a second on the motion. The nominated members were approved with one dissenting vote
- Member Martinez thanked Chair Davis for her hard work leading the COB and presided over the remainder of the meeting.

12. Public Comment

- Community member voicemail (name not provided) voiced a complaint regarding police officers not wearing masks and that he was refused a compliant form. The community member stated that he felt his rights were not considered.
- Melissa Cherry left a message thanking the COB and Director Fitchard for their dedicated and vigilant work and provided insight on what the next Chief of Police can do to aid the COB.

13. New Business/Announcements

- Member Campbell-Gooch suggested that the next Executive Committee meeting be moved up a few days or a week. Attorney - Advisor Pinckley will send out a doodle poll.
- Electronic meetings will expire on August 29 unless authorization is further extended. If there is an in-person meeting, it must occur at a Metro location.
- Director Fitchard welcomed the new Executive Committee and stated that she looked forward to working with the new members.

14. Adjourn

Member Goddard moved to adjourn the meeting. Member Sweeney provided a second. The motion was unanimously approved. The meeting adjourned at 6:28 pm.

Approved by the Board at its meeting on September 23, 2020

/s/ Matthew Sweeney 11/26/20