



COMMUNITY OVERSIGHT BOARD

EXECUTIVE COMMITTEE

MEETING MINUTES

Wednesday September 9, 2020

4:00 to 5:00 p.m.

Remote – by WebEx

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

Board Chair Andres Martinez convened the meeting at 4:00 p.m. A copy of the meeting agenda is attached.

A quorum was established. Also attending were Board Members Tim Hughes and Ashlee Davis, COB Executive Director Jill Fitchard, Assistant Director Chris Clausi, Legal Advisor Todd Pinckley, Lead Research Analyst Peter Vielehr, and Community Liaison Brensey Thompson. 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, 34 and newly issued 60. On motion of Member Sweeney, seconded by Member Ross, the Committee unanimously approved holding this meeting remotely pursuant to the cited authority.

On the Motion of Member Sweeney, seconded by Member Campbell Gooch, the Committee unanimously approved the minutes of its August 10, 2020 meeting.

This is the first meeting of the new Executive Committee. The members were introduced to the public. Andres Martinez is Chair, Jamel Campbell Gooch is First Vice Chair, Brenda Ross is Second Vice Chair and Matt Sweeney is Secretary. Chair Martinez discussed the several recent conversations he has had with Director Fitchard to effect a smooth transition within COB leadership, including COB priorities, strategic steps necessary to securing the execution of the revised MOU that will assure the COB receives the information needed to effectively perform its work. He also discussed his participation in the second public forum on priorities for the selection of the new police chief. He also has met with John Buntin to press the issues of Board access to MNPd documents and toward a task force meeting and execution of the new MOU. Further, he advised that he had been invited to attend a meeting of the

Metro Council's LGBTQ caucus meeting to discuss policing issues of mutual interest to the caucus and the COB; he also took that opportunity to discuss with caucus chair Nancy vanReece the issue of diversity of representation on the Policing Commission committees, and particularly as to members of the trans community.

Recent Issues and Developments—Director Fitchard.

COB/MHR Public Forum on Selection of New Police Chief. Two public forums have been held since the last Board meeting. Outreach to the community in advance of each was discussed, as well as the number of participants who called pre-meeting, during the meeting and who sent emails or provided other written input. T-Mobile forum problems were identified and now have been resolved. But still there were some technical and logistical issues in the call-in phase, which Director Fitchard discussed and promised to address before the next forum. The two remaining public forums are tentatively set for September 21 and 28.

The Committee then discussed other community outreach issues. Member Campbell Gooch suggested that the MNCO conduct teach-ins about the COB, its role, function, how folks can file complaints, and its basis for making policy recommendations. Member Ross said she had been approached by church groups who would like to hear from MNCO, which she passed on to Director Fitchard. Member Martinez also suggested the use of Facebook and Zoom as another way to reach the community, who need to hear more from us and want to learn more about us. Member Ross cautioned that many older people don't use Facebook, so we should use conference calls too. Director Fitchard endorsed these ideas and said she would work on them with a targeted launch in October.

MNPD MOU and related matters. Director Fitchard discussed the 9/1 meeting she and Assistant Director Clausi had with John Buntin, Metro Legal Director Bob Cooper, Deputy Chief Mike Hagar and DA Glenn Funk regarding access to records. Finally, there is acknowledgment that Criminal Rule 16 does not block COB access. A new form and process for COB direct access to MNPD documents was outlined. They were told by MNPD and DA, however, that there still are categories of documents subject to statutory confidentiality provisions that will prevent immediate access to some requested documents. A list of the cited statutes was provided. Those laws will need to be reviewed and fully understood so such claims of confidentiality don't become exceptions that swallow the access agreement. Various issues and scenarios discussed surrounding those laws, but nothing was resolved during our discussion.

Proposed Resolution Reports. Director Fitchard advised that she will be meeting with Jack Byrd, an attorney who represents the FOB, to discuss the PRR process and issues. Following that meeting she will finalize the first set of proposed reports. She anticipates she will present the first batch of proposals to the Board in late September or October.

Mayor's Policing Commission Report -- Ashlee Davis

The Mayor appointed a Policing Commission to advise on certain issues deemed important in the consideration of candidates for the position of Chief of Police. Former Chair Davis is a member of the commission and chairs one of its committees. The commission is divided into three (basically siloed) committees: (a) Policies, Tactics and Training (which she chairs); (b) Screening, Supervision, Resources and Recruitment; and (c) Serving Nashville's Communities.

She provided a report from the Policies committee that covers much of what most directly concerns the COB. Her committee has met three times. The first was introductory and set its priorities as use of force, MNP/COB relations, MNP policy development and mental health response best practices. Before the second meeting it received a packet of materials from MNP on use of force, which preliminary analysis showed to be incomplete and inconsistent, but was still broadly useful for MNP discussion at the third meeting about use of force and de-escalation at that meeting. The materials as presented did show disproportionate use of force against people of color. MNP to reassess and reformat the use of force data, aided by a new data committee which includes the COB's Peter Vielehr. The committee needs to address the race issue with respect to use of force, which MNP did not want to discuss. The most appropriate focus of committee discussion seems to be not use of force per se, but de-escalation. There has been a push by the Mayor's office to complete the committee work quickly so it can be included in the consideration of the new chief, but Member Davis said the committee believes this is more of a long term project.

Member Campbell Gooch asked several questions which member Davis answered as follows:

Whether her committee will examine how to get to zero use of force? She said committee is open to input from outside the MNP. Looking for ideas, such as using civilian employees for traffic enforcement. Member Campbell Gooch also noted that Berkeley, California established a year-long committee to study options to traditional policing.

Can we get updates from other committee chairs? Yes. They will be asked to meet with the COB.

Can the COB get the MNP use of force info which was provided to the Committee? Yes. Peter Vielehr has it and is working with MNP to vet and correct the data.

Director Fitchard advised that she also spoke with John Buntin about the COB's representation on the other committees, that all of the committees touch upon the COB's responsibilities and therefore it should have a voice on them.

Director Fitchard also spoke about the future relationship between the COB and the MNP. She suggested that each agency be asked to suggest 5 things the other can do to solidify the relationship between them.

Dr Vielehr was asked to discuss the data committee that was established to support the Policing Commission. He identified the members as himself, a data scientist from the MNP and a representative from each of the three committees. Their role is to obtain and present to the committees complete, correct, consistent and understandable data they can rely on. The data committee is working a tight time schedule to coincide with the Chief search. Member Ross said she did not think the data clean-up should take a lot of time.

Chair Martinez said he would contact John Buntin about getting additional COB members on the Policing Commission committees. He also will invite the chairs of the other Policing Commission committees to speak to the COB about the work of those committees.

New Matters

COB Subpoena Authority. Director Fitchard advised that the Metro Council passed the authorizing ordinance on second reading. The third and final hearing is scheduled for 9/15. Member Ross asked who voted for and against the ordinance; no information, because it passed on a voice vote. She suggested that we monitor the final vote if done by roll call to see who supported/opposed.

Adjournment

Member Ross moved we adjourn and Member Campbell Gooch seconded the motion. The Motion passed unanimously. The meeting adjourned at 6:02

Approved by the Executive Committee at its meeting on October 13, 2020

/s/ Matthew Sweeney 11/26/20