

Community Oversight Board Meeting
MEETING MINUTES
Wednesday, September 23, 2020 – 4:00 PM to 6:00 PM
WebEx Meeting

1. Call to Order

- **Andres Martinez** (*Chair*), called the meeting to order at 4:00 p.m.
- **Board Members in Attendance:** *Andres Martinez (Chair), Ashlee Davis, Andrew Goddard, Jamel Campbell-Gooch, Phyllis Hildreth, Walter Holloway, Timothy Hughes, Adele Lewis, 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), Margie Quin (Work Force Committee) 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 Martinez 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 Orders 16, 34 and 60 to conduct the following Community Oversight Board (“COB”) meeting remotely. He also advised that the authority to hold remote meetings currently will expire on October 28, 2020.
- Ashlee Davis moved to approve the remote meeting. Timothy Hughes provided a second on the motion. The meeting was unanimously approved.

4. Approval of the Minutes

- Timothy Hughes moved to approve the August 26, 2020 minutes. Shawn Whitsell provided a second on the motion. The August 26th minutes were unanimously approved.

5. Chair Remarks

- Chair Martinez stated that John Buntin would not be present at today’s COB meeting. Chair Martinez has kept in contact with Mr. Buntin over the last two weeks to maintain an open line of communication between the COB and the Mayor’s office.

- Chair Martinez stated that two community town halls were conducted since the last Board meeting. The first town hall meeting focused on victims' rights, advocates of domestic violence, human trafficking, and mental health communities. The second town hall focused on black, Hispanic, youth, LGBTQ, immigrant, and refugee communities. Chair Martinez asked the board members for assistance with increasing the participation for the last town hall meeting. Chair Martinez was able to have the LGBTQ Chamber include information regarding the last town hall meeting in their newsletter on social media. The next town hall meeting is scheduled for Monday September 28, 2020, and will focus on faith leaders, senior citizens, formerly incarcerated, and residents experiencing homelessness.
- Chair Martinez stated that he was invited to speak with Metro Council's LGBTQ Caucus, where he reiterated the need for their support regarding the new MOU. He also expressed to them his gratitude for their vote to approve the ordinance that allows the COB to obtain a subpoena through resolution rather than by an ordinance. To obtain a resolution from Metro Council, twenty-one votes are needed. He asked the Council members to consider the necessary mechanics for the actual issuance of a subpoena; they said they would look into that and hopefully we will have their answers soon.
- Chair Martinez stated he and Director Fitchard are in contact almost daily. He is pleased that Director Fitchard and member Hildreth have had the opportunity to meet with Interim Chief Drake and Deputy Chief Haggar to discuss the draft of a new MOU. He looks forward to the next Rules Committee meeting where the MOU can be taken up again and hopefully completed.

6. MOU Update

- John Buntin, Director of Policy, Mayor's Office was not in attendance.

7. MOU Negotiators Report

- Member Hildreth shared information from the last negotiation meeting, starting with the MOU and MNPd timeline.
 - o Following three MNPd shooting incidents in May and early June, 2020, the Board at the June 24th COB meeting discussed the MNCO issues that have arisen concerning access to MNPd documents and crime scenes and the inadequacies of the MOU in that regard. The Board authorized negotiations to revise the MNPd MOU to assure equivalency between the MNCO and OPA in that regard. The Board voted to include its negotiator, Member Hildreth, to work with the Rules Committee to revise the current MOU and to present a new proposal to the MNPd.
 - o On July 8th, the Rules Committee met to review the existing MOU and amend sections to address Director Fitchard's concerns. Attendees of the meeting

included: Member Sweeney, Member Goddard, Member Hildreth, Member Martinez, Member Ross.

- o At the July 22nd Board Meeting Rules Committee Chair, Member Sweeney, moved the Board to approve the revised MOU draft as recommended by the Rules Committee. Member Hildreth provided a second on the motion, and the motion was approved.
 - o On August 25th Director Fitchard met with Interim Chief Drake and gave him a copy of the approved MOU draft proposal .
 - o On August 26th Interim Chief Drake attended the COB meeting and stated his support for revisiting the MOU and indicated that he would be an active participant in the negotiations. The Board expressed their desire to move forward expeditiously with the negotiation and asked that a different negotiation meeting – that was planned for September 1st with members of the Mayor’s office, Police Department, Director Fitchard, and the DA’s office – be turned into an MOU discussion.
 - o On September 15th, the MOU Task Force met with an expanded membership that included Director Fitchard and Interim Chief Drake. Member thanked Chief Drake for participating in the COB August meeting and the MOU negotiations.
- Specific MOU terms discussed included access to records, access to crime scenes during an officer-involved shooting investigation, conducting police officer interviews at MNCO, and access to information related to investigations where the DA’s office is involved. The latter issue was not discussed at length because that separate agreement with the DA’s office had not yet been presented to the COB Board or Rules Committee.
 - Member Hildreth recommends two Rules Committee meetings be scheduled as soon as possible, the first DA’s office proposal and the second meeting to respond to an anticipated MNP’s response to the COB’s recent MOU proposal. Director Fitchard agrees and will schedule those meetings.
 - Member Campbell-Gooch asked whether the new MOU could be signed by the end of October. Member Hildreth said that an aggressive timeframe is doable. She also suggested that a Board member could make a motion to give authority to the Executive Committee to approve the agreement before the October COB meeting.
 - Director Fitchard informed the Board that attorney Jack Byrd, a FOP representative, came to the MNCO office to discuss concerns about the PRR process. Ultimately, he did not seem opposed to police being interviewed at the MNCO office. The office will be outfitted with a recording system similar to what the OPA office has and that should be in place by October.

