

Community Oversight Board Meeting
MEETING MINUTES
Wednesday, Oct 27, 2021 – 4:00 PM
Howard Office Building – Sonny West Room
700 2nd Ave S, Nashville, TN 37210

1. Call to Order

- **Chair Andres Martínez called the meeting to order at 4:00 p.m.**
- **Board Members in Attendance:** Andres Martínez, Phyllis Hildreth, Drew Goddard, Walter Holloway, Mark Wynn, Arnold Hayes, Joe Brown, Jamel Campbell-Gooch, Makayla McCree, Shawn Whitsell.
- **Board Members Absent:** Hamid Abdullah
- **Others in Attendance:** Jill Fitchard (Community Oversight Board Executive Director), Chris Clausi (Community Oversight Board 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 Martínez read the appeals statement.

3. Approval of the Minutes

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

4. Chair Remarks

- Chair Martínez states that Chief Drake did respond with comments to the letter the Chair sent. The Chief's response was shared with all the Board Members. Board Member Hildreth remarks that she attended the Nashville Public Library Town Hall event, where she heard a range of views expressed regarding license plate readers. There appeared to be a majority who had broader and systemic concerns regarding data and surveillance, and they noted that they tend to perpetuate biases of the interpreters. Although no specific agenda item on the topic is forthcoming, she wanted to express on behalf of the entire Board that the research analysts and staff continue to be assigned to the job of monitoring and reporting to them on this topic. Particularly, the source of funding is of great concern to community members, that LPRs will be funded in part or in whole by private entities that would circumvent the level of public scrutiny that we insist on and that is commensurate with the scrutiny applied to public procurements.

5. Soft Empty Hand Reporting Advisory Report – Dr. Peter Vielehr, Lead Research Analyst

3 recommendations: (1) soft empty hand control (“SEHC”) used to overcome resistance in written reports and tracked; (2) use of a form; and (3) proposed ordinance to Metro Council

Board Member Goddard asks whether the use of “arrestee” in MNPd policy limits the reporting of only those persons that MNPd actually arrests vs. any time an MNPd employee uses SEHC on a person, regardless of whether they are arrested or not.

Board Member Wynn remarks that SEHC is used a lot (e.g., first response in domestic violence situation is to separate. How does MNPd evaluate the risk/benefit of implementing it versus not implementing this policy recommendation?

Dr. Vielehr states that the MNPd did not change its use of force policy to include the reporting and tracking of soft empty hand control used to overcome resistance, which is a policy change supported by research and best policy around the country, including the Mayor’s office. In reviewing the 50 largest police departments in the country, most departments have reporting requirements more comprehensive than Nashville’s. MNPd communicated to the MNCO that they are still taking the policy recommendation under consideration, but are not making any changes. Per Dr. Vielehr, this failure to change could be a potential increase in Metro’s liability, makes the ability for the Department to identify officers who may or not be at risk and need support, and it can hurt the morale

Walter Holloway notes that if SEHC is used, then it’s an arrest. Otherwise, it would be an assault. Reporting use of SEHC to overcome resistance is a tool for documenting what’s really going on. It will either tell us that we have a really violent Department, or it will be a good thing for some officers because it’ll show what they’re doing is okay. And it will help for supervision. If someone is using a lot of 108 forms, it can identify a problem and do training regarding it.

Board Member Hayes says if it saves one life, then it’s worth the paperwork.

Board Member Goddard moves to accept the first two recommendations, with the amendment that the level of detail (meat of the ordinance) in recommendation 3 be incorporated into recommendation 2 and that it be implemented “as soon as possible but not later than January 1, 2022,” and for recommendation 3 (proposal to Metro Council) to be deferred to the December meeting. Still leaves open the possibility of a proposed ordinance. Board Member Campbell-Gooch seconds. No opposition. Passes unanimously.

5. Executive Director’s Report

Director Fitchard 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 Fitchard remains committed to following Metro Government’s procedures and protocols regarding COVID-19.

