



METRO NASHVILLE

COMMUNITY OVERSIGHT BOARD

Annual Report 2020



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Note from the Chair

As I write this, the pandemic continues to take the lives and livelihoods of our family, friends, and neighbors. As a board, we have met virtually since March, and many of us have not seen each other in person since about then. 2020 has taught us not to take anything for granted.

2020 also made us uncomfortable—for the better. The murder of George Floyd at the hands of Minneapolis police officers forced the world to look in the mirror, and yet again, recognize the fatal consequences of the entrenched white supremacy core to the policies governing our minority communities.

As many took to the streets to demand accountability and justice for Black Americans killed by police violence, the COB also stepped up to contribute to the cause despite unnecessary roadblocks. Continued refusal by MNPd to provide essential records to MNCO led us back to the negotiating table to strengthen the memorandum of understanding between our two agencies, allowing us to properly carry out our duties as described in the Charter.

Since our first meeting as a board in February 2019, we have spent a lot of time fighting to get to the table. Each of the COB members, the MNCO staff, and the Nashville community have made a place for us now. For that, I am grateful. But, we cannot get comfortable. I look forward to work the new year will bring.

Andres Martinez

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About the COB

The Metro Nashville Community Oversight Board (COB) was created through the dedicated organizing efforts of Nashville residents. In January of 2018, the Metro Council voted against a public hearing on creating a police oversight board. Undeterred, Community Oversight Now, the coalition advocating for the COB, decided on April 4th, 2018—the 50th observance of Dr. Martin Luther King Jr.’s death—to bring the issue directly to Nashville voters as a Metro Charter Amendment. The Metro Charter Amendment specified the structure of the COB, the minimum staff that would be hired to support the board, and a minimum budget amount. To put the amendment on the ballot, Community Oversight Now and other supportive organizations in Nashville collected 8,269 signatures from Nashville voters. Nashville voters ratified Amendment 1 on November 6, 2018 with 59% of voters in favor and 41% opposed—134,135 votes to 94,055.

The COB is comprised of eleven members: seven nominated by community organizations or private petitions of at least 50 Davidson County residents, two nominated by City Council members, and two nominated by the Mayor.

The COB’s bylaws were developed and approved by the full Board in June 2019. Operational Rules for the Board and staff were adopted in September 2019. All Board documents are available at:

<https://www.nashville.gov/Government/Boards-and-Committees/Committee-Information/ID/132/Community-Oversight-Board.aspx>.

COB Function

The Board has the power to investigate allegations that Metro Nashville Police Department (MNP) officers have committed misconduct against members of the public as well as issue policy advisory reports making recommendations to agencies involved in the Davidson County criminal justice system. The Board also has the option of establishing a monitoring program that provides an ongoing review or audit of the complaint process administered by the MNP Office of Professional Accountability (OPA) or equivalent internal affairs program in MNP. Based on the factual findings of COB investigations, the Board may recommend that discipline be given within the parameters of civil service rules and regulations and, when appropriate, refer criminal misconduct and civil rights violations to the District Attorney, Grand Jury, or U.S. Attorney. MNP shall respond to disciplinary recommendations in writing.

COB Mission

The mission of the Board is to provide an accessible, respectful, independent and effective forum for community participation in the investigation and resolution of complaints of Metropolitan Nashville Police Department (MNP) misconduct; to examine and issue policy recommendations regarding local law enforcement policies and practices; to encourage open and constructive communication and cooperation between local law enforcement and Metro's residents; and to protect civilians' rights and promote professionalism and best practices in the MNP, enhancing community-police relations and creating a safer Nashville.

COB Members

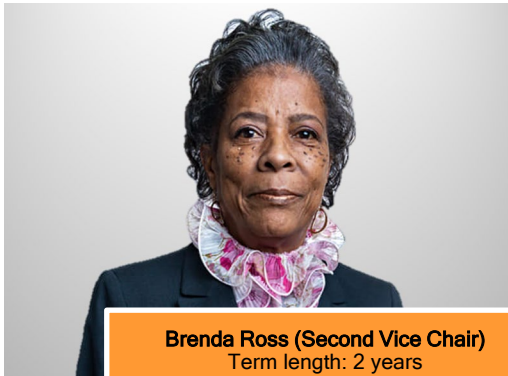
Community Nominated Board Members



Andrés Martínez (Chair)
Term length: 3 years
Director of Policy and Communications,
Conexión Américas



