

**Community Oversight Board Meeting**  
**MEETING MINUTES**  
**Wednesday, Sept 29, 2021 – 4:00 PM**  
Howard Office Building – Sonny West Room  
700 2<sup>nd</sup> Ave S, Nashville, TN 37210

**1. Call to Order**

- **Chair Andres Martinez called the meeting to order at 4:00 p.m.**
- **Board Members in Attendance:** Andres Martinez, Walter Holloway, Arnold Hayes, Makayla McCree, Mark Wynn, Drew Goddard, Hamid Abdullah, Shawn Whitsell, Jamel Campbell-Gooch, Phyllis Hildreth.
- **Board Members Absent:** None
- **COB Staff in Attendance:** Jill Fitchard (Executive Director), Chris Clausi (Assistant Executive Director), Daniel Yoon (Legal Resource Advisor), Peter Vielehr (Lead Research Analyst), Gavin Crowell-Williamson (Research Analyst).

**2. Establish Quorum and Reading of Appeals Statement**

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

**3. Approval of the Minutes**

- Member McCree moves to approve the minutes. Member Hayes seconds. Approved unanimously.

**4. Chair Remarks**

- Chair Martinez stated that the Executive Committee had met and approved Chair Martinez writing a letter to Chief Drake inquiring about (1) MNPD plans if either, or neither, of the license plate readers (LPR) bills pending in Metro Council passes; (2) LPR technology in use currently; and (3) current MNPD policies regarding LPRs. The letter is being developed and will be sent this week.
- The Executive Committee approved a special Board meeting to consider PRRs to be held October 13, 2021 at 5:00 PM in the Howard Office Building, Sonny West Room.

## **5. Executive Director's Report**

Director Fitchheard provided highlights from her written report to the Board.

- MNCO Office – After consultation with Metro Human Resources and due to the uncertainty of the COVID-19 increase in local cases, the MNCO staff will have the flexibility to work remotely. A staff member will be in the office during regular business hours, on most days, to assist the public. Safety measures are in place for staff and the community. Masks are required for everyone entering a Metro building and ED Fitchheard remains committed to following the Metro Government's procedures and protocols regarding COVID-19.
- MNCO Personnel Update – The Community Liaison interviews are complete. The MNCO Administrative Assistant position vacancy announcement closed, and the interview process will move forward in the coming weeks.
- MNCO Training – MNCO staff and multiple Board members are participating in NACOLE's Virtual Annual Conference Training which consists of 32 individual webinars. The trainings began on Monday, August 16<sup>th</sup> and registration for the virtual component is open until December 2021.

The in-person component will include four more days of more in-depth training for those interested in or doing the work of civilian oversight of law enforcement, jails, or prisons. The in-person component will be held December 12-16, 2021 in Tucson, Arizona.

ED Fitchheard attended Center for Policing Equity's webinar – Navigating Justice: New Data-Driven Approaches to Public Safety.

- Criminal Justice Planning & Advisory Board – ED Fitchheard attended two CJ Planning meetings in September. Mayor Cooper attended one of the meetings and the discussion centered around jail and COVID-19 data.
- New Board Member – Welcomed new Board Member, Mr. Hamid Abdullah. He was elected to serve on the Board to fill the unexpired term of Dr. Stephanie Kang. Mr. Abdullah's term will expire January 31, 2024. Mr. Abdullah was nominated by American Muslim Advisory Council, is active with the Brother's Roundtable and PENCIL.
- Board Member Training – Metro Human Resources Training Division has requested that all boards and commissions register for required training. The training is mandatory.