- The MNCO office will be closed on Thursday, November 11th in observation of Veteran’s Day.

MNCO Personnel Update—The Community Liaison interviews are complete, and the selection process is underway. We are in the interview process for the MNCO Administrative Assistant position and will select an individual once that process is complete.

MNCO Training—MNCO staff and multiple Board members participated in NACOLE’s Virtual Annual Conference training which consisted of 32 individual webinars.

- The in-person component will include four 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. For more information, please check the NACOLE website for detailed information on how to register.

- ED Fitchard continues to encourage and promote training and professional growth for staff members.

- ED Fitchard attended several trainings: Center for Policing Equity Navigating Justice webinar and Mediators Beyond Borders International; Peace Connect webinar, “How unchecked biases influence our neutrality.”

Vision Zero Steering Committee—ED Fitchard attended the Steering Committee meeting with multiple stakeholders regarding the elimination of traffic and pedestrian deaths.

COB Board Members—The Nomination Committee will meet soon to discuss the selection process of those who will be elected to serve on the executive committee.

Board Member Training—Board members are required to attend Metro HR’s Sexual Harassment in the Workplace training, and MNPDP’s Citizen’s Police Academy. Metro Legal created an ethics training and the slide presentation is available to each Board member.

Community Outreach—We continually strive to participate in outreach endeavors to make the public aware of the services that MNCO provides, specifically around how to file complaints, the process, and the difference between administrative and criminal investigations.

- Monday, October 25th, ED Fitchard will join other Stakeholders and the community for the informational public hearing hosted by Metro Human Relations Commission. The discussion topic is “Reimagining Public Safety: Community-Responsive Policing.”

- Monday, November 15th, ED Fitchard and Dr. Vielehr will give a presentation to MNPDP’s lateral class (session 94) about the history of the COB, Investigations, Mediation, and Research.

MNCO Research—Dr. Vielehr and Research Analyst Gavin Williamson-Crowell continue to work on Criminal Justice advisory reports that address the current state of Policing and Criminal Justice trends, patterns, and practices locally and nationally. Dr. Vielehr attended a special committee meeting on jail data, Center for Policing Equity Navigating Justice Webinar, Council of State Governments Justice Center conference on innovative community responder models and participated in Metro Human Relations Commission’s Just Conversations episode on public safety.

Complaints—The MNCO continues to receive calls from the public to initiate complaints of alleged misconduct by MNPB officers. The MNCO received a total of 4 investigative complaints since its last Board meeting in September. MNCO received 3 complaints that were handled internally; 2 were forwarded directly to MNPB for handling. MNCO received a total of 4 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.

MNCO Budget—ED Fitchard and AD Clausi met with our Metro Finance team to discuss the department budget. The Finance team answered many questions related to the process of requesting Full-Time Employees (FTE's), budget check-up, spending patterns and other items. The COB's budget continues to reflect consistent stability and excellent stewardship. ED Fitchard anticipates that MNCO will utilize more budget spending for community outreach and professional growth in this fiscal year than in the previous year.

Proposed Resolution Reports—Legal Advisor Daniel Yoon will present a training presentation to the Board regarding PRR's. The presentation is a refresher to outline the investigative process and presentation procedures according to the COB governing rules.

- COB Special Called meeting on October 13, 2021 resulted in the completion of 5 resolution reports. Seven (two from the September meeting were included) completed reports, with the Board's recommendations, were sent to Chief John Drake for consideration.
- ED Fitchard will present 3 resolution reports for consideration at the October meeting. The Proposed Resolution Reports can be found on the COB webpage on Nashville.gov.

MNCO Mediation—ED Fitchard met with several mediators from Mediators Beyond Borders International to discuss Police and Citizen Unification Mediation, specifically, the Police2Peace model.

MNPB Records Update—The MNCO investigators report no issues in October with receiving MNPB requested records.

