

**COMMUNITY OVERSIGHT BOARD**  
**EXECUTIVE COMMITTEE MEETING MINUTES**

**Monday, May 18, 2020**  
**4:00 to 5:00 p.m.**  
**Remote – by WebEx**

| Members (4) | Present | Absent |  |
|-------------|---------|--------|--|
|             | (X)     | ()     | Chair Ashlee Davis                     |
|             | (X)     | ()     | First Vice Chair Andres Martinez       |
|             | (X)     | ()     | Second Vice Chair Jamel Campbell-Gooch |
|             | (X)     | ()     | Secretary Matt Sweeney                 |

Board Chair Ashlee Davis convened the meeting at 4:01 p.m. A copy of the meeting agenda is attached.

A quorum was established. Also attending were COB Executive Director Jill Fitchard, Assistant Director Chris Clausi, Legal Advisor Todd Pinckley and Research Analyst Peter Vielehr. The meeting was contemporaneously broadcast.

Appeal statement read.

Legal Advisor Todd Pinckley reviewed the emergency authority under which the meeting was being held remotely pursuant to the Governor’s declaration of a state-wide emergency and Executive Orders 16 and 34. On motion of Member Sweeney, seconded by Member Martinez the Committee unanimously approved holding this meeting remotely pursuant to the cited authority.

On the motion of Member Martinez, seconded by Member Sweeney, the Committee unanimously approved the minutes of its April 17, 2020, meeting.

Director Fitchard discussed recent issues and developments regarding Metro DEC and notices it is to provide to MNCO. On May 11 she sent the new DEC director Stephen Martini an email informing him that MNCO had not received any notices from DEC since mid-April of the type it typically would receive. He responded and she, AD Clausi and Martini then spoke, discussing the types of events that would trigger MNCO to receive notice. He said he understood when MNCO should be notified and explained that the DEC system was archaic.

She advised us that on the evening of May 13, MNCO received a DEC notice of a “Command on Domestic Related Incident.” MNCO never received a notice like that before. It did not identify any officer use of force. As of then there was no call-in option to request additional information about a notice. The following morning, Director Fitchard received an email from Director Martini advising that the incident the night before involved an officer use of force at a domestic incident. She responded that morning, copying AD Clausi, MNPD liaison Dep. Chief Mike Hager and Mayor’s office liaison John Buntin about the problem of failure to give adequate notice of an officer involved shooting. Director Fitchard, Martini, Buntin and Clausi, spoke that afternoon to work on solutions. The following Monday, Martini responded saying that he was

meeting with the vendor to make the notices more responsive. However, when Director requested the CAD and the DEC communications about the incident DEC denied the request because there was an open criminal case per DA investigator D. Zoccola.

The Committee then discussed COB treatment and access versus that given to MNPDP OPA. Before the Board meeting we need to know this info and what we can do to assure we are treated equally. We need a meeting with the MOU task force (engaging Member Hildreth) and/or with the Mayor directly.

Director Fitchard also advised the Committee of a recent in-custody death. She was contacted by Nashville Scene writer Stephen Hale on May 10. MNCO had no knowledge or notice of incident before the Hale call. He told her about the February 10 death of Gabriel Hines while in the custody of the Davidson County Sheriff's office. It was alleged that excessive force was used by MNPDP at the time of arrest. DA investigated and referred to TBI. Advisor Pinckley reviewed and concluded authority to investigate alleged police misconduct regardless of where death occurred (No authority under charter amendment to investigate Sheriff's office actions, however). Committee concurred, MNCO has authority to investigate.

Member Campbell Gooch frustrated with reoccurring issues; states there is a theme happening of not getting cooperation from MNPDP or DA. Chair Davis wants Director to find out from DA why he did not notify us of this incident.

Director Fitchard advised the Committee that MHRC and MNCO met with MDHA Director Jim Harbison to discuss testing, messaging, and communications regarding the sharing of resident Covid-19 testing information with MNPDP. He answered questions but said he had no control over MNPDP or MPH regarding such testing and use of such information. They advised Director Harbison of concerns over

Member Sweeney brought up the issue of how we will investigate and complete a critical MNPDP officer event where MNCO receives no cooperation and faces active interference in performing the COB's mission. He suggested the need to formally assess each component of the process. Then the COB needs to invoke MOU task force provision to make the current process effective and to advise that we will pursue matters with or without support.

Dr. Peter Vielehr was asked to discuss the Criminal Justice and Covid-19 fact sheet. He advised that sheet is purely informational, not a policy recommendation. This will be revised to incorporate the period after April 12 once the data is posted by MNPDP. The Committee agreed that publication of this and similar materials does not require Board policy proposal review. Such information can be released by MNCO after advance substantive consultation with this Committee.

## **New Matters**

Director Fitchard generally discussed Board and COB training, but with no specifics. She was asked to make a proposal.

Next Board meeting will be held on May 27 at 4:00.

## **Adjournment**

There being no further business, Member Sweeney moved to adjourn the meeting, seconded by Member Martinez. The Committee unanimously voted for the motion and the meeting was adjourned at 5:27.

**Approved by the Executive Committee at its meeting on 6/16/20**

*/s/ Matt Sweeney 9/4/20*