



June 2020 COB Executive Director's Report

Executive Summary June

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 June. The staff continues to successfully telecommute, and the day-to-day business operations are without any interruptions of service. Director Fitchard has informed the staff of the MNCO's COVID-19 safety plan to keep the office sanitized and the requirement of wearing masks when working in the office. ED Fitchard and AD Clausi continue to work on creating a safe plan of action to reopen the MNCO office in the coming months with guidance from the Metro Human Resources office.

MNCO Training: MNCO staff participated in training opportunities with oversight practitioners from across the country. The staff attended training webinars and forums that focused on investigations, policing, and incarceration during this climate of protests, police reform, and COVID-19.

MNCO Research: MNCO Research Analysts developed and worked on multiple advisory reports to include the #8cantwait and language-outreach reports.

Community Outreach: MNCO Community Liaison continues to share the latest MNCO-COB information with the Nashville community by using multiple social media platforms. A newsletter/bulletin to highlight important issues for the community is coming in July 2020.

Complaints/Contacts: 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 May and assisted with 50 non-complaint calls for service as of June 19.

Officer Involved Shooting: Wednesday, June 3—Director Fitchard, AD Chris Clausi, and MNCO Investigator Ramirez received an ECC notification at 6:10 AM that stated, "Officer-involved shooting—command established" and it included the address. AD Clausi contacted the DEC Manager on duty to get more information about the incident. Director Fitchard, AD Clausi, and Inv. Ramirez arrived at the location at 7:10 AM. MNPD Officer told MNCO to wait at a place where the media and public were staged, which was on the outer perimeter of the crime scene. OPA Director and an OPA investigator arrived on the scene at 7:35 AM. Shortly after arrival, the OPA investigator walked into the inner perimeter of the crime scene.

The OPA Director, Kathy Morante, gave the MNCO team a very brief update of the situation and stated that she did not have any further information to share. Director Morante did not go into the crime scene area but stayed in the staging area with the MNCO, media and public. Director Morante stated that she decided to stay outside of the crime scene on this day without an explanation as to why. The MNCO team observed multiple civilians inside the perimeter to include FOP Attorneys, Asst. District Attorney, DA Investigator, and MNPDP-PIO Don Aaron.

The MNCO team stayed at the scene for approx. two hours without an update from MNPDP. Additionally, they were not authorized to proceed into the inner perimeter of the crime scene while there. Director Fitchard decided to leave the area at 9:00 AM, and shortly after leaving, John Buntin of the Mayor's Office called. Mr. Buntin asked Fitchard to return to the crime scene for a briefing and she declined because she was out of the area and headed in the opposite direction. ED Fitchard expressed that she would watch Don Aaron's media briefing online to hear the update.

Officer Involved Shooting Records Request: Investigators moved forward in the investigation of the police officer-involved shooting and requested arrest, incident, and CAD reports. Additionally, the personnel and disciplinary files were requested. All MNPDP and ECC records are pending. Investigators were able to request and obtain the warrant (affidavit) from the Criminal Clerk's Office.

Crime Scene and Records Access Meeting: Thursday, June 4—Director Fitchard met with John Buntin of the Mayor's Office and Deputy Chief Hagar to discuss the officer-involved shooting and the reason MNCO was unable to access the crime scene. The meeting was solution-driven and overall productive.

Records Meeting: Friday, June 5—Director Fitchard, AD Clausi, and Legal Advisor Todd Pinckley met with Legal Director Bob Cooper to discuss MNCO's lack of receiving records from MNPDP and DA because of the Rule 16-TN Criminal Rules of Procedure. A list of MNPDP essential records needed for investigations was emailed to Bob Cooper and he stated that he would work on the request for assistance.

Records Update: Tuesday, June 9 & Wednesday, June 10—General Glenn Funk called Director Fitchard to speak about records and extend authorization to MNCO investigators to view BWC/ICC. General Funk gave the MNCO approval to view unredacted BWC/ICC footage at the viewing room located in the Birch Building. Additionally, General Funk agreed to provide copies of BWC/ICC footage with a court order signed by a judge. Funk stated he spoke to Metro Legal Bob Cooper about potential solutions for MNCO to have access to records and would follow up once he received more information.

UPDATE: Tuesday, June 16, Metro Legal Director Bob Cooper emailed Director Fitchard an agreement authorized by Chief Steve Anderson and District Attorney General Glenn Funk to allow the Community Oversight Board access to records of ongoing criminal cases. COB will be required by Tenn. Code Ann. § 38-8-312(e) to keep the records confidential.

Request for Response: Thursday, June 11—Director Fitchard sent an email to Chief Steve Anderson requesting a response to the COB's Policy Advisory Report—Examining Local Law Enforcement and Immigration Enforcement Actions—that was sent to him on April 16, 2020. Chief Anderson sent his response to the recommendations to Director Fitchard on June 14, 2020, and those recommendations were forwarded to the Board for review. Department of Communication ED Stephen Martini has responded to the recommendation directed towards DEC and is working with MNCO research team to accomplish the recommendation.

Metro Public Health: Thursday, June 11—Director Fitchard was notified that COB was appointed to work collaboratively with the Public Health Department and other agencies to assist with the development of policies centered around data sharing with MNPd. The first work group meeting was held on Wednesday, June 17.

Body Worn Camera Update: Monday, June 8—The Mayor announced that BWC/ICC would have a full deployment in the coming months and that West Precinct would be the first to be outfitted. According to the Mayor’s press release, West Precinct was selected because they have the infrastructure in place to start the implementation right away.

Criminal Justice Planning Advisory Panel: Tuesday, June 16—Director Fitchard and Dr. Peter Vielehr attended a BWC IT infrastructure meeting to discuss the implementation of Body Worn and In-Car Cameras.

Use of Force: Monday, June 15—Director Fitchard received an email from John Buntin with a letter from Mayor John Cooper inviting the Community Oversight Board to help conduct an independent review of the use of force policies and national best practices. The letter mentioned that Mayor Cooper would act on President Obama’s challenge to address police use of force policies.

Use of Force Meeting: Friday, June 19—Director Fitchard, John Buntin, Eric Brown and Dr. Peter Vielehr, met to discuss the use of force polices and national best practices.

District Attorney Meeting: Friday, June 19—Director Fitchard and AD Clausi had a positive and productive meeting with General Funk and Agent Winkler to discuss crime scene access and access to records. General Funk and Agent Winkler were able to work towards an agreement with Director Fitchard that will allow the MNCO investigators to have TBI crime scene access for the observation of the processing of any MNPd officer-involved incident where MNCO would respond.