

Community Review Board

MEETING MINUTES

Monday, June 24, 2024, at 5:00 pm

Howard School Building, Sonny West Room

700 2nd Ave, S., Nashville, TN 37210

Attendees:

- **Board Members in Attendance:** Alisha Haddock (Chair), Joe Brown, Drew Goddard, Walter Holloway, Mary Beard, Shawn Whitsell, and Mark Wynn.
- **CRB Staff in Attendance:** Jill Fitchard (Executive Director), Keturah Barnett (Administrative Services Manager), Demica Cash (Community Engagement and Outreach Specialist), Kevin Welch (Media Content Manager), Dylan DePriest (Policy Analyst), Ansley Potter (Senior Research Analyst), Simone Cawl (Program Supervisor), Amy Simmons (Compliance Monitor), Angela Williams (Compliance Monitor), and Kayla Pillow (Compliance Monitor).
- Nicki Eke (Metro Legal Attorney), Commander Carlos Lara (Metro Nashville Police Department), Frank Brazil of Brazil and Clark, PLLC (Attorney), and members of the public.

1. Call to Order:

Chair Haddock called the meeting to order.

2. Reading of the Appeals Statement:

Chair Haddock read the appeal statement pursuant to Section 2.68.030 of the Metropolitan Code.

3. Establish Quorum:

Board Member Goddard, as Secretary, confirmed the presence of a quorum.

4. Approval of Minutes:

Board Member Brown moved for the approval of the minutes of the May 20, 2024, Board meeting. Board Member Goddard seconded, noting two corrections to be made. The motion was approved unanimously.

Board Member Brown moved for approval of the minutes of the May 28, 2024, special called Board meeting, noting one correction to be made. Board Member Goddard seconded. The motion was approved unanimously.

5. Chair Remarks:

Chair Haddock thanked the public attendees for their presence while marking June 2024 for the 60th anniversary of Freedom Summer which began the summer of 1964 in Mississippi. As Chair Haddock noted the project took place in Mississippi because it had the nation's lowest percentage of black voters even though the population of the state was over a third African American. During the launch of the project three volunteers, James Chaney, Michael Schwerner, and Andrew Goodman, one of which was black, were kidnapped and murdered. Chair Haddock noted that other black male bodies were found and some of individuals involved and convicted for these deaths were in law enforcement. Chair Haddock noted why police transparency and accountability are important in policing and will always be tied to the American story of racial injustice and white supremacy.

Chair Haddock addressed the 61-page complaint that was filed by an ex-police officer with the Office of Police Accountability (OPA) regarding allegations against the Metro Nashville Police Department (MNP) of MNP's involvement to work with state legislators to create a bill to abolish the Community Oversight Board, and how this affects the community's voices and trust of MNP.

Additionally, Chair Haddock informed the Board that she and Director Fitchard met with Edward Stanton, Keenan Carter, and Larry Cheng of Butler Snow, LLP; the attorneys selected by Mayor O'Connell to lead the special investigation of the 61-page complaint. Chair Haddock noted it is also important for CRB to have outside counsel because of the inherent conflict of Metro Law Department also advising the MNP. Chair Haddock noted the CRB must continue this work on behalf of the Nashville community.

6. Public Comment:

- There were 5 public comments.

7. Executive Director's Report:

Executive Director Fitchard reported the following:

- Meeting with Mayor's Office: ED Fitchard noted she met with two representatives from the Mayor's Office regarding the whistleblower complaint filed with OPA and received by the CRB.
- Budget Update: ED Fitchard informed the Board that the CRB did not receive any additional funding for the FY 25 department budget; however, we did receive 4% funding in the amount of \$170,000 to furnish and equip our new office space.
- Case Management Update: The CRB received 8 citizens, multiple complaints from MNPd officers, and 55 contact calls. ED Fitchard noted that MNPd and OPA issued 7 dispositions related to case reviews since the last Board meeting in May. ED Fitchard noted the Compliance Monitors have submitted multiple complaints for review. She noted that some cases cannot move forward without the body-worn camera footage. ED Fitchard noted the CRB has received 3 body-worn camera footage to review that were requested 4-5 months ago. ED Fitchard noted her concerns regarding MNPd and OPA extended delays and not providing a full case record, specifically body-worn camera footage, causing a backlog of 45-50 cases waiting to be resolved.
- MOU: ED Fitchard noted that Board Member Goddard mentioned that three individuals were chosen by MNPd to be its representatives for the MOU negotiation process and ED Fitchard was not included in the process to select them. She is looking forward to that information being shared with the Board during the meeting today.
- Personnel Update: ED Fitchard informed the Board of Assistant Director Anthony Johnson's resignation from the CRB. ED Fitchard updated the Board on two new CRB staff members, Ansley Potter (Research Analyst 2), and Kevin Welch (Media Content Manager).
- Community Engagements: ED Fitchard informed the Board the CRB has planning community events for the month of July. ED Fitchard updated the Board that the CRB has a student Intern Dominick Cotton, who will be working with Demica Cash (Community Outreach and Engagement Specialist) until the end of July.
- Policy Advisory Report/Whistleblower Policy: ED Fitchard informed the Board that they will receive an update on the Sexual Misconduct Policy during the board meeting today. ED Fitchard received a call from the Executive Director of the Lamplighter Project regarding creating a whistle-blower policy for MNPd and providing a model policy that other agencies have adopted across the county.

- CRB Relocation: ED Fitchard updated the Board that Metro Council has approved the NCRB department relocation to the L&C Tower. ED Fitchard noted she will meet with Metro General Services to handle office logistics in preparation for the move the first part of August.

