

**Community Oversight Board Meeting**  
**MEETING MINUTES**  
**Wednesday, October 28, 2020 – 4:00 PM to 6:00 PM**  
**WebEx Meeting**

**1. Call to Order**

- **Andres Martinez (Chair)**, called the meeting to order at 4:01 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), Dr. Peter Velehr (Lead Research Analyst), 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 Order 60 to conduct the following Community Oversight Board ("COB") meeting electronically.
- Member Matt Sweeney moved to approve the electronic meeting. Member Shawn Whitsell provided a second on the motion. The electronic meeting was unanimously approved.
- Member Adele Lewis stated that the Governor extended Executive Order 60 until the end of the year, effective this afternoon.

**4. Approval of the Minutes**

- Member Timothy Hughes moved to approve the September 23, 2020 minutes. Member Brenda Ross provided a second on the motion. The September 23rd minutes were unanimously approved.

## **5. Chair Remarks**

- Chair Martinez stated that October has been a busy month for the COB and MNCO staff. The first Proposed Resolution Report was presented and considered on October 23, 2020. Chair Martinez extended a special thanks given to the MNCO Investigators, Director Fitchard, and the Bylaws and Rules Committee.
- Chair Martinez stated that on Friday, the COB's third Policy Advisory Report was approved by the Board.
- Chair Martinez stated that the Executive Committee received a report from Member Hildreth regarding the MOU negotiation with MNPd, which will be discussed today. Negotiations are ongoing and hopefully will be completed by year-end. At the Executive Committee meeting, a vote was provided to approve the MOU among the COB, District Attorney's Office, and MNPd. The agreement is currently being signed by the appropriate parties and will be filed with the Metro Clerk. Chair Martinez thanked the Executive Committee, Director Fitchard, and Member Ashlee Davis for their leadership and assistance.
- Chair Martinez will be at the Metro Courthouse tomorrow to participate as a member of the panel interviewing the Police Chief candidates that were selected by the Review Committee.
- Chair Martinez discussed the NAACP's desire for the COB to investigate a situation that occurred before April 1st, 2019, which is the cutoff date for investigations established by the Board's rules. Member Hughes questioned what guidance could be provided to the NAACP for future incidents. Member Ross asked for clarification of the NAACP request and whether it was requesting an investigation of a complaint or an examination of MNPd hiring practices. Chair Martinez stated that the police hiring process was the issue. Member Sweeney suggested that it would be appropriate to research the allegation and make it part of a proposal to review MNPd's hiring practices. Director Fitchard agreed with Member Sweeney's suggestion and will work with the research analysts on a proposal.

## **6. Mayor's Policing Policy Commission Update**

- Member Davis shared that the Policing Policy Commission is in its tenth week and that its work is coming to a close. On October 14th, the Commission Co-Chairs Karl Dean and Dwight Lewis called an in-person meeting to discuss the committees' preliminary recommendations. Some topics included: racial disparity, training, accreditation, discipline, use of force, de-escalation, excessive force, and data.
- It was concluded that random audits of MNPd records, including arrest reports, body dash camera footage, personnel file, for racial or economic basis would be beneficial. A discussion was held over no-knock warrants and forced entry into residences. MNCO

staff member Dr. Peter Vielehr is a frequent member at the meetings and his expertise is often referenced.

- The Policing Policy Commission recommended that a half-day of training session be provided for new police recruits to meet COB members, learn the history of the COB, and to cultivate a relationship with the Board.
- The Commission was notified less than twelve hours before the deadline to submit final questions for the Chief of Police interviews. Member Davis discussed her disappointment with the last-minute gesture, but the deadline was met. They submitted questions focused on strengthening the relationship between MNPd and the community.
- Member Campbell-Gooch thanked members of the Policing Policy Commission and asked whether the in-person meeting was recorded and whether it is available for public viewing. Member Campbell-Gooch also inquired about opportunities for citizens to become involved in the process. Member Davis stated that she has been pushing for live broadcasts, but has been told Metro IT does not have the resources to record all of the meetings. Additionally, the IT department needs advance notice to record a meeting. Member Davis advised that the information discussed in the meetings would be important for citizens to hear. Member Campbell-Gooch, Member Ross, Member Hughes shared the same sentiment: the community should be made aware of what is discussed at the meetings and of the committees' recommendations.
- Member Davis explained that while the committees can make recommendations, the co-chairs will write the report. Dr. Vielehr stated he is happy to investigate any issues that the COB has regarding the report, including any areas that need to be prioritized. The Board also discussed the opportunities to publicly release information learned by the committees if not a part of the report.

## **7. MOU Negotiators Report**

- Member Hildreth noted that the Board approved a base-line negotiation MOU draft on July 22, 2020. She said she was very fortunate to have Director Fitchard with her during this stage of the negotiations. Assures negotiations deal with the practical, what the MNCO needs to do its work.
- The task force met twice since our last Board meeting on 9/29 and 10/12. Participants in addition to her and Director Fitchard, were John Buntin, the Mayor's policy advisor, Acting Chief Drake and Deputy Chief Hager from MNPd, Metro Legal Director Bob Cooper (one of the meetings), and Metro attorney Cindy Gross (whose duties include the police department).
- Member Hildreth stated that during the MOU meeting, she advocates for the Board's intent, as expressed in the draft MOU approved by the Board, and to ensure that Director Fitchard can provide insight on the feasibility of the recommendations. Member Hildreth stated that there was rich and clear dialog during the discussions. The goal of

the negotiation is to ensure the MOU is clear, unambiguous, and supports the needs of the Executive Director to lead the MNCO in the work of the community expressed in Amendment 1. Also discussed time frames for various MNPD responses to COB actions.

