

**COMMUNITY OVERSIGHT BOARD**  
**Bylaws and Rules COMMITTEE Public Forum MEETING AGENDA**  
**Tuesday August 27, 2019 – 6:00 to 8:00 PM CDT**  
**Lentz Public Health Center, Centennial rooms A & B**  
**2500 Charlotte Ave, Nashville, TN 37209**

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***Bylaws and Rules Committee***

Members:

Jamel Campbell Gooch

Adele M Lewis

Danita Marsh

Andres Martinez

Brenda Ross

Matt Sweeney, Chair

Executive Director William Weeden, Ex Officio

**Those who wish to speak at the meeting should sign-up on-site before the meeting begins. Doors will open at about 5:00 pm**

**MEETING AGENDA**

- I. Call to Order and introductory remarks by committee chair Matt Sweeney.
- II. Public forum for discussion of Draft Memorandum of Understanding (MOU) proposal between the Community Oversight Board and the Metro Nashville Police Department. The first 30 people who have signed up that evening to speak about the Draft MOU proposal will be invited to provide thoughts and comments about the Draft for not more than 3 minutes each. Have we missed anything? Could we approach some issue in a better way? (Please see attached memo for more information).
- III. Announcements
- IV. Adjourn

## METRO COMMUNITY OVERSIGHT BOARD

To: Interested Community Groups and Community Members  
From: Brensey Thompson, Community Liaison  
Re: Community Input on COB Draft MOU Proposal to MNP  
Date: August 7, 2019

The Metro Community Oversight Board ("COB") is in the process of considering a proposal for a Memorandum of Understanding (Draft MOU Proposal) with the Metro Nashville Police Department (MNP). The Draft MOU Proposal is based on the Metro Charter Amendment which created the COB, the COB's Bylaws and Draft Rules, policies and procedures of the MNP Office of Professional Accountability and policies and procedures used by similar organizations in other states. The Draft MOU Proposal address how the COB envisions its working relationship with MNP, designed to best and most efficiently support the COB's work.

The COB already has adopted a set of bylaws which govern the manner in which the 11 member COB board ("Board") conducts its meetings, structures its Staff and related activities. Those bylaws can be found on the COB website at <https://www.nashville.gov/Government/Boards-and-Committees/Committee-Information/ID/132/Community-Oversight-Board.aspx>. The COB is also in the process for adopting Rules for its operation, on which it also has requested community comments.

The COB requests that you review the Draft MOU Proposal; we seek your thoughts and comments about it. Have we missed anything? Could we approach some issue in a better way? **We invite your written comments and any supplemental brief oral comments as well. Please send your written comments to me by August 23, 2019 at:**

Brensey Thompson  
Nashville Community Oversight Board  
214 Second Avenue, North, Suite 204  
Nashville, TN 37210  
Email: Brensey.Thompson@nashville.gov.

We would like to hear from you about the Draft MOU Proposal after we receive written comments from the community. **The COB drafting committee will hold a public meeting on Tuesday, August 27, 2019 from 6:00 to 8:00 at the Lentz Public Health Center, Centennial rooms A & B, 2500 Charlotte Ave, Nashville, TN 37209.** The Committee chair will invite the first 30 people who have signed up that evening to speak about the Draft MOU Proposal for not more than 3 minutes each.

After the meeting, the COB drafting committee will meet again on September 13, 2019, at 4:00 pm and will review the Draft MOU Proposal, considering the comments we have received. The committee then will present the Draft MOU Proposal, including any revisions it suggests, to the Board for its consideration and possible approval at its September meeting, which is yet to be set, but to which you are also invited.

After the Draft MOU Proposal has been approved by the Board, the COB will negotiate a MOU with the MNP, using the Draft MOU Proposal as its suggested agreement.

If you have any questions about any of this, please contact me. Thank you. We look forward to hearing from you.

