

**Community Oversight Board Meeting**  
**MEETING MINUTES**  
**Wednesday, Dec 20, 2021 – 4:00 PM**  
Howard Office Building – Sonny West Room  
700 2<sup>nd</sup> 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:** Hamid Abdullah, Joe Brown, Jamel Campbell-Gooch, Drew Goddard, Arnold Hayes, Phyllis Hildreth, Walter Holloway, Andres Martínez, Makayla McCree, Shawn Whitsell, Mark Wynn.
- **Board Members Absent:** none
- **MNCO Staff in Attendance:** Jill Fitchard (Executive Director), Chris Clausi (Assistant Executive Director), Peter Vielehr (Lead Research Analyst), Ashley Brown (Metro Legal)
- **Others in Attendance:** Brian Hofer (appearing remotely) – Chair of Oakland Privacy Advisory Commission and Executive Director of Secure Justice, and members of the public

**2. Establish Quorum and Reading of Appeals Statement**

- A quorum was established for the meeting, and Chair Martínez read the appeals statement.

**3. License Plate Reader Discussion**

- **Brian Hofer – Chair, Oakland Privacy Advisory Commission; Executive Director, Secure Justice**

**4. Discussion of License Plate Readers (LPRs) and Board Position**

- Dr. Vielehr raised the issues of whether the Board desired to take a position on LPRs and the two LPR proposed bills currently before Metro Council, or issue a letter comparing key provisions of the two proposed bills
- Board Member Brown – not opposed to LPRs, but don't want to take a position except to tell Council that the COB is able and willing to help oversee if imposed.
- Board Member Hildreth – opposed to LPRs, only supportive of a resolution that opposes LPRs. However, that may not be possible given the varied positions of the Board. Supportive of an “analysis” vs. a “position” letter.
- Board Members Abdullah and Holloway – opposed to LPRs

- Board Member Wynn – how much analysis has the Council done on LPRs, and have they asked the COB for its opinion on this? Concerned that the Board has not heard from a national LPR subject matter expert from law enforcement. Dr. Vielehr responded that he had not.
- Board Member McCree – we should take a position.
- Board Member Campbell-Gooch – move to take a position in opposition to LPRs.
- Chair Martinez – if no bill passes, does that leave LPRs to run without legislation?
- Dr. Vielehr – Mobile LPRs are currently only regulated by state law. If no bill passes, LPRs would be allowed for use by MNPD long as data retention wasn't allowed for more than 90 days.
- Board Member Campbell-Gooch – Commander Lara said that they wouldn't do LPRs if Metro Council didn't pass a bill.
- MNPD Commander Lara – We're leaving all options open, but we have no plans at this time on moving forward unless some legislation passes, but that could change in the future. With technology like this, we won't turn them on without some process and policies in place, similar to body cameras.
- Board Member Brown – if we oppose, we are in a difficult position if we want to have oversight. I would much prefer we take a positive position on what we have concerns about and if it is done, that we have oversight. If we say no, we are in a poor position to argue for oversight.
- Board Member Goddard – if MNPD goes forward with LPRs, would want to see the MNPD develop policies governing their use in collaboration with this Board. Does the Chief have a plan? He is uncomfortable taking a position on LPRs without hearing from some credible authority on the benefits of LPRs, and he doesn't necessarily view LPR manufacturers as that.
- Board Member Whitsell – opposed to LPRs.
- Board Member Hildreth – safety of community and family take precedent over being involved in the oversight of LPRs. Supports Board Member Campbell-Gooch's motion.
- Board Member Holloway – we need to stand for the community.
- Board Member Hayes – opposed to LPRs.
- Chair Martinez – any amendments?
- Board Member Campbell-Gooch – After due consideration of the two bills, moved that the Board take an official position that the Board is opposed to the two pending LPR bills. We have compared the two, we have talked to subject matter experts, and they have communicated elements of oversight that are not included in either bill, and community members have voiced disapproval. Board Member Hildreth seconds. Roll call vote: Ayes: Abdullah, Campbell-Gooch, Hayes, Hildreth, Holloway, Martinez, McCree, Whitsell. Nays: Wynn, Brown. Abstain: Goddard.

