

**From:** Anderson, Steve (MNPDP) <steve.anderson@nashville.gov>  
**Sent:** Tuesday, November 12, 2019 9:29 PM  
**To:** Weeden, William (Community Oversight Board) <William.Weeden@nashville.gov>  
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**Subject:** FW: COB Negotiation Task-Force

Mr. Weeden,

It would not seem to be a productive use of time for the MNPDP to participate in a “task force” to formulate the provisions of the proposed MOU submitted by the COB. It must be taken into account that whatever consensus may be reached by a “task force” on any matter, that consensus could be no more than a recommendation to the MNPDP to create or amend a MNPDP policy.

The Metropolitan Charter gives the Community Oversight Board the authority to make recommendations to the MNPDP. It would seem to be a more productive and efficient use of time for you, as the Executive Director, to bring forward any recommendations from the Community Oversight Board to the MNPDP for consideration.

The Metropolitan Charter authorizes the Community Oversight Board to make recommendations to the MNPDP. The formation of a “task force” to “negotiate” MNPDP policy considerations appears to be an attempt to create a form of binding arbitration. This would appear to exceed the authority conferred to the COB by the Metropolitan Charter. Simply stated, the COB does not have the authority to create another body, committee or “task force” to do what the COB does not have the authority to do.

In addition to the above, it appears that in our previous discussions both the COB and the MNPDP have not taken into consideration the controlling state law addressing community oversight boards. Tennessee Code Annotated Section 38-8-312, enacted by the Tennessee General Assembly earlier this year, states, in part, the following:

- The **authority** of a community oversight board shall be **limited** to the review and consideration of matters **reported** to the board and the

issuance of **advisory** reports and **recommendations** to the duly elected or appointed officials of the agencies involved in public safety and the administration of justice within the jurisdiction for which the community oversight board is established. [Emphasis added.]

Even with a reading of this statute in a manner most favorable to the COB, there does not appear to any allowance for the assumption of any authority beyond the actual words contained therein. Certainly, there is no authority given to create or mandate MNPB policy or practice.

- The word “**limited**” does not contain within its definition any ability to expand any authority beyond the succeeding words. The proposed MOU is inconsistent with this statutory limitation.
- There is no provision creating any authority or ability of the COB beyond issuing **advisory** reports and **recommendations**. The proposed MOU is inconsistent with this statutory limitation.
- In addition to the above, there is a limitation on taking any action on matters not “**reported**” to the Board.

To summarize, the proposal to create a “task force” with the purpose of mandating MNPB policy changes would be inconsistent with the Metropolitan Charter and the controlling state law.

Lastly, in the 12 months since the COB has been in operation, I am aware of no unresolved issues, which have not already been resolved or which are not sufficiently addressed by the MNPB Cooperative Interaction with Nashville Community Oversight (Community Oversight Board). In fact, during that 12 months the COB has been in operation, almost 90% of your investigations have been “closed”. Further, in those closed cases, there were no advisory reports or recommendations regarding any MNPB policy or practice. The remaining investigations apparently relate to open criminal cases and you are awaiting authorization from the District Attorney to access records.

For all these reasons, I am aware of no unresolved issues that would create the necessity of an MOU. As previously stated, the MNPB will consider each of the provisions contained in the proposed MOU as a

separate recommendation to be considered. We will appreciate any input and discussion as to the necessity of each and all of these provisions.

**From:** Weeden, William (Community Oversight Board)  
**Sent:** Wednesday, November 06, 2019 4:21 PM  
**To:** Anderson, Steve (MNPB)  
**Subject:** COB Negotiation Task-Force

Good Afternoon Chief Anderson,

I am writing to make you aware of recent developments that came from the Community Oversight Board's monthly meeting that was held on October 23, 2019.

During the meeting, the Board passed a motion to establish a Community Oversight Board Negotiation Task-Force. The Task-Force would assist in developing a mutually agreeable Memorandum of Understanding (MOU) with the Metro Nashville Police Department. We believe the Negotiation Task-Force would be beneficial to all parties involved in the MOU process.

Towards that end, I have attached a copy of a letter that we delivered to the Mayor's Office on October 30, 2019. In the letter, the COB requests that Mayor Cooper provide his assistance in this endeavor.

Since we are requesting MNPB's participation with the Negotiation Task-Force, we thought it would be appropriate to make you aware of the matter as well.

Please feel free to contact me if you have any questions or comments.

Best Regard,

William C. Weeden



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