Jamel Campbell-Gooch (First Vice Chair)
Term length: 3 years
Deputy Director,
Gideon's Army




Brenda Ross (Second Vice Chair)
Term length: 2 years
Retired Social Worker; Community Activist




Ashlee Davis
Term length: 1 year
Vice President, Senior Diversity & Inclusion
Manager, AllianceBernstein



Timothy Hughes
Term length: 3 years
Statewide Coordinator,
Black Voters Matter Fund



Adele Lewis, MD
Term length: 2 years
Chief Medical Examiner of Tennessee



Shawn Whitsell
Term length: 3 years
Arts Practitioner

Council Nominated Board Members

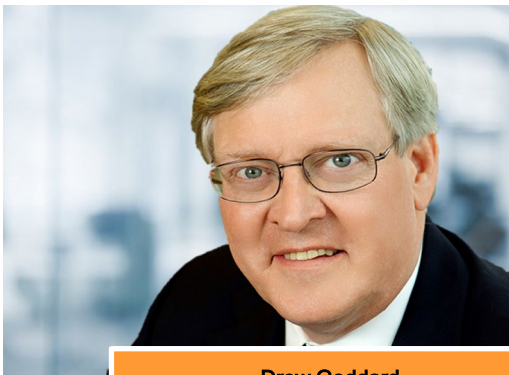


Matt Sweeney (Secretary)
Term length: 2 years
Attorney, Former Judge



Walter Holloway
Term length: 3 years
Retired MNPD Officer

Mayor Nominated Board Members



Drew Goddard
Term length: 2 years
Attorney



Phyllis Hildreth
Term length: 3 years
VP for Strategy and Institutional Advancement,
American Baptist College; Associate Professor of
Conflict Management, Lipscomb University

New Board Members 2021

In January 2021, there are four Community Oversight Board vacancies to be filled. Of these four vacancies, three members must be representatives of either a community organization or a private petition signed by 50 residents of Davidson County. The fourth vacancy is to be filled by Metropolitan Council nominations. The election and confirmation of new Board members will be completed on February 16, 2021 by the Metropolitan Council.

Letter from the Executive Director

Dear Community:

What an enormous year 2020 has offered. It was a year of many unprecedented experiences and challenges. In March, the city of Nashville felt the tremendous blow of a tornado as it ripped through and left devastation on our communities. Within a few days of that natural disaster, COVID-19 showed up, and the beginnings of dealing with a deadly virus had everyone on high alert. On Christmas Day, our lives would be forever changed as a bomb exploded in our music corridor of Downtown Nashville, causing more turmoil than one would ever imagine.

The challenges we faced as a community during this time were significant. In this time of despair, we saw our Nashville Community rise and work collectively to address the needs of those who needed us the most. Our community leaders, faith organizations, non-profits, organizers, advocates, activists, city workers, and first responders all rolled up their sleeves and did the work of rebuilding and restoring our city.

In the wake of such devastation, George Floyd was murdered in Minneapolis by police officers. The nation watched as a police officer placed his knee on George Floyd's neck for 8 minutes and 46 seconds as he begged for his life. Before we had the opportunity to process the pain of what we witnessed with Mr. Floyd, we soon learned of a botched search warrant raid that left Breonna Taylor dead in her home after being shot to death by Louisville, Kentucky police officers. The traumatic experience of police instigated brutality has left a lingering impact on us individually and shined yet another light on the atrocities that are occurring in our cities across our country. The effects of police violence have left our communities feeling insecure, unprotected, and deeply scarred. These results created a deep divide of uncertainty that amplified a disconnection between police officers and the communities they serve.

Protests in opposition to police brutality ripped through our nation and world, demanding police reform and accountability. Across the United States, there was a call to action to implement the #8cantwait campaign that asked cities to adopt policy changes to their police manuals and general orders. The Metro Nashville Police Department adopted some of the #8cantwait policy recommendations that MNCO proposed and we are committed to continuing to work with MNPd on advancing bold policy changes within the police department.

Our beloved city has gone through many changes in 2020 and, we have felt the significant impact and residual effects of every turn. We agree that reimagining policing in our city is crucial to building trust and mending the divisions that we face. We understand for us to move forward we must work together to fix the divide in our communities. That is done by sharing power, normalizing equality, transparency & accountability in our police department, prioritizing our educational system, combating economic

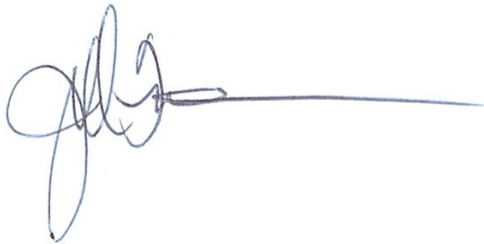
injustice, seeking alternatives to mass incarceration, and replacing outdated policies rooted in restrictive and oppressive practices.

