



May 2020 COB Executive Director's Report

Executive Summary MAY

Teleconference Meetings—The COB will continue to have virtual Board meetings in accordance with the Governor's Executive Order extension that allows for electronic meetings until that time expires. The MNCO has established a dedicated phone line for Community members to leave a public comment for Board meetings. The telephone number is 629-255-1906 and the voice mail prompts will walk them through the process.

MNCO Office—The MNCO office remained closed to the public during May. The staff continues to successfully telecommute, and the day-to-day business operations are without any interruptions of service. Director Fitchard and Asst. Director Clausi joined a meeting with other Metro Department Heads and Elected Officials, hosted by Kristin Wilson of the Mayor's Office, to get more information on the next steps towards opening Metro's non-essential offices. ED Fitchard and AD Clausi are working towards creating a safe plan of action to reopen the MNCO office in the coming months with guidance from the Metro Human Resources office and input from the COB.

MNCO Training—MNCO staff participated in training opportunities with oversight practitioners from across the country. The staff attended three training webinars and multiple regional round-table discussions that focused on policing and incarceration during the COVID-19 global pandemic.

Community Outreach—MNCO Community Liaison created a public survey (for internal use) to gain information from the community about their overall thoughts on the COB, to find out about their experiences with police misconduct and to learn what policing concerns they have in their community.

Positive takeaways:

- Most participants believe the work of the COB can decrease police misconduct.
- Most participants think the COB is good for Davidson County.

Policing concerns:

- Proper training and fair oversight without political and/or anti-law enforcement agendas
- Not enough officers for the growth in the city
- Not having authentic community engagement is a concern. We must have true community policing if we are ever going to have better relations between the police and community, especially communities of color. We must stop racial profiling and harassment by the police.

Complaints— The MNCO continues to receive calls from the public to initiate complaints of alleged misconduct by MNPd officers. The MNCO has received a total of six investigative complaints since its last Board meeting in April and assisted with 20 non-complaint calls for service as of May 22.

In Custody Death— Monday, May 11, Director Fitchard received a message to contact the Nashville Scene writer Steven Hale. Director Fitchard spoke to Mr. Hale and was shocked to learn that Mr. Gabriel Hines died while in DCSO custody on February 9th, 2020. An allegation that MNPd used excessive force against Mr. Hines was raised by Mr. Hines' co-defendants.

Director Fitchard was not notified by MNPd or the DA that an in-custody death had occurred and that an allegation of excessive force was used during the arrest of Mr. Hines. The case was referred to the TBI by DA General Funk and is currently being investigated.

The Executive team met to discuss MNCO's jurisdiction and authority to investigate in-custody deaths that occur while a person is in DCSO custody. The Executive Committee met on Monday, May 18, and discussed the issue. The Committee agreed that allegations of use of force by MNPd—connected to the death of an individual—gives MNCO jurisdiction to investigate the incident.

Friday, May 22—DA Funk gave Director Fitchard and AD Clausi a brief update of the case and said the case is still open and being investigated by the Tennessee Bureau of Investigation.

Officer Involved Shooting-Emergency Communications Notifications—Monday, May 11, Director Fitchard sent an email to the new DEC Executive Director, Stephen Martini, with concern that the MNCO had not been notified by the ECC of incidents since April 16, and stated in her email that it would be a travesty if a critical incident took place and the MNCO was not notified.

Mr. Martini followed up with Director Fitchard to discuss the concerns she raised about the notification process and what steps he would take to remedy the problem.

Tuesday, May 12, as a courtesy follow-up, Director Fitchard sent an email to ED Martini with the list of notification incident categories that the MNCO and ECC agreed upon last summer—

- Officer Involved Shootings
- Officer Involved Use of Force (K-9, Taser Deployment, Hospitalizations of citizens, Fights, Injuries)
- In-Custody Deaths
- Vehicle Pursuits
- Vehicle Crash Involving MNPd and Citizen(s)
- Swat Team Deployment

Wednesday, May 13, Director Fitchard received an ECC notification at 9:48 PM stating that a domestic incident had taken place. The notification read **(T604 IS COMMAND ON DOMESTIC RELATED INCIDENT // 2101 OWEN ST // CROSS OF CASS // COMMAND WILL BE RUNNING OFF P106 // NORTH RADIO WILL BE RUNNING OF P112)**. That notification did not trigger that a critical shooting incident involving an officer had occurred.

Thursday, May 14, at 6:21 AM, Director Fitchard received an email from Mr. Stephen Martini that included an attachment of the shooting incident that MNPd Don Aaron sent out in a media release at 1:56 AM.

After reviewing the email and the attached information, Director Fitchard sent an email to ED Martini, John Buntin of the Mayor's Office, and Deputy Chief Hagar to inquire as to why the MNCO was not properly notified of the critical incident and how DEC would remedy this error. Director Fitchard contacted John Buntin and informed him of the critical issues. He set up a conference call with Director Fitchard, ED Martini, and AD Chris Clausi to discuss immediate solutions to fix the notification problem.