Board Member Brown moved to approve the Executive Director's report for June. Board Member Holloway seconded. The motion was approved unanimously.

Chair Haddock asked ED Fitchard if anything stood out regarding the cases for which the CRB received body worn camera footage on versus the cases for which the CRB has not received body worn camera footage. ED Fitchard noted the Compliance Monitors have reviewed the footage received; however, there have been no major redactions to footage noted due to not receiving notification from MNPd of this occurrence. MNPd has not provided any redaction notifications when providing the body worn camera footage. This was a previous policy recommendation by the COB to MNPd to provide written notification with the footage if any redactions are made to the body worn camera footage.

Chair Haddock also asked ED Fitchard if has she heard anything pertaining to the remaining cases from MNPd, absent the MOU negotiations, and why OPA or MNPd are late providing case documents. ED Fitchard responded that no explanation has been provided.

Board Member Whitsell inquired ED Fitchard if the CRB's backlog of cases is due to not receiving body worn camera footage. ED Fitchard responded that most of the cases are due to this issue because MNPd is making a decision based on the body worn camera footage and we cannot make a final assessment without that information.

Board Member Goddard asked for clarification on the 45-50 cases mentioned earlier, whether this is the number of cases the CRB has sent to OPA or the number of cases OPA has sent back to the CRB. E D Fitchard advised that is the number of cases the CRB has in total.

Chair Haddock asked ED Fitchard to provide the Board a brief synopsis on why CRB staff not receiving a full case file from MNPd effects the CRB's work so deeply. ED Fitchard stated there is a lot of discussion regarding the state law and what it says the CRB should do but not what MNPd is or isn't doing, and whether MNPd is breaking the law. Furthermore, the state law advises that the CRB should receive a complete investigative file. Out of the 14 cases provided by MNPd, the CRB is having to further ask for additional documents that have not been included in the files provided. This is creating a long process and a backlog of cases that will take the CRB some time to address.

ED Fitchard further noted that the CRB is starting at case deficit the same as when the COB was established due to not receiving a full investigative file from MNPd. Chair Haddock noted that this may be a pattern and seems to be intentional. She further stated that if the law states the CRB should receive a complete case file from MNPd, the CRB

should not have to wait on an MOU. Chair Haddock asked for Board Member Goddard thoughts on the topic. Board Member Goddard stated he thinks we can make a case during MOU negotiations, as described by ED Fitchard, prior to having an MOU and that he or Attorney Brazil can raise the issue in the MOU discussions. Chair Haddock agreed with raising the issue in the MOU discussions for the CRB to start receiving complete case files.

8. Board Discussion:

- Whistleblower Protection Policy: ED Fitchard updated the Board on what the Lamplighter Project is and why it was created by Frank Serpico, a retired NYPD detective. The Lamplighter Project is a non-profit organization for people in police departments and in corrections across the country to make complaints directly to Lamplighter. The Lamplighter agency created a whistleblower policy that is a best practice model policy. ED Fitchard stated she spoke with a Metro Nashville Councilmember to sponsor a whistleblower policy for MNP. Board Member Whitsell asked if the Lamplighter whistleblower policy is available for public view and ED Fitchard stated she would share the policy with the Board.
- MOU: Board Member Goddard addressed the MNP representatives appointed by MNP Chief of Police for the MOU discussions. They are Assistant Chief Greene, Deputy Chief Widener, and Lt. Jerry Hertenstein. Board Member Holloway expressed concern regarding Assistant Chief Greene. The Board discussed the need to have further discussion regarding Board Member Holloway's concern regarding Assistant Chief Greene. Attorney Frank Brazil updated the Board on correspondence he received from the Director of Metro Legal regarding the MOU draft.
- Rules and Bylaws: Board Member Holloway discussed with the Board dates to for next committee meeting to discuss the Rules and Bylaws draft. The Board agreed to meet on Wednesday, July 10, 2024, at 5:00 p.m. at the Metro Office Building, Davidson Room.
- Time Limit for Public Comments: Board Member Brown suggested allowing the limit on public comments at Board meetings to extend to five minutes instead of the current two-minute requirement. No decision was made on this.
- Sexual Misconduct Report: Policy Analyst Dylan DePriest provided the Board an update on the police sexual misconduct policy report.

The Board discussed the police sexual misconduct policy report. The CRB staff will plan community forum on police sexual misconduct in July.

Board Member Wynn and Board Member Beard made recommendations to staff regarding the report including asking MNPD for their recruitment application to access their screening process and to include the recommendation of specific individual within MNPD to handle sexual misconduct complaints similar to a Title IX Coordinator within the Department of Education.

- CRB Exec. Committee Merit Increase Recommendation for Executive Director: After a robust discussion among the Board members and with the Executive Director, Chair Haddock advised the Board to take a vote on the Executive Director's merit increase with the recommendation language provided to all board members, with that being the recommendation of the Board. Board Member Beard made a motion that the Board recommends an open range merit increase of 12% for ED Fitchard, effective July 1, 2024, in addition to the 4% COLA approved by Mayor O'Connell and Metro Council for all government employees. Board Member Wynn seconded. All voted for the motion except Member Goddard, who abstained as he offered to during the discussion.
- Board Retreat: Administrative Services Manager, Keturah Barnett updated the Board on the CRB retreat for board members and staff. Due to scheduling conflicts, the retreat date was changed from Saturday, August 10, 2024, to Saturday, August 17, 2024.

9. New Business/Announcements:

- Board Member Whitsell congratulated ED Fitchard on her merit increase and hard work and suggested an ad hoc committee be formed to discuss a policy for the CRB's Executive Director performance evaluation process moving forward.

10. Adjourn:

The meeting adjourned at 7:46 p.m.