

From: Anderson, Steve (MNP) <steve.anderson@nashville.gov>
Sent: Friday, October 18, 2019 3:43 PM
To: Weeden, William (Community Oversight Board) <William.Weeden@nashville.gov>
Subject: RE: Invitation to Community Oversight Board Meeting - October 23, 2019

Mr. Weeden,

Thank you for the invitation. I will be out of state representing the police department on the date of the Board's meeting.

Moreover, there is an unresolved issue that must be addressed before there can be any meaningful exchange of dialogue between the Board and myself. You have led the Board to believe that the MNP was at fault in failing to notify you concerning a police-involved shooting. The Board has been very critical, publicly, of the MNP in addressing this issue. You continue to refuse to acknowledge that it was your failure over a period of more than 100 days to establish a procedure for notification. Until this matter is transparently resolved, and publicly acknowledged, I have real concerns in regard to a productive dialogue with your employers.

The following is a timeline of events wherein you were advised as to how the call-out procedure could be established. And, even though it is a very simple procedure, that was actually accomplished in about 15 minutes, you failed establish it despite our guidance.

On Saturday, September 7, 2019, you contacted me complaining about the lack of notification to your office concerning the police-involved shooting the night before. You indicated that somehow the MNP was negligent in not contacting your office at the time of the event. To repeat an earlier correspondence, the following is a timeline of our discussion concerning call outs.

On Wednesday, May 1, 2019, we met to discuss a working relationship. Starting with a scenario question, you raised the subject of call-outs. I advised you to make arrangements with the Department of Emergency Communications (DEC) to be notified on any incidents in which you would be interested. I explained to you that DEC maintained call-out lists for a variety of incidents.

I informed you that the MNPD relies on the DEC for these notifications and that the MNPD regularly furnishes the DEC with a listing of MNPD call-out personnel. The MNPD relies on the DEC for this service.

I further explained that by setting up a notification procedure with the DEC, your office would receive the same notifications as the MNPD.

[Note: Sometime, mid-summer, I became aware that you were starting the process of establishing an MOU with the DEC to receive pertinent notifications. I was puzzled as to why you were pursuing an MOU, when a simple written request or a phone call would establish the procedure. I assumed that you would follow through with this, so I did not intervene in the process.]

On Friday, August 9, 2019, a copy of the MNPD policy, "MNPD Cooperative Interaction with the Nashville Community Oversight Board" was delivered to your office. That document, again, advises you to establish a procedure with the Department of Emergency Communications to receive the call-out notifications of your choosing. The text of that policy advisory is below:

COB Notification of Critical

Incidents

The COB is encouraged to work directly with the Department of Emergency Communications to request notification to any COB personnel of any critical incident.

On Tuesday, August 13, 2019, we met again to discuss our working relationship. Among the procedural issues discussed during that meeting was, again, the subject of call-outs.

The discussion of call-outs was more detailed in this meeting. Again, you were advised to make arrangements with the DEC to receive notification on any type of incident in which you would be interested.

[I must say that I was puzzled as to why, at this late date, after several weeks had elapsed, you had not made the necessary arrangements to receive the notifications of your choosing. I did not question you as to why the procedure was not in place in that I felt it best to let you manage your own affairs without my interference. Again, a written request or a phone call to DEC management could have accomplished this in short order.]

On Tuesday, August 27, 2019, we met again to discuss our working relationship. During this meeting we discussed several procedural issues. I do not recall the subject of call outs being raised.

However, if you were having any difficulty establishing these procedures, this would have been an opportune time for discussion. Had I known that the procedures were not in place, I would have urged you to take the necessary steps to complete the process.

If you had informed me of having any difficulty establishing the process, I would have taken any necessary steps to facilitate the process.

On Saturday, September 7, 2019, I received an email from you complaining about the lack of notification to your office concerning the police-involved shooting the night before.

I reiterated what I had said weeks and months earlier: that you should establish procedures with the DEC to receive notification on any matter in which you were interested.

[Note: At this time, approximately 129 days had elapsed since our first discussion on this subject. Again, a simple written request or a phone call by you could have put these procedures in place.]

[Note: At this point in time you had not provided a listing of contact numbers for you and your staff. Your complaint about a lack of notification seems somewhat insincere in that you had not provided a way in which to contact you or your staff.]

On Tuesday, September 10, 2019, after seeing you make numerous television appearances complaining about the lack of notification to your office concerning the police-involved shooting, Deputy Chief Mike Hagar emailed DEC Interim Director Milliken to initiate, on your behalf, the notification process. You were copied on this email.

It was at this time that you followed up with the DEC and asked that your office be notified in the following circumstances:

1. All MNPD police personnel involved shootings;
2. All in-custody deaths; and
3. Any other incidents where an MNPD Commander is notified of an occurrence

[Note: Numbers one and two state an objective criteria and can be readily accomplished. Number three provides no guidance and would be impossible to implement.]

On Wednesday, September 11, 2019, we met again to discuss our working relationship. This meeting was at your request to discuss procedural issues.

Again the issue of call outs was discussed. **You acknowledged that if you had followed through and made proper arrangements with the Department of Emergency Communications you and/or your staff would have been notified.**

Again, you were urged to make these arrangements so there would not be a similar situation in the future.

[Note: During this meeting you were asked to clarify one of the circumstances on which you were asking that your office be notified.