- Chair Martinez moved to delegate authority to the Executive Committee to approve the negotiated MOU between COB and MNPD and the proposed MOU between COB, MNPD, and the DA's office. Member Holloway provided a second on the motion. Member Campbell-Gooch suggested that the final draft documents be sent to Board members before being considered by the Executive Committee to allow other Board member comments to be considered if offered. The motion to delegate authority to the Executive Committee was unanimously approved.

8. Work Force Committee, Policing Policy Commission

- Margie Quin, Chair of the Work Force Committee of the Policing Policy Commission, stated that her committee is tasked with issues related to hiring, retention, and culture. Input has been received from several different subject matter experts along with the recruiting unit at MNPD comprised of Deputy Chief Kay Lokey, one Lieutenant, and the HR Director. Interim Chief John Drake is expanding the recruiting unit by transferring-in four diverse officers. Other retired officers have provided input on diversifying the recruiting process as well.
- F.O.P. President James Smallwood will speak on Monday night regarding culture and the equity of the disciplinary action and how it affects culture and morale. An author will also speak regarding the "Warrior Mindset." Other presenters will be speaking on fair and impartial policing from an internal and external perspective.
- On October 12th, Subject matter experts will be asked to provide data to close out the data collection portion and the committee is also expecting data to come back from the police department. The policy commission has received the recruiting SOP along with year-end reports on recruiting. These items will assist with making policy recommendations.
- Ms. Quin concluded that the committee is working well together, and the work from the Mayor's office has been exceptional.
- Member Holloway stated that the police department does not reflect the community and he feels this is intentional and would like to see a change along with changing the way recruiting is handled.
- Discussion was held on looking outside the community for recruitment needs. Member Ross asked whether there is an opportunity for community members to speak to the committee on recruitment needs. Ms. Quin stated they are trying to identify community group members to speak regarding police culture.
- Member Campbell-Gooch clarified the author of The Rise of the Warrior Cop as Radley Balko. Member Campbell-Gooch asked if any discussion has occurred regarding civilians participating in their own public safety to diversify who is in control of the community's safety. Ms. Quin welcomed an offline conversation about that topic.

9. Policy Committee, Policing Policy Commission

- Member Davis, who chairs the Policy Committee of the Policing Policy Commission and Amanda Lucas is the Vice-Chair. Ms. Lucas is a clinical social worker, therapist, involved with NOAH (Nashville Organized for Action and Hope), and a retired law enforcement officer. An invitation to join today's meeting was extended to the Chair and Vice-Chair of the other committees.
- Member Davis stated that the Commission has been meeting for the past five weeks, primarily in the three separate subcommittees: workforce, policy, and community. The groups have been asked to place their recommendations within the next four weeks. The first Commission meeting was chaired by the Mayor's Policy Director, John Buntin. Former Mayor Karl Dean is the Chair of the commission and provided opening remarks.
- The policy commission focuses on the issues of de-escalation in the use of force, improving and cultivating a strong relationship between the COB and MNPd, promoting and providing incentives for MNPd good conduct, making the public aware of misconduct, engagement with citizens, retention and recruitment efforts, and police presence within the community.
- Many speakers and experts have spoken at the Policy Committee meetings. Capt. Mike Alexander will make a presentation to the Policy Committee this week on "no-knock warrants", along with Director Fitchard, who will speak about COB recommendations and best practices for improved relationships between it and MNPd. In the upcoming weeks, experts will speak to the committee on the subject of procedural justice and an invitation has gone out to members of the community who may wish to attend and speak as well.
- A process was implemented that requires a committee to review and prioritize any needed data for recommendations. Member Davis stated that she has told Mr. Buntin that clarity is necessary on how information will get to the committees, how members will have access, and how that information will be made available to the public.
- Recently the committee received a MNPd report on use of force, but it was incomplete with at least 60 use of force cases missing. The committee also needs to know the author of the report which has been requested. Member Davis has requested an answer from MNPd about the missing information. Complete periodic use of force reports like this should be submitted to the COB routinely. Member Davis forwarded the information the committee did receive to Director Fitchard.
- Member Davis also said that the chair of the third committee, but Ms. Roberson had a conflict with another meeting and that she had not heard back from Judge Blackburn, the chair of that committee. Hopefully they will be able to attend the next meeting and will provide us with a report.

- Member Campbell-Gooch asked whether there was any discussion regarding expanding public safety to including things other than policing. Member Davis said that suggestions are welcomed from community experts about alternatives and what defunding the police and reallocating funds looks like.

