



## Soft Empty-Hand Control Ordinance

### Introduction

At its monthly board meeting on September 29<sup>th</sup>, 2021, the Community Oversight Board (COB) voted to release a draft expedited policy advisory report regarding the tracking of soft empty-hand control techniques. Following a public hearing and other modes of community input, the Board approved two of the three recommendations in the report. These recommendations were released on October 27<sup>th</sup>, 2021, as an expedited report titled '[COB Recommendation to Require Reporting of Soft Empty-Hand Control](#)'. These two recommendations were formally accepted by Chief Drake on December 6<sup>th</sup>, 2021.

At its October board meeting, the Board also voted to defer one recommendation from the original draft report. The recommendation was to the Metropolitan Council requesting Council action to require a quarterly and annual use of force report for all uses of force above the proposed threshold. The Board elected to defer action on this recommendation until the December board meeting, and accordingly, it is on the agenda for the December 20<sup>th</sup> meeting. If the Board decides that the response from the Chief and the implementation plan from the department satisfies the COB's recommendation for soft empty-hand control to be tracked, the Metro Council recommendation may not be necessary.

The recommendation is below, as is the example ordinance that MNCO suggested passing.

### Recommendation to the Metropolitan Council

The COB recommends that the Metropolitan Council amend section 2.44.115 of the Metropolitan Code to require quarterly and annual use of force reports be posted to the MNPD website, sent to Metro Council, and sent to the Executive Director of the COB that include the number of use of force incidents where soft empty-hand control is the highest force used and there is no allegation of injury.

## Proposed Ordinance

ORDINANCE NO. BL\_\_\_\_\_

**An ordinance amending section 2.44.115 of the Metropolitan Code of Laws to require the Metropolitan Police Department to provide use of force reports to Metropolitan Council.**

WHEREAS, in 2006, the Metropolitan Council amended Chapter 2.44 of the Metropolitan Code of Laws to require quarterly and annual crime reports to be submitted to the public safety committee of the Metropolitan Council, pursuant to Ordinance No. BL2006-1261; and

WHEREAS, in 2016, the Metropolitan Council amended Chapter 2.44 of the Metropolitan Code of Laws to require an annual traffic stop report to the Metropolitan Council, pursuant to Ordinance No. BL2016-483; and

WHEREAS, the Community Oversight Board recommends that the Metropolitan Police Department track and submit quarterly and annual reports on physical force used by officers; and

WHEREAS, transparency about the full range of physical force used and demographic information about community members who experience physical force during an encounter with MNPD is in the best interests of the citizens and residents of Nashville and Davidson County and the Metropolitan Council should be further provided reports regarding use of force.

THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That section 2.44.115 of the Metropolitan Code of Laws is hereby amended by changing the title of the section from "2.44.115 - Crime and traffic stop reports to be submitted to the metropolitan council." to "2.44.115 - Reports to be submitted to the metropolitan council."

Section 2. That section 2.44.115 of the Metropolitan Code of Laws is hereby further amended by adding new subsections as follows:

D. Quarterly Use of Force Report. The police department shall submit a quarterly use of force report to the Metropolitan Council and the Executive Director of the COB and post the quarterly use of force report to the departmental website within thirty days of the end of the months of March, June, September and December, which report shall include, but not be limited to:

1. The number of subjects with whom physical force was used as defined in subsection (3) below
  - a. Disaggregated by highest physical force used.
  - b. Disaggregated by highest force used and demographic category of subject as defined by section 2.44.115C(2).

- c. Disaggregated by highest force used and demographic category of officer as defined by section 2.44.115C(2).
    - d. The percentage of calls for service, incidents, and arrests where physical force was used.
  - 2. The number of subjects who resisted officers
    - a. Disaggregated by the type of resistance displayed by the subjects.
    - b. Disaggregated by demographic category of subject as defined by section 2.44.115C(2).
    - c. Disaggregated by demographic category of officer as defined by section 2.44.115C(2).
  - 3. Physical force refers to all the following in ascending order: soft empty hand control used to overcome resistance without an injury alleged, soft empty hand control with an allegation of injury, display of a Taser® or conducted energy device, display of firearms, Taser® or conducted energy device discharge, oleoresin capsicum (OC) spray or other chemical spray, all other less lethal weapons, hard empty hand control, baton strikes or other impact weapons, and firearm discharge.
- E. Annual Use of Force Report: The police department shall submit an annual use of force report to the Metropolitan Council and the Executive Director of the COB and post the annual use of force report to the departmental website within thirty days of the end of the month of January, which report shall include all items under Subsection D.