Specifically, request number 3: “Any other incidents where an MNPD Commander is notified of an occurrence.”

I explained to you that DEC personnel would need a clear objective criteria to put in their procedures. This request, “Any other incidents where an

MNPD Commander is notified of an occurrence” is unclear and without definition.

I asked you to explain the circumstances this would describe. You stated that you could not provide clear guidance at the time but that you would “work on it.”

[Note: It was only on this day, Wednesday, September 11, 2019, that you first furnished the MNPD with a listing of telephone numbers for you and your staff.]

[Note: It would be interesting to know the date the contact numbers for you and your staff were furnished to the DEC.]

[Note: In your September 10, 2019, email response to Deputy Chief Hagar and Director Milliken, you asked to be relieved from the MOU. I would call to your attention that it was you who was insisting on establishing an MOU. It is my understanding that it was the position of the DEC that no MOU would be required and that the procedure could be established by written request or, as was ultimately done, a phone call between you and DEC management.]

On Wednesday, September 11, 2019, you made yet another television appearance concerning this subject.

You stated, “It is very frustrating. We have made some progress, but not as much as we would like.”

You failed to mention that the failure to establish call out procedures and notifications was due to inaction on your part. You perpetuated the inference that the MNPD was at fault by failing to notify you. Over 100 days had elapsed between the time you were first advised as to how to accomplish this.

On Thursday, September 12, 2019, I was made aware that you had communicated with Director Milliken by telephone and had initiated the call out procedures.

[Note: To be clear, this is a process that could have been established months ago and this controversy could have been avoided.]

On Wednesday, September 18, 2019, there was an “emergency” meeting of the Board to discuss the call out procedures. You continued to lead the Board to believe that it was the fault of the MNPd that you did not receive notification about the event. You failed to acknowledge to the Board that there had been multiple conversations with the MNPd about how to initiate the call out procedures with the DEC and that you had failed to take the necessary action to accomplish this.

You continued to lead the Board to believe that the MNPd was at fault.

On Thursday, October 10, 2019, we met again to discuss procedural issues.

As we started the discussion on call-outs I expressed my concern that the Board had publically faulted that MNPd for failing to notify you on the September 6, 2019, event. And, to date, the Board has not publicly acknowledged that the fault was with their employee for failing to take the necessary and simple steps to establish these procedures with the DEC, although you had more than 100 days to do so.

I asked you whether you had ever acknowledged to the Board your failure to take the simple steps to establish these procedures. I asked you whether the Board members now knew, by whatever means, that you had not followed through with a procedure about which you were advised in May 2019.

You avoided answering either of these questions. I did not press the matter further in that it was clear that you had no intention of clearing this matter up.

[Note: At this meeting the only response you gave to my question about your failure to initiate the call-out procedures was that the DEC said that I would have to approve you being in the call-out list. I told you that, in a conversation with the DEC management sometime mid-summer, I had told the DEC that the MNPd had no objection to you being on whatever call-out list you selected.

In any event, if the MNPd was going to object, I would not have advised you how to accomplish this back in May of this year, and, then several

times after that. If you truly believed that there would be an objection from the MNP, you could have raised this issue in any of our subsequent meetings.]

Therefore, in that the Board has not publically stated otherwise, it appears that the Board is still of the belief that the MNP is at fault. This is a cloud that would hang over any conversation with the Board as we go further. Until there is a public acknowledgement of the actions, and the lack of actions, that have occurred, I do not think a productive dialogue can be had.

In fact, on any interaction I may have with a Board member, I will make inquiry concerning this matter.

Finally, it seems unreasonable that you would expect to hold MNP officers accountable for their actions or failure to act, yet you will not hold yourself accountable. Your failure to hold yourself accountable tends to undermine any confidence our officers might have in your ability to be fair and impartial as you judge them.

Again, answers to be below questions would be appropriate for the Board's consideration.

(a.) When did you first initiate the process for receiving notifications from the DEC?

(b.) When did you first personally make direct contact with the DEC to establish the notification procedures?

(c.) Why did you not acknowledge to the COB that the failure to have established notification procedures by September 7, 2019, was due to inaction on your part?

(d.) On what date did you first supply the MNP with contact information for you and your staff?

(e.) On what date did you first supply the DEC with contact information for you and your staff?

(f.) If you had not established the notification criteria and supplied the DEC with contact information for you and your staff prior to Friday, September 6, 2019, what would be your expectation that you or your staff would have, or could have, been timely notified?

Steve Anderson
Chief of Police
Metropolitan Nashville Police Department

From: Weeden, William (Community Oversight Board)
Sent: Thursday, October 10, 2019 10:00 AM
To: Anderson, Steve (MNPD)
Subject: Invitation to Community Oversight Board Meeting - October 23, 2019

Chief Anderson,

The Community Oversight Board, the staff of Metro Nashville Community Oversight, and members of the public would like to extend an invitation to you or any member (s) of your staff to attend our upcoming monthly board meeting.

The meeting will be held on October 23, 2019, from 4:00 PM – 6:00 PM and will be held at the Howard Office Building Sonny West Auditorium, located at 700 2nd Ave. South. We welcome you to give remarks and engage in discussions with us as we continue to work towards a cooperative and collaborative relationship between the COB and MNPD.

Please let us know at your earliest convenience if you will be able to attend this meeting. We look forward to hearing a favorable response from you.

With Regards,

William Weeden



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