



## March 2022 COB Executive Director's Monthly Report

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### Executive Summary

**MNCO Office**—The COB office is open to the public Monday thru Friday from 8:00-4:30 PM. Citizens have the option of meeting with staff in-person or through a teleconference.

**MNCO Personnel Update**—The Community Liaison position is posted on Nashville.gov with a closing date of May 27<sup>th</sup>. Director Fitchard will work with Metro Human Resources to get all vacant positions filled expeditiously.

**Community Oversight Board Meetings**—The Executive Committee met on March 14<sup>th</sup>. Three executive members and MNCO staff were present.

**MNCO Research**—Research Analyst Gavin Williamson-Crowell worked on two reports for the MNCO. The ShotSpotter report is information for the community because of ongoing interest in this technology. MNCO will present a Policy Advisory Report comparing “Community Oversight Board and MNPD Investigative Findings” to the Board for consideration.

**Executive Director**—Director Fitchard met with the National Police Foundation & Community Oriented Policing Services(COPS) for a roundtable discussion. Additionally, she met with the consulting firm, Strategi of Boston, hired by the mayor's office to conduct a staffing study of MNPD.

**Community Outreach**—We continually strive to participate in outreach endeavors to make the public aware of the services that MNCO provides, specifically around how to file complaints, the process, and the difference between administrative and criminal investigations. No outreach presentations were conducted in March.

**MNPD Laser Demonstration**—Director Fitchard and Research Analyst Gavin Crowell-Williamson attended the Axon Laser Demonstration on Thursday, March 10<sup>th</sup> at the Nashville Music City Center.

**MNCO Investigations**—COB's Legal Advisor, Attorney Daniel Yoon is working with the investigations team to close out the backlog of 2021 cases. Complaints have steadily climbed and the need to increase the investigator staff to meet the needs of the community and offer support to our current investigators is a priority. Director Fitchard has presented the Board data to support a request to expand the MNCO staff and services. She believes the addition of a legal assistant to the MNCO staff will help move cases through the process in a more efficient manner.

**Complaints**—The MNCO continues to receive calls from the public to initiate complaints of alleged misconduct by MNPDP officers. The MNCO received a total of 3 investigative complaints since its last Board meeting in February. MNCO received a total of 9 non-complaint calls for service and issued 2 dispositions related to MNPDP misconduct.

**MNPDP Records Update**—The MNCO investigators report no issues with receiving MNPDP requested records.

**MNPDP Chief of Police PRR Response**—March 7<sup>th</sup>, Chief Drake responded by letter to the Board’s discipline recommendations for the listed resolution report and because of the length of his reply (which is posted on Nashville.gov) only a few lines are added from his response:

- **MNCO D2020-002:** “The Office of Professional Accountability previously investigated this matter and exonerated both officers.” “Further, The MNPDP Use of Force Board reviewed this incident and determined that neither officer violated the use of force policy.” “In my view the conclusions of OPA and the Use of Force Review Board are correct.” “For these reasons, I respectfully decline to adopt the Board’s recommendations.”

**Proposed Resolution Reports**—Director Fitchard will present one report for consideration at the March meeting. Proposed Resolution Reports can be found on the COB webpage at Nashville.gov.:

- **MNCO CC2021-043**

**Force Review Update**—As we continue to receive and review cases regarding deadly police shootings the MNCO staff continue to discuss, monitor, and find ways to complete those very important cases with limited investigative staff. We are researching and seeking input from other peer agencies to determine best practices for auditing and investigating deadly shootings. We believe auditing those special case types will help with meeting the timelines the COB has set forth in its Rules and Bylaws regarding investigations.

**Force Review Board**—Director Fitchard, a voting member, will attend MNPDP’s Force Review Board, scheduled on Thursday, March 31, 2022.

**Requested MNPDP information**—Commander Lara sent the following information that was requested at the last Board meeting by Member Holloway and Member McCree:

**Board member Holloway**  
**Recruit Demographics Info:**

**Session 95 (In Session):**

Total number of trainees starting academy- **55**

Total number of males- **44 (80%)**

Total number of females- **11 (20%)**

Race/Ethnicity by gender- **Male White: 32 (58%), Male Black: 5 (9%), Male Hispanic: 7 (12%), Females White: 7 (12%), Female Black: 1 (3%), Female Hispanic: 2 (4%), Female Other: 1 (3%)**

College Degree- **31 (56%)**

Military- **18 (33%)**

Resignations- **Females 1 (white-due to injury), Males 1 (white-found other employment)**

Current trainees after resignations, terminations, etc.- **53 (96%)**

### **Board member McCree**

#### **Training recruits receive regarding detention/arrests of subjects:**

##### Block 1 -Overview of the CJ System

Director Morante begins to cover the levels of proof for our criminal justice system. She spends time explaining what level of proof is necessary to stop individuals (reasonable suspicion) and to arrest (probable cause). This block is an overview of the criminal justice system and an introduction to certain concepts that the other blocks of law build upon.

##### Block 2 – TCA Statutes

Commander Gilder covers the TCA statutes. He discusses statutory measures used to confine the actions of officers. Again, there is a focus on the reasonable suspicion and probable cause standard.

##### Block 3 – Use of Force

Sergeant Fisher focuses on both the TCA statutes and the MNPD policy concerning Use of Force. At points in the training, he speaks to the fact that, generally, reasonable suspicion is necessary before a subject may be detained. He also talks about probable cause about using a CED on a fleeing subject.

##### Block 4 – Constitutional Law

Sergeant Moseley focuses on Constitutional boundaries for the seizing of individuals, along with the exceptions to the search warrant requirement carved out by the US Supreme Court and adopted by the Tennessee Supreme Court. In this block extensive time is spent on Terry Stops, which the court has indicated the stop needs to be supported by Reasonable Suspicion. It is also during this class, trainees learn of the 3 categories of interactions between the citizenry and police as acknowledged by the courts, along with the levels of proof required for each (Consensual Encounter – at the control of the citizen, Brief investigatory stop supported by reasonable suspicion, and full-scale arrest supported by probable cause).

##### Block 5 – Miscellaneous

Sergeant Moseley covers various topics to include the First Amendment, Landlord/Tenant, and Traffic Stops. During the portion focusing on traffic stops, he reiterates that traffic stops are to be based upon reasonable suspicion, probable cause, or other authorized procedures (i.e., roadblocks).

**COB Nominations:** The Board nominations for the COB Executive Committee were held last month. The newest Executive Committee members are Chair-Arnold Hayes, 1<sup>st</sup> Vice Chair-Phyllis Hildreth, 2<sup>nd</sup> Vice Chair- Shawn Whitsell & Secretary-Makayla McCree. The appointment is for one year.

**COB Budget Season**—Director Fitchard and Chair Arnold Hayes will meet with the Mayor’s Budget Committee on Wednesday, March 23<sup>rd</sup> to discuss the COB’s FY23 budget request.

**License Plate Readers**—BL2022-1116, is an ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to ensure data access parity for the Community Oversight Board. The legislation passed on March 12<sup>th</sup> and was approved by the Mayor on March 16<sup>th</sup>.

**Department Head Meeting**—March’s meeting is scheduled for March 31<sup>st</sup>.

**Survivor Resources**—Director Fitchard continues to pursue opportunities for complainants and the family of deceased individuals, who have been directly impacted by police violence and shooting deaths and believes the addition of a Social Worker to the MNCO staff would assist complainants by triaging their needs during the intake process. Nashville will be an example for best practices and on the forefront of police reform by addressing the social, emotional, and mental needs of complainants during the misconduct investigation process.

*This concludes the March 2022 Executive Director’s Report.*