Force Review Update—As we continue to receive and review cases regarding deadly police shootings the MNCO staff continue to discuss, monitor, and find ways to complete those very important cases with limited investigative staff. We are researching and seeking input from other peer agencies to determine best practices for auditing and investigating deadly shootings. We believe auditing those special case types will help with meeting the timelines the COB has set forth in its Rules and Bylaws regarding investigations.

MNPB Use of Force Review Hearing—ED Fitchard attended a Force Review hearing on Thursday, October 7, 2021 at the Mid-Town Hills precinct.

MNPB Chief of Police Response—Friday, October 22nd, Chief Drake sent a response to Chair Martinez's letter regarding MNPB's position and use of License Plate Readers (LPRs). In addition, Chief Drake

addressed additional questions raised by Board Member Jamel Campbell Gooch. Both letters will be uploaded to the COB's webpage.

Requests sent to MNPD Commander Carlos Lara, COB/MNPD Liaison—

License Plate Reader Questions—Member Jamel Campbell-Gooch's questions are addressed in Chief Drake's response letter.

MNPD CIT Co-Response Pilot—ED Fitchard requested an update from Commander Lara regarding the MNPD and Mental Health Coop Co-Response Pilot that began on June 28th. ED Fitchard sent a request for an update from the Mayor's Liaison, who is assisting with the pilot, and received a response that quarterly data is being prepared for the November 4th Stakeholder Council meeting and may not be available for the COB monthly meeting on October 27th. ED Fitchard requested that she be added to the weekly email that is sent to MNPD and other stakeholders regarding CIT updates.

The information requested:

- The total number of calls for assistance
- The number of such calls that were diffused without police intervention
- The number of such calls that required active police intervention such as a detention and/or arrest
- Any other information deemed relevant for the effective evaluation of the co-response model program

ED Fitchard received the listed information as of 10/16/21:

- The total number of calls for assistance- Total Calls: 1222 Calls w/Mental Health Component: 600

The number of such calls that required active police intervention such as a detention and/or arrest- 23 Arrests

Recruit Training Information—Board Member Walter Holloway requested information regarding the demographic information of the last Metro Recruit Trainee class and the current lateral class. Commander Lara sent the following information:

Recruit Demographics Questions:

- Session 92 (Graduated):

Total number of males- 60

Total number of females- 9

Race/Ethnicity by gender- Males: 52 (*White*), 6 (*Black*), 2 (*Hispanic*), 1 (*Asian*) Females: 8 (*White*), 1 (*Black*)

Percentage of those graduated by race/ethnicity- Total Graduated: 50 Males: 47 (94%), Females: 3 (6%)

Demographics- Male White: 40 (80%), Male Black: 3 (6%), Male Hispanic: 3 (6%), Male Asian: 1 (2%), Female White: 3 (6%)

- Session 93 (In Session):

Total number of males- 24
Total number of females- 14
Race/Ethnicity by gender-Males: 17 (White), 5 (Black), 2 (Hispanic) Females: 10 (White), 3 (Black), 1 (Bi-racial)

- Session 94 (Lateral-In Session):

Total number of males- 15
Total number of females- 2
Race/Ethnicity by gender- Males: 10 (White), 4 (Black), 1 (Hispanic) Females: 2 (White)

Department Head Meeting—ED Fitchard will attend the monthly Department Head and Elected Officials meeting on Thursday, October 28th.

Mayor’s Office—ED Fitchard met with the Mayor’s office liaison, Director John Buntin, multiple times in October to discuss various topics regarding COB business and address any needs of assistance.

Metro Health Department—ED Fitchard and Dr. Peter Vielehr met with Dr. Stephanie Kang, Director of Health Department’s Health Equity Bureau to discuss the possibility of MNCO and HEB collaboration.

Survivor Resources—ED Fitchard met with MNCO leadership and the Research team to discuss an endeavor that would assist complainants, and the family of deceased individuals, who have been directly impacted by police violence and deaths. The MNCO research team is gathering data from around the country and searching for funding resources for this endeavor. More information on this proposal will be provided in the coming months.

