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Sent: Tuesday, October 22, 2019 4:45 PM
To: Weeden, William (Community Oversight Board) <William.Weeden@nashville.gov>
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Subject: October 10, 2019 Meeting

Mr. Weeden,

The following is to memorialize our meeting on October 10, 2019, to discuss the proposed MOU.

As discussed in our meeting, it does not seem that a Memorandum of Understanding provides the best vehicle to publish MNP policy. A final decision has not been made on this issue and this will be a topic for internal discussion with staff and our various employee groups.

First, the MNP has worked very hard over the years to combine our policies into one manual. Previously, our policies were distributed across general orders, special orders, administrative orders and various other memorandums. Seeking guidance on an issue was difficult in that there was not master index or other method to readily retrieve a policy on any particular issue. Similarly, the policies incorporated in the manual are guided by standards established by CALEA (the Commission on Accreditation for Law Enforcement Agencies) of which the MNP has been internationally accredited since 1994 and currently holds certification at the Gold Standard. Any consideration for policy changes must be consistent with CALEA standards.

Second, a Memorandum of Understanding, by definition, is non-binding on either party. As such, it would only serve to blur any understanding as to what MNP policy is or is not. Additionally, a MOU would be a cumbersome method of stating MNP policy.

Third, MOUs serve to state the obligations of each of the parties. Generally, the obligations of each of the parties are substantially equal. In the proposed MOU, most, if not all, of the obligations fall to the

MNPD. This is yet another reason that the most expedient manner to state MNPD policy is to formulate that policy within the MNPD Manual.

Fourth, the Metropolitan Charter does not contemplate a Memorandum of Understanding as a method of formulating MNPD policy. The Charter specifically states that the COB is authorized to make policy recommendations to the MNPD.

Again, while a final decision has not been made, it presently appears that each of the recommendations within the proposed MOU would be best addressed by an MNPD policy statement.

With the above in mind, and taking into account the Metropolitan Charter authorizing the COB to make policy recommendations, each of the suggestions in the proposed MOU will be addressed, separately, as a policy recommendation from the COB. A rough count of these recommendations is between 90 and 100. As stated above, each of these will be discussed with the leadership of the MNPD and with the designated employee representative organization (FOP) and with various employee committees within the MNPD.

Note: I think it especially important to have a detailed discussion with the FOP. By Metropolitan Ordinance, and by election conducted by the Metropolitan Government Department of Human Resources, the FOP is the designated employee representative for MNPD sworn employees. As such, the leadership of the MNPD meets with the leadership of the FOP on a monthly basis. I am personally in contact with the FOP leadership on, at least, a weekly basis.

It is my understanding that you have refused to meet with the leadership of the FOP. Knowing or unknowingly, the message this has sent to the rank and file of the MNPD is that the proposed terms and conditions of the MOU are not subject to any discussion and that their voices will not be heard. Because of this, it will be necessary for the MNPD to communicate to the rank and file that their thoughts indeed do matter and do have value.

As an aside, your propensity to fault the MNPD instead of taking responsibility for your own failure to carry out your duties is known to the rank and file. (See my email from 10-21-19 at 6:27pm.) Your refusal to

meet with the leadership of their designated representative will, I suspect, further undermine your credibility with the rank and file.

As stated above, each of the recommendations of the proposed MOU will be addressed separately as we go forward. However, the MNPDP will require additional information prior to discussion and consideration of the proposal titled "Jurisdiction".

This provision would require that the MNPDP turn over any complaint it receives from the public to the COB for investigation.

First, there are Metropolitan Charter provisions that must be considered prior to making any determination as to this recommendation. It appears that agreeing to this recommendation would be inconsistent with the Metropolitan Charter. Nevertheless, the MNPDP will give this recommendation due consideration.

The preliminary questions below include, but are not limited to, the factors that must be taken into consideration concerning this recommendation:

- What are the experience and qualifications of the personnel assigned as COB investigators?
- What are the background and prior employment histories of the personnel assigned as COB investigators?
- Will the pre-employment background investigations performed on each of the investigators be provided?
- What are the standard operating procedures used by the COB to conduct investigations, maintain files and issue reports?
- What rules of conduct or ethical code do COB investigators adhere to?
- Who will the COB rely on for any forensic examination of evidence?
- Who will the COB rely on for any technical support?

- Who will the COB rely on for any surveillance support?
- What law enforcement agency will the COB rely on to provide support on any matter involving an allegation of criminal conduct.
- Will all interviews be audio/video recorded?
- When the results of an investigation is completed what procedures are in place for the MNPD to request additional investigation(s) or request that an incomplete investigation be completed.

Again, each of the recommendations will be examined in due course. Meanwhile, the MNPD has a policy in place that addresses the cooperative relationship between the MNPD and the COB.

As a final thought, if this was a matter that was negotiated, a close examination of the current MNPD policy will reveal that, as to each of the operational procedures recommended in the proposed MOU, the MNPD has met the COB more than half way.

Steve Anderson
Chief of Police
Metropolitan Nashville Police Department