10. Executive Director Report

- Director Fitchard provided highlights from her written report to the Board.
 - Metro HR has sent thirty-eight resumes of candidates that meet the criteria for Lead Investigator. The packets are being reviewed, and the interview process will begin soon with five or six candidates.
 - Training is ongoing.
 - Two investigative complaints and eighteen non-complaint calls have been received since the last Board meeting.
 - Continuing to work with Brensey Thompson and Metro Human Relations Commission on the community town halls, which are going well. We are tracking information of participation. The last meeting format was changed based on suggestions from Board members. The next meeting will be Monday, September 28th and will engage faith leaders, seniors, formerly incarcerated, residents experiencing homelessness and housing insecurity. There will be three guests from those communities who will speak at the forum.
 - Director Fitchard reported that she has shared COB information with community groups Prime Timers and NOAH.
 - MNCO Research Analysts gave a presentation to the Policy Committee of the Mayor's Policing Commission on the Use of Force consent decrees, as subject matter experts. The Researching group has been a valuable resource to the Policing Commission. Dr. Peter Vielehr accepted a position to join the data committee of the Commission.
 - Director Fitchard has been asked to speak at the Policy Committee of the Mayor's Commission along with speaking at some brown bag lunches.
 - Director Fitchard provided an update on BWC. 127 officers were outfitted with body- worn cameras (Traffic, West Precinct, Special Response Team), 89 vehicles have been equipped with in-car cameras. Department-wide supervisor training has been implemented with 137 officers being trained. Deputy Chief Hagger has advised that he expects the remaining body worn and in-car cameras to deploy in the following order: East Precinct, Juvenile Crime Taskforce, North, Midtown Hills, Madison, Central, South, and Hermitage. Further training and

deployment will start around October 26th. The infrastructure buildout is complete at the East Precinct and is underway at North, Midtown Hills, Madison, and South. There are no issues with equipment or storage capabilities.

- Director Fitchard attended the Criminal Justice Steering Committee meeting on September 10th. The discussion centered around Nashville's criminal justice fees and fines.
- She reported that the MNCO's subpoena ordinance passed the Metro Council on September 15th. Todd Pinckley is working on the subpoena format and process. Metro Council's attorney, Jon Cooper has agreed to review the proposed template and offer assistance.
- Director Fitchard affirmed Member Hildreth's discussion of the MOU Task Force meeting . She reported that the meeting was positive and that we are awaiting MNPD's response to our proposal.
- Proposed Resolution Reports - two investigation files have been received, completed, and are ready for final review. A special meeting will be scheduled for the Proposed Resolution Reports to be presented to the Board during the third week of October.
- Assistant Director Clausi advised that the COB- presented a proposed MOU to the TBI related to crime scene and document access controlled by that agency. Special Agent Russ Winkler and Director Rausch will review the agreement in detail and then will advise us of its position.
- Member Campbell-Gooch discussed being a part of a group along with Member Holloway, in which a study was undertaken consider elimination of fines and fees in Nashville and delinking them from the city budget. The study was to be concluded in October 2019, but no information or findings have been released regarding this study. Director Fitchard will follow up on the issue once she receives additional information and will share that information with the Board. Chair Martinez also suggested contacting Council member Mendes (which he will do) and Director Fitchard suggested checking with John Buntin about is available to share

11. Policy Advisory Report Proposal

- Liz Orozco made a PowerPoint presentation to the Board on a Policy Advisory Report proposal regarding policy advisory report draft on the use of force consent decrees, methodology of the report and covered the consent decree recommendations. The recommendations were divided into five sections: using force, training, crisis intervention, reporting, investigating and reviewing force, and research and evaluation.

- This draft report will also follow up with some previous Policy Advisory Report recommendations.
- Member Whitesell asked if the recommendation for the crisis intervention team was considered and whether that would include existing MNPd officers receiving training. Dr. Vielehr stated that the crisis intervention team model is a police-based training, which includes existing officers.
- Member Hughes moved that the proposed policy advisory report be approved for public comment and that the Board suspend its rules requiring a dedicated Board meeting to give final consideration to the proposal at its October meeting. Member Sweeney provided a second on the motion. The motion was unanimously approved.

13. New Business/Announcements

- Robert Pinckley stated that the Executive Order to conduct electronic meetings expires on October 28th at 11:59 pm. If the Governor does not extend the order, the next in-person COB meeting will be held on November 25th, which is the day before Thanksgiving. Given the struggles of finding a location to hold an in-person meeting, it may be beneficial to set the November meeting date to start trying to reserve a space.
- Member Ross moved to change the date of November's COB meeting to November 18th. Member Campbell-Gooch provided a second on the motion. The new COB November meeting date was unanimously approved.
- Director Fitchard thanked the COB Board members for their dedication to Nashville.
- Member Hughes reminded everyone to check their voter registration status and to complete their US census.

14. Adjourn

- Member Goddard moved to adjourn the meeting with Member Davis providing a second. The motion was unanimously approved. The meeting adjourned at 6:06 pm.

Approved by the Board at its meeting on October 28, 2020

/s/ Matthew Sweeney 11/26/20