- The Executive Committee, which has delegated authority from the Board to give final approval to the MOU, has authorized Director Fitchard complete the final negotiations on the MOU by an electronic exchange with Deputy Chief Haggar, without need for convening the task force. The final draft, however, still will need to approved by the Executive Committee.
- In response to a question of whether the Board needs to confirm its delegation of authority to the Executive Committee to approve the MOU, Member Sweeney expressed the view was not necessary.

## **8. Executive Director Report**

- Director Fitchard provided highlights from her written report to the Board.
  - Some staff members returned to working in the office.
  - As a result of the Metro-wide hiring freeze, MNCO is still down one investigator.
  - Since the last Board meeting MNCO has received two investigative complaints and sixteen non-complaint calls.
  - Director Fitchard was invited to speak as a subject-matter expert on September 24th at the Mayor’s Policing Policy Commission. On September 30th, Director Fitchard provided an update on the COB at the Minority Caucus Special Meeting. Director Fitchard also participated in the Mayor’s Policing Policy Commission brown bag lunch meeting on October 1st. On October 24th, Director Fitchard participated at Vice-Mayor Jim Shulman’s community conversation.
  - The final two Joint COB-MHR town hall meetings on criteria for selection of the police chief on 10/21 and 10/28. Participation statistics for the town hall meetings were provided. The researchers developed a summary report for the community. The completed report was sent to the Mayor, MHR, and COB Members, and was uploaded to the COB’s social media.
  - On October 9th Director Fitchard was selected to be on the review panel for the next Police Chief. The panel met and selected the five candidates out of twenty-two applicants interviewed.
  - The first Proposed Resolution Report was presented to the Board at a special meeting on October 23. The proposal was approved with a modification. The change has been completed and the PRR will be sent to the MNPD Acting Chief Drake on October 29th or October 30th for consideration.

- Two Proposed Resolution Reports are now ready for Director review and will be presented to the Board in the near future.
- An email was received October 28 from MNPD Captain Carlos Lara. MNPD Captain Lara is the Department's new Chief Diversity Officer and liaison to the COB. He will serve as the primary point of contact between our department and the Chief of Police. Capt. Lara has asked to attend COB meetings as a representative and will be available to address any issues or concerns of the Board/MNPD.
- The MNPD continues to deploy body cameras and in-car cameras County-wide deployment is expected to be completed during the week of November 9th. The order of completion by precinct was provided to the Board.
- Director Fitchard and the MNCO Executive Team will meet with TBI personnel on October 30th to discuss the proposed COB-TBI MOU.
- Director Fitchard noted that community conversations are ongoing and have focused on mental health and wanting the police department to be aware of community members who experience mental health issues (including CAHOOTS type options) selection of the new police chief including transparency of the process.
- At noon on October 29th, the interviews of the top five candidates for Police Chief will be broadcast for public viewing. The questions could address the concerns of community members. Viewing information will be provided on COB social media platforms.

## **9. Public Comment**

- NA

## **10. New Business/Announcements**

- Member Hildreth asked the Board members for feedback on the questions to be posed to the Police Chief candidates.
- Member Hughes stated that the concern of many community members is that the Board will have to essentially start over under a new Chief of Police. The focus should be on reform and policing in the 21st century. Member Hughes also stated that the hope for the new Chief is a familiar with earlier Metro studies and recommendations grassroots organizations (e.g., Driving While Black Report and Gideons Army) and the community's concerns.
- Member Holloway stated that the police hiring process needs to be evaluated along with the lack of diversity. This is an issue that the new Chief should be able to resolve.

- Member Campbell-Gooch discussed the matters of particular concerns for him, including unmet social community problems/needs contributing to crime, whether the new Chief would be willing to sacrifice monies from the MNPB budget to support civilian-lead projects, such as schools and job creation.
- Member Whitsell suggests the candidates be asked what they think needs to be corrected in the department and how they propose to do so.
- The Board also discussed additional questions for the candidates involving police improvement. Chair Martinez stated he would consider all of these questions when he interviews the candidates.
- Member Ross stated that she would like to work with the MNCO Community Liaison to connect with community organizations to keep the community engaged with the COB. Member Ross also wants the MOU once it is signed by all be posted for the public. She also asked about the other MOUs MNPB has for other police departments, schools and entities. Member Sweeney asked about MOU's for the other police departments in the area and for the airport. Legal Advisor Pinckley, will research whether there are any other missing MOUs. Legal Advisor Todd Pinckley will send out copies of the Vanderbilt MOU and various housing communities MOU's to all Board Members.
- Member Hughes reminded everyone about the conclusion of early voting and that in-person voting is on November 3. Member Whitsell encouraged everyone to plan to vote.

## **11. Adjourn**

Member Hughes moved to adjourn the meeting with Member Whitsell providing a second. The motion was unanimously approved. The meeting adjourned at 5:21 pm.

**Approved by the Board at its meeting on November 18, 2020**

*/s/ Matthew Sweeney 11/26/20*