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE COMMUNITY OVERSIGHT BOARD  
AND  
THE METROPOLITAN NASHVILLE POLICE DEPARTMENT**

**I. INTRODUCTION**

The Metropolitan Nashville Community Oversight Board (COB) and the Metropolitan Nashville Police Department (MNPd) (collectively “the Parties”) enter into this Memorandum of Understanding (MOU) with the goal of ensuring that police services are delivered in Metro Nashville in a manner that effectively ensures officer and public safety, promotes public confidence in the COB, MNPd and in the services each delivers.

**II. DEFINITIONS**

The following words and phrases as used in this agreement shall have the following meanings.

"Chief" or "Chief of Police" – means the head of the MNPd.

“Complaint” – means a claim made to the COB alleging MNPd Misconduct.

"Employee or “Employees" – means anyone employed by MNPd, and also shall include anyone appointed by the Chief of Police to the position of special police officer pursuant to Metro Charter §8.205 and Tennessee Code Annotated §8-8-212.

"Department" – means the Metropolitan Nashville Police Department.

“Intake Investigations” – means the process by which the COB receives, records, evaluates, and categorizes complaints.

"Investigation” – means the act or process of investigating or the condition of being investigated; also, a detailed inquiry or systematic examination by the COB.

"Police or Police Officers" – means all those employees of the MNPd having and exercising the powers of police officers, and shall specifically include, the Chief of Police, the assistant chief, and all deputy police chiefs, whose primary responsibility is the prevention and detection of crime and apprehension of offenders; it also shall mean special police officers appointed by the Chief of Police.

"Excessive Force" – means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

“MNPd Misconduct" – means any improper behavior by an Employee, which violates MNPd policies, criminal laws or civil rights laws.

### **III. JURISDICTION**

A. With respect to matters within the jurisdiction of the COB under Chapter 13 of Article 11 of the Metro Charter, whether filed initially with the COB or MNPDP, the COB will be responsible for the investigation of Complaints initiated by the public and of matters initiated by Employees that relate to alleged MNPDP misconduct against members of the public. The Parties agree further that the MNPDP Office of Professional Accountability (“OPA”) will be responsible for the investigation of Complaints against Employees initiated by a member of the Department, except matters that relate to alleged MNPDP Misconduct against members of the public.

### **IV. COOPERATION AND ACCESS TO RECORDS AND INFORMATION**

A. The Department agrees to adopt policies to facilitate and promote cooperation with the COB in the performance of its work in the investigation of Complaints and policy development. Such cooperation shall include: the timely and complete production of requested documents and information; making available Employees knowledgeable of matters under COB investigation available for consultation or interviews during normal scheduled work hours; and timely, pre-implementation notification to the COB of proposed MNPDP policy changes.

B. Documentation to which the COB shall have immediate access at all times, and timely copies on request, are:

- (1) the current Departmental Manual (composed of MNPDP’s policies, procedures, and rules);
- (2) the Department’s orders, written directives, memoranda, rules, procedures, and regulations as referenced in §1.50.010 of the Departmental Manual;
- (3) the Departmental SOPs as referenced in §1.50.030 of the Departmental Manual;
- (4) the Department’s training materials as referenced in §1.110.120 of the Departmental Manual; and
- (5) MNPDP dash camera, body camera, and other recordings, including those obtained by the Department from others, related to the subject matter of a Complaint shall be made available to the COB on a shared database.

C. Documents and information that the Department will make available to the COB on an expedited basis, within twenty-four (24) hours of its written request, are:

- (1) MNPDP paperwork (e.g., police documents, reports, and other graphic information produced by, or acquired by, the Department regardless of form or format) related to the subject matter of a Complaint; and

- (2) MNPDP information not included in its paperwork, whether electronic or known to Employees, but not yet recorded in the Department's paperwork.