Upcoming Board Meetings—The November and December Board meeting dates have changed because of the seasonal holidays. The November meeting will be held on Friday, November 19th and December’s meeting will be held on Monday, December 20th. The meeting location will remain the same, Sonny West Room at the Howard Office Building. The community can find our meeting dates and times listed on our social media sites and Nashville.gov.

- Board Member Campbell-Gooch: Thank you for taking the calls from members of the community experiencing grief. Recommends survivor-led organizations like Mothers Over Murder, etc.
- Board Member Wynn: Family Safety Center
- Board Member Hildreth: What can the Board do to help?
 - Budget Committee – Board Members Hildreth, Hayes and Campbell-Gooch volunteer, with Board Member Hildreth chairing.

6. Proposed Resolution Report Presentation – Daniel Yoon, Legal Advisor

- Quick Reference Guide
 - Board Member Hildreth: Can we have a presentation like this for the website navigation for finding Proposed Resolution Reports, etc.?

7. Proposed Resolution Reports – Jill Fitchard, Executive Director:

MNCO COMPLAINT CC2020-012: Accept

MNCO COMPLAINT CC2020-035: Accept, but Modify to investigate chain of command, supervisors and managing officers. Board Member Campbell-Gooch moves to modify to investigate chain of command, supervisors and managing officers. Board Member McCree seconds. Passes unanimously.

- Differential treatment between supervisors and rank & file affects the morale of MNP.

MNCO COMPLAINT CC2021-011: Accept, but Modify to sustain Obstruction of Rights, False Arrest allegation against Officer-A, category B violation, recommend 13-day suspension. Board Member Goddard moves to modify to sustain Obstruction of Rights, False Arrest allegation against Officer-A, category B violation, and recommends a 13-day suspension. Board Member Hildreth seconds, passes unanimously.

Chair Martínez reads impact statement from Erin McDermott regarding complaint against former Captain Jason Reinbold. She experienced months-long trauma. The kids she was nannying for still refer to the police officer as “the bad man” and don’t want to go back to that location. Trauma, therapy and medication resulted. Threats from other officers and people in the community occurred. She felt harassed and intimidated by the Office of Professional Accountability. She still hasn’t had a good night’s sleep since this happened. “I lost my job and lost my sense of safety.”

8. Public Comment

- Erin McDermott – there seems to be a fundamental issue with this police department here, as indicated by a recent podcast put out by WPLN and Silent No Longer. Feels as though the Captain would’ve gotten away with this if she and others hadn’t kept pushing. Thank you to the Board and Staff. Trusted the COB with this information before going to OPA, and went to COB first with his information.

9. New Business / Announcements

- Board Member Campbell-Gooch: Conflicting information from Police Chief and Town Hall, etc. regarding License Plate Reader Legislation. Wants COB to take official position to defer the License Plate Legislation until these discrepancies come back. Feels like there is conflicting information coming from within the Department even about how many LPR are being used.
- Board Member Holloway: Could be a good tool, but no problem with deferring legislation.
- Board Member Hayes: Likens the situation to the confusing and conflicting info surrounding body cameras.
- Board Member McCree: No problem with deferring. Notes that 5 different Council members have submitted bills, and doesn’t feel like communities of color and low income communities have been represented in these conversations.
- Board Member Hildreth: Moves to take a page from Metro Human Relations Commission, and open up a place for low income and communities of color to be heard and get reliable information regarding LPR at the November 19 meeting, and a letter to

Council to defer the LPR legislation 2nd reading until December. Member Hayes seconds. Chair Martinez, Board Members Hildreth, Hayes, Campbell-Gooch, Holloway, McCree, Wynn, Goddard & Whitsell vote aye. Board Member Brown votes nay.

10. Adjourn

Member McCree moves to adjourn the meeting, Member Campbell-Gooch seconds the motion, and it was unanimously approved. The meeting adjourned at 7:00 pm.