- Citizens Police Academy – The fall session of the MNPD Citizen’s Police Academy began Monday, September 27, and ends on December 13. Classes are held at the Hermitage Precinct and meets Mondays from 6:00 PM to 9:00 PM
- Community Outreach – Monday, November 15, 2021, ED Fitchard and Dr. Vielehr will give a presentation to MNPD’s lateral class (session 94) about the history of the COB, Investigations, Mediation, and Research.
- MNCO Research – Dr. Vielehr and Mr. Williamson-Crowell prepared an expedited policy advisory report on MNPD’s reporting of soft empty hand control to be presented to the Board for approval. Dr. Vielehr attended two Metro committee meetings on jail data.
- Complaints – The MNCO continues to receive calls from the public to initiate complaints of alleged misconduct by MNPD officers. The MNCO received a total of 8 investigative complaints since its last Board meeting in August. MNCO received a total of 2 non-complaint calls for service.
- MNCO Investigations – Complaints have steadily climbed and the need to increase the investigator staff, to meet the needs of the community, is a priority. ED Fitchard, in the coming months, will present data to the Board to support a request of expansion of the MNCO staff.
- Proposed Resolution Reports – Legal Resource Advisor Daniel Yoon and ED Fitchard will present multiple PRR’s in a special meeting October 13, 2021 at 5:00 PM at Howard Office Building, Sonny West Room.
- MNCO Mediation – Legal Resource Advisor Yoon, ED Fitchard, and AD Clausi met with Sara Figal, Executive Director of Nashville Conflict Resolution Center (NCRC) and former Board member Danita Marsh, to discuss mediation referrals, the process, reporting of outcomes and any other essential information that is beneficial to the expedient resolution of referred MNCO complaints.
- Officer Involved Shooting – On September 18, 2021, ED Fitchard was notified that MNPD officers were involved in a fatal police shooting at the Days Inn near Percy Priest Lake in South Nashville. AD Clausi and Investigator Vernon Johnson responded to the location and were briefed by MNPD on arrival and shown the crime scene. ED Fitchard was briefed multiple times by phone and upon her arrival. The MNCO team went to the MNPD HQ to view available BWC footage and a TBI agent was present during the viewing. MNPD PIO Don Aaron emailed ED Fitchard the post shooting radio traffic a few days later.
- Force Review Update – ED Fitchard met with the PRR Committee and Executive Committee members and discussed the need to receive the information regarding Use of Force cases from the MNPD and the DA’s Office in a timely manner, which would help the MNCO investigators complete their process efficiently. ED Fitchard suggested an

audit of Use of Force cases would assist with the endeavor and help with meeting timelines that the COB has set forth in its Bylaws and Rules regarding investigations. TBI investigations are taking a long time to complete and there has been a delay in the District Attorney's office providing closed case information to the COB.

- MNPB Records Update – ED Fitchard spoke to Deputy Chief Hagar regarding delay in receiving certain records from MNPB. DC Hagar suggested a new process for requesting and receiving Body Worn Camera Footage would assist the MNCO investigators obtaining the information needed in a clearer and more efficient manner as well as reduce the hours needed to meet the requests.
- MNPB Use of Force Review Hearing – ED Fitchard will attend the Force Review hearing on Thursday, September 30, 2021.
- Department Head Meeting – ED Fitchard will attend the monthly Department Head and Elected Officials meeting on Thursday, September 30, 2021.
- Body Worn Camera Update – Commander Carlos Lara, MNPB COB Liaison, sent the latest information regarding the implementation and deployment on the BWC/ICC program, which stated that MNPB and Metro Park Police should be fully deployed with BWC/ICCs on Wednesday September 29<sup>th</sup>.
- Vanderbilt has an MOU with OPA and asked OPA to investigate an employee who lives out of county. ED Fitchard advised the Board that the COB should have an MOU with Vanderbilt as soon as possible in case future employees of Vanderbilt, who are deputized officers with MNPB, should have complaints. Vanderbilt also has a CORE committee that investigates complaints of Vanderbilt Police, per Board member Campbell-Gooch.

## **6. Proposed Resolution Reports – ED Fitchard**

- **MNCO Complaint CC2020-006: Accepted**
  - Discussion of the proposed report included concern about use of threats to obtain improper searches and seizures, possibility of Miranda-like notice that a renter cannot be evicted for refusing to consent to a search without a warrant, need for MNPS to train officers not to threaten eviction, accuracy and usefulness of searches based on anonymous calls, and tracking of officers with multiple complaints.
  - Member Hildreth asked Dr. Vielehr to research usefulness of anonymous calls.
  - Member Brown moved to accept the Resolution Report, Member Hayes seconded, and the motion was approved unanimously.
- **MNCO Complaint CC2020-010 Rejected with Request for Modification**
  - Member Holloway: This is a slap on the hand. One or two days wouldn't hurt.
  - After review, ED Fitchard requested that the Board reject and request it be modified, due to changes she would like to make to the report.