D. Documents and information that Department will make available to the COB on a prompt, but negotiated time, basis are:

- (1) employment records relating to the subject of Complaints regardless of how or where identified or maintained, including personnel files, disciplinary history, citizen complaints, OPA and other internal investigative materials, awards and commendations, and training records;
- (2) Department general summaries, statistical compilations, and other internal reports, documents, or information on officer involved shootings, deaths, injuries, arrest and complaints of abuse, training, and any other issues related to the COB's work; and
- (3) any other Departmental documents or information the COB might request related to its work.

## **V. CONFIDENTIALITY**

- A. The COB will maintain the confidentiality of any confidential document or confidential information received from MNPDP, and of any confidential information derived from any such confidential document or confidential information obtained from MNPDP.

## **VI. INTAKE INVESTIGATIONS**

A. The Department agrees to adopt policies requiring Employees to participate in COB investigations. As part of its Intake Investigation, the COB may request that an Employee undergo an intoximeter, blood, urine, psychological, polygraph, computer voice stress analysis (CVSA), medical examination or any other exam not prohibited by law, MNPDP or Metro Civil Service rules, provided the examination is pertinent to an investigation. The COB agrees to use such devices in compliance with the provision in §5.12 of the Departmental Manual.

## **VII. MEDIATION AND RESTORATIVE JUSTICE PROGRAMS**

A. In certain cases the COB may offer an opportunity to participate in mediation, restorative justice, or other non-punitive remedies in response to allegations of misconduct in a Complaint. If accepted and completed by the parties no further investigation of the Complaint will be made. The purpose of such remedies is to enhance police-community trust, relationships, and understanding. The COB may contract with third party private providers for assistance in implementing such non-disciplinary remedies.

B. The Department will implement policies encouraging its Employees to participate in such voluntary remedial programs. However, such remedies must take place during work hours, and cannot require Employees to give up their personal time.

C. With the approval of the Executive Director, mediation and other restorative justice programs may be initiated, at any time after a Complaint has been filed, in all cases, except in those alleging use of excessive force, serious bodily injury or in-custody death.

- (1) The COB will provide each party with written information about the voluntary remedial processes, how they will be conducted and by whom;
- (2) If within \_\_\_\_ days of written notice and information being provided, both parties accept to participate in the voluntary remedial process it will be undertaken;
- (3) The voluntary remedial process must be completed within \_\_\_\_ days of acceptance by the parties;
- (4) If the parties complete the voluntary remedial process, the investigation will be closed. If it is not completed, the investigation will be undertaken or completed; and
- (5) Neither participation in nor completion of the voluntary remedial process may be used against the Employee by the COB or MNPD for any purpose.

#### **VIII. ADMINISTRATIVE LEAVE & ALTERNATIVE DUTY ASSIGNMENT**

A. The Department agrees that if the Director notifies the Chief of Police in writing that the investigation of a Complaint has been undertaken by the COB and that the Director has sufficient reason to believe that an accused Police Officer's continued presence on the job may be detrimental to the Department or the safety of anyone, and requests that the officer be relieved of duties and be placed on administrative leave with pay pursuant to 4.10.190 of the MNPD Manual, pending completion of the COB's investigation, that the Department will consider and act upon the request. Within five (5) days of receipt of the request, the Department will provide the Director with a written response to his request, either advising that the officer has been relieved of duties and placed on administrative leave or stating the facts and circumstances why the requested action will not be taken.

#### **IX. RESOLUTION REPORTS**

A. The COB will issue a Resolution Report following the Board's review of the Intake Investigation, which reports will include an "Investigative Finding" drawn from the evidence, and may include recommendations for employee discipline or for changes to MNPD policies, procedures, rules, and regulations that may prevent future allegations of Misconduct, as well as the need to modify or expand training.

B. The Chief of Police agrees to review and provide the COB with a written response to each Resolution Report, which response will include at a minimum:

- (1) a detailed written statement of The Department's actions taken in response to the COB's findings and recommendations;

(2) if the Department declines to accept the COB's recommendations, a detailed written statement explaining Department's reasons for doing so; and

(3) any additional action taken by Department based on the COB's Resolution Report.