### **3. Approval of the Minutes**

- Board Member Hayes moved to approve the minutes, Board Member McCree seconded, and the motion passed unanimously.

### **4. Chair Remarks**

- Chair Martínez wrote a letter to Chief Drake in response to Chief's statement, in reliance on a Metro Law Department memo, that he could not impose sanctions after MNPD completed its process and imposed sanctions. In his letter, Chair Martinez pointed out that the Law

Department memo also stated that if new allegations were found, additional discipline could be imposed.

- Board Member Campbell-Gooch: what are the legal options?
- Legal Counsel – will research and get back to you.
- Board Member Goddard – There is something broken in the process if Chief Drake is moving forward with disciplinary action without COB input on cases both COB and OPA are working on.

## **5. Executive Director's Report**

Director Fitchard presented the Executive Director's Report, a copy of which is attached and made a part of these minutes. Additional discussion included:

- 61 complaints received this year, compared to 37 last year
- an Officer-involved shooting last week
- Director Fitchard attended a Force review board on December 6
- The entire MNCO staff and Board Member Whitsell attended NACOLE training
- Department budget talks are ongoing, and Board Member Hildreth has been assisting
- need for social worker/survivor resources position at MNCO; the research team is putting together information to justify it

Board discussion included:

Board Member Holloway – there ought always be one person in town to respond to officer-involved shootings, as opposed to entire staff being out of town for a conference

Board Member Campbell-Gooch – asked why are there twice the complaints this year compared to last year; Director Fitchard response was in part that more people are aware the COB exists and what we do

## **6. Policy Advisory Report (PAR) on Soft Empty-Hand Control**

Discussion of Response from Chief Drake to this PAR: Dr. Vielehr and Commander Lara addressed the Board on this response, which accepted the recommendations in the PAR with minor modifications. Their comments included that Roll call training, policy revisions and updated forms have been changed to reflect recommendations from COB and the Mayor's Commission, and that better reporting in the future will help MNCO track how often this type of force is used.

Deferred Recommendation 3: When the Board adopted this PAR, it had deferred MNCO staff's recommendation 3 that the board also recommend to Metro Council a proposed ordinance relating to reporting. In light of Chief Drake's response to this PAR, Board Member Goddard moved that the Board not adopt recommendation 3 for an ordinance proposal to Metro Council, Board Member Abdullah seconded, and the motion passed unanimously.

## **8. Proposed Resolution Reports (PRRs) - Jill Fitchard, Executive Director**

- MNCO COMPLAINT CC2020-020:
  - Board Members Campbell-Gooch & Hildreth – notes that once again, several officers did not submit daily activity reports.
  - Board Member Brown – notes that the OPA did discipline one of the officers who failed to turn in these reports 17 times.
  - Commander Lara – we are no longer filling out activity sheets. Everything is recorded in CAD system now.
  - Board Member Brown – recommend suspension of 4 days due to the passage of time.
  - Board Member Campbell-Gooch – moved to accept the proposed resolution report with no modifications, Board Member Abdullah seconded, and the motion passed with all members voting in favor except Board Member Brown who abstained.
  
- Board Member Hildreth – moved that (i) the Board have two meetings in the month of January, with the special meeting being for the express purpose of handling the PRR backlog, and (ii) the MNCO staff prepare an aging report of the number of cases, including the length of time each has been in the hopper, so that at the January meeting the Board can determine if it needs to do another special called meeting. Board Member McCree seconded, and the motion passed unanimously.

## **9. Public Comment**

- None

## **9. New Business / Announcements**

- Director Fitchard – 4 MNCO staff members and Board Member Wynn have graduated from MNPd's Citizen Police Academy
- Board Member Campbell-Gooch – 10 police-related shootings is too many. Next year, we need an extreme intervention so that folks in our community are not being harmed. I will be recusing myself from any action related to a police shooting of my cousin.

## **10. Adjourn**

Member Brown moved to adjourn the meeting, Member Campbell-Gooch seconded, and the motion passed unanimously. The meeting adjourned at 6:23 pm.