- Violation of MNPD Policy 6.20.080 Vehicle Holds is a violation of MNPD Manual 4.020.040 Adherence to Rules, a Category D violation.
- Member Hildreth moved to reject and request a modification of the report that reaches a different conclusion. Member McCree seconded. The motion passed unanimously.

## **7. Board Discussion:**

- Update on Recommendations of MNPD: Hiring Procedures Report and USE of Force Recommendations: Dr. Vielehr said that MNPD representatives WERE INVITED to come and answer questions from the Board, AND MNPD's response was that Board members can ask questions of Commander Lara and he would be able to find answers to those questions.
  - Member Hildreth: Wants to register strong concern in MNPD's failure to show up to have a full and competent conversation, so that there is not a delay in getting answers. Distressed because this feels like a slip backwards into old habits. Past difficulties and obfuscations. We want an MNPD presence. whenever a rejection/partial rejection occurs of policy recommendation reports.
  - Member Campbell-Gooch: What are our legal options? We need command staff or privy to different information. Legal Advisor Yoon: Demand letter to the Chief, Violation of MOU cooperation, asking Mayor or Metro Council to step in.
  - Member Hayes: Disappointing but not surprising.
  - Member Wynn: Is there a chart that the Board can get that has a list of who is in control of different areas? Beyond just the division commander, chain of command chart that's online.
  - Commander Lara: Explained that he had some information, would answer all the questions he could, and if there were any questions he could not answer he would take those back and get answers for the Board. He suggested that if questions could be sent in advance of a Board meeting he will try and get answers.
  - Commander Lara reviewed the portions of these two policy recommendations that were not fully accepted by MNPD (e.g. the recommendation that use of deadly force be stated to be a "last resort" option), and explained MNPD's reasons for its decisions. MNPD declines to add "last resort" language because it believes its policies and training achieve the same result.
  - Member Goddard: suggests that MNPD make the recommended language change regarding "last resort."
- Soft Empty Hand Controls Advisory Report – Dr. Vielehr
  - MNPD doesn't track empty hand controls in use of force.
  - Most other large cities' law enforcement bodies do
  - Failing to document those undermines transparency and trust
  - Those that don't track soft empty hand controls use of force include Louisville, which is under investigation by the Department of Justice
  - Member Wynn: it protects the Department from liability if they track these types of uses of force

- Saying that it would require the Department to document every time an officer escorts someone to the police car is disingenuous. It would require them to document “responses to resistance.”
- Misconduct by police force is bad for the public and more expensive for taxpayers
- Member Goddard moved to suspend the rules, approve the report, and set it for public comment at the specially called meeting for the PRR on Wednesday, October 13 at 5:00 PM. Member Brown seconded. The motion passed unanimously.

## **8. Public Comment**

- Davie Tucker: this is a chess game, and we are about 4 moves left from this being a checkmate or a draw. The people voted for community “oversight” of the police, not “cooperation” with the police. The Mayor should do an Executive Order telling the Chief to Report to the COB. What we are getting is not what we paid for. Don Aaron narrating body worn camera with narration was wrong.
- David Lee Myers: condemnation for LPRs, even if funded from non-government sources. Has zero confidence in this asinine policy, and the MNPd should be ashamed.
- Melissa Cherry – would like the COB to review the OPA investigations and MDHA subsidized properties regarding eviction of tenants for refusal to cooperate with police

## **9. New Business / Announcements**

- Nominations Committee: Hamid Abdullah, Mark Wynn (chair), Joe Brown

## **10. Adjourn**

Member McCree moved to adjourn the meeting, Member Abdullah seconded the motion, and it was unanimously approved. The meeting adjourned at 6:52 pm.