## **X. POLICY ADVISORY**

A. From time to time the COB may recommend changes to Departmental policies. Should the COB make such recommendations, the Chief of Police agrees to provide a written response to the COB, and to specifically articulate the Department's position, and its reasons for that position, within sixty (60) days of receipt of the COB policy recommendation.

## **XI. FORCE REVIEW BOARD**

A. The Department agrees that the Executive Director, or his designee, shall be a non-voting member of the Force Review Board. The Force Review Board examines whether MNPD policies and procedures governing the use of force have been followed. The Chief of Police has the discretion of convening a Force Review Board as a result of any Departmental use of force incident. The Chief of Police shall be the final authority within the Department as to the disposition of each incident reviewed by the board.

## **XII. "CALL-OUT" PROCEDURES**

A. The MNPD agrees that in certain situations call-out procedures set forth in Title 15 of the Departmental Manual shall apply to the COB, which shall receive call-out notice and have the right to respond to the scene.

B. The MNPD agrees to include the COB in call-out notices in each of the following:

(1) all MNPD police personnel involved shootings;

(2) all MNPD In-custody deaths; and

(3) any other incidents where a MNPD Commander is notified of its occurrence.

## **XIII. "CALL-OUT" CRIME SCENE ACCESS**

A. While only persons involved in MNPD investigations should enter an active crime scene being processed, after evidence is collected and secured, the COB will be allowed to have access to the crime scene for investigative purposes.

## **XIV. "CALL-OUT" SECURITY FOR COMMUNITY OVERSIGHT BOARD**

A. The Crime Scene Investigations on-duty supervisor, or the on-duty Crime Scene Investigations officer-in-charge, is given the authority and responsibility for determining when an officer should accompany a COB staff member at the scene of a call-out or perimeter area

investigation or interview. In making the determination, the supervisor or officer-in-charge shall take into consideration those circumstances such as time of day, nature of the crime, probability of the perpetrators return to the scene, the probability of further acts of violence and type of location. All Department personnel who may be dispatched to provide such security for COB staff shall assume the request has originated with the Crime Scene Investigations supervisor, officer-in-charge, or Executive Director and proceed accordingly. In those circumstances when COB staff and a Police Officer are dispatched to a scene and upon their arrival it is determined that the Police Officer is not needed, the COB staff member will inform the Crime Scene Investigations officer-in-charge who may permit the Police Officer to check back into service.

## **XV. PROFESSIONAL DEVELOPMENT**

A. MNPDP agrees to provide all newly appointed full-time COB personnel with information and training regarding:

- (1) the MNPDP role, purpose, and goals;
- (2) the Departmental Manual;
- (3) the Department's orders, written directives, memoranda, rules, procedures, and regulations not contained in the Departmental Manual;
- (4) the Department's SOPs;
- (5) the Department's training manuals; and
- (5) the responsibilities and rights of Employees.

## **XVI. COMMUNITY OVERSIGHT BOARD CITIZEN'S POLICE ACADEMY**

A. In a continuing effort to strengthen the partnership with the COB, the MNPDP will established a Community Oversight Board Citizen's Police Academy. The academy will be a series of classes designed to provide Community Oversight Board personnel a detailed overview into the operation of the Metropolitan Nashville Police Department. It will give Community Oversight Board personnel the opportunity to see how officers are trained and what officers go through in the field.

B. The five key objectives of the program are:

- (1) to familiarize COB and its staff members with the function of the Department;
- (2) to provide the Board and staff with an understanding of why MNPDP handles different situations certain ways;



- (3) to provide another channel of communications between the COB and MNPB;
- (4) to promote oversight support for the MNPB; and
- (5) to help members of MNPB become more aware of the operations and concerns of the COB.