Monday, May 18, ED Martini sent an email to Director Fitchard informing her that he met with a vendor that offered solutions to help automate the notification process and will test the potential solutions in the coming days. Additionally, ED Martini offered to attend the COB monthly meeting on May 27 to introduce himself and discuss his corrective plan of action.

Officer Involved Shooting Records Request—Investigators moved forward in the investigation of the police officer-involved shooting and requested dispatcher radio calls, arrest, incident, and CAD reports. All MNP and ECC records requests were denied. Investigators were able to request and obtain the warrant (affidavit) from the Criminal Clerk's Office.

Tuesday, May 19, Director Fitchard sent an email to Deputy Chief Hagar about the police officer-involved shooting. He responded that it was an open criminal case under the protection of the Tennessee Rules of Criminal Procedure (Rule 16) and that Director Fitchard—consistent with the MOU—should reach out to the DA's office for more information. After receiving the response from Deputy Chief Hagar, Director Fitchard emailed District Attorney General Glen Funk to ask for the records connected to the police officer-involved shooting and he requested to meet in person to discuss the issue. A meeting was scheduled for Friday, May 22 at 3:00 PM.

Friday, May 22—Director Fitchard, AD Clausi and Legal Advisor Todd Pinckley met with General Funk and discussed the hurdles the MNCO continue to have in obtaining MNP records. General Funk has agreed to provide all the records that he can—within the law—and will continue working with the MNCO and other agencies to determine what can be done to assist the MNCO with gaining more access.

MDHA/MHRC Meeting—Tuesday, May 12, Director Fitchard received an email from Community Advocates. The email was also sent to Governor Bill Lee, Mayor John Cooper, Chief Steve Anderson, Dr. Alex Jahangir, Executive Director Jim Harbison, and several other state and city leaders. Community Advocates raised multiple concerns related to COVID-19 testing. A key issue addressed the deployment of the National Guard to MDHA properties to test residents. Advocates wanted to know if the messaging around the testing informed residents that participation was voluntary and that their positive test results would be shared with MNP. In addition, the Community Advocates suggested that the Metro Nashville Community Oversight Board, the Metro Board of Health, and other oversight agencies be involved in the planning, monitoring, and managing of the active patient list to make sure it was properly managed.

Wednesday, May 13, Executive Director Mel Fowler-Green of the Human Relations Commission and ED Fitchard met with ED Jim Harbison of MDHA to determine what was happening with the testing at MDHA properties and ask the questions that were raised by the community. ED Harbison agreed to attend the meeting that ED Fowler-Green and ED Fitchard hosted and invited community groups to attend. The community had the opportunity to ask ED Harbison questions and get more insight into the purpose of having the National Guard conduct COVID-19 testing of MDHA residents.

Wednesday, May 13, ED Fowler-Green, and ED Fitchard sent a joint letter to the Mayor, Chief of Police, Dr. Alex Jahangir, Dr. Caldwell, and ED Renee Pratt raising civil rights concerns about several policies and recent

actions across Metro related to the coronavirus pandemic. ED Fowler-Green and ED Fitchard have not received a response to this joint effort.

Officer Involved Shooting—Thursday, May 21, Director Fitchard and AD Chris Clausi received an ECC notification at 9:30 PM that stated an officer was shot and that a suspect was not in custody. A short time later we received multiple notifications that a suspect was shot by officers while attempting to apprehend.

AD Clausi contacted the DEC Manager on duty to get more information about the incident. Director Fitchard and AD Clausi arrived at the location at approx. 10:30 PM. Once on the scene, Fitchard and Clausi were directed to a place where they could safely stand, and a short time later, they were greeted and briefed by Deputy Chief D. Huggins. The TBI Agent in Charge arrived on the scene, briefed them again, and shared his contact information and relayed that his agents would process the crime scene.

Director Fitchard and AD Clausi were not authorized to proceed to the active crime scene, which was on the interstate and around a curve, and not in view from their location. Fitchard and Clausi stayed at the designated place for an hour and then moved to another location closer to the crime scene but was still unable to see clearly because of distance and darkness. Fitchard and Clausi had no other contact with MNP or TBI and left the area around midnight.

Body Worn Camera Update—An email was sent to Deputy Chief Hagar to address questions that Board members raised at the April meeting regarding information relating to the BWC/ICC pilot program. Deputy Chief Hagar responded promptly to the questions. A follow-up email was sent on May 22, with additional questions, and a request that an informational be released to the Nashville Community to keep them informed of the results of the BWC/ICC pilot program.

During the May 22 meeting, DA Glen Funk extended an invitation to the Board and MNCO an opportunity to view Body Worn Camera footage. The viewing station is in the Metro Courthouse Birch Building. DA Funk also provided Fitchard and Clausi a point of contact if assistance was ever needed with the viewing of BWC/ICC footage.

Budget—The MNCO FY21 operating budget was decreased by \$37,700. The rental agreement was extended one year with a savings of \$2,700 for the renegotiation of the rental contract and the travel funds reduced by \$35,000 for the elimination of travel. This reduction did not have a significant impact on the COB operating budget.