Overall, the Community Oversight Board had a successful year and reached many milestones contained in this report. I'll highlight just one achievement of the COB, which was our ability to get a Memorandum of Understanding negotiated with the Metro Nashville Police Department and District Attorney General's Office. The MOU created a pathway for investigators to get the records needed to accomplish independent investigations of police misconduct.

I take great pride in the work accomplished in 2020 by the Community Oversight Board and its staff. The MNCO was created out of the need for the community to have an independent voice in addressing the issues that plague our most vulnerable and those who are highly susceptible to police violence.

Together we faced many challenges and will continue taking bold steps in 2021, to bring about significant and lasting change as we unify and work towards human rights, dignity, equality, and public safety.

Best Regards,

A handwritten signature in blue ink, consisting of a stylized, cursive name followed by a long horizontal line extending to the right.

About MNCO



The mission of the Board is supported by Metro Nashville Community Oversight (MNCO), a department of Metropolitan Nashville Government. MNCO is the staff department for the COB and runs the day-to-day operations of the Board.

MNCO has been in operation since June 17, 2019 and consists of an Executive Director, an Assistant Director, a legal Advisor, three Investigators, two Research Analysts, a Community Liaison and an Administrative Assistant.

MNCO'S **vision** is to listen and be a voice for the community, ensure a culture of accountability within the Metro Nashville Police Department and build restorative relationships between the MNPD and members of the public throughout Davidson County.

MNCO's **values** are the fundamental beliefs upon which our organization and its behaviors are based. These values include:

Transparency

- Maintain honest and open communication with all stakeholders and public
- Dispense relevant information to the public in a timely and professional manner
- Communicate openly and effectively the results of investigations and COB recommendations

Accountability

- Ability of our team and board to honor our commitments to the public, to police officers and to each other
- Take ownership of our work and promptly correct mistakes to the greatest extent possible
- Measure ourselves against the highest standards of integrity and fiscal responsibility

Trustworthiness

- Act in a manner that builds trust with our stakeholders, the community and the police department
- Remain honest, open, truthful and fair during our investigation process, reasoning and conclusions
- Provide unbiased and reputable information to the public

MNCO Staff Members



Jill Fitchard
Executive Director



Chris Clausi
Assistant Director



Todd Pinckley
Legal Advisor



Vernon Johnson
Investigator



April Williams
Investigator



Paula Person
Administrative
Assistant



Peter Vielehr
Lead Research
Analyst



Liz Orozco
Research Analyst



Brensey Thompson
Community Liaison

Hiring of MNCO Assistant Director Christopher Clausi

Metro Nashville Community Oversight hired its new Assistant Director, Christopher Clausi, on March 16, 2020. Clausi comes to MNCO with an extensive background in law enforcement. A retired police lieutenant with 23 years of experience, he also supervised the Internal Affairs Division and Professional Standards Division in Franklin, Tennessee. Clausi holds a bachelor's degree in Management and Ethics from Williamson Christian College and a juris doctorate degree from Nashville School of Law. He currently serves as a faculty member for The National Drug Court Institute.

Staff & Organizational Structure



Training & Professional Development

NACOLE Conference 2020

From July 20 to September 22, 2020, the MNCO staff members participated virtually in the Twenty-Sixth Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference. This year's conference was held online due to social distancing guidelines during the COVID-19 pandemic. The virtual conference featured 32 webinars falling under one of four tracks presented, including: Innovations and Work Impacting Civilian Oversight, Jail and Prison Oversight, Oversight and the Broader Community, and Training.

NCRC Webinars

MNCO staff members participated in webinar events hosted virtually by the Nashville Conflict Resolution Center (NCRC). These presentations included conversations for mediators and the community at large about a wide range of topics including understanding assumptions and microaggressions and how they impact building trust with the LGBTQIA+ community, moral leadership amidst societal conflict, and an overview of social history, trauma theory, and the interventions that can build resilience and healing for all members of our society in conflict.

Criminology Consortium (CrimCon)

From November 18-20, 2020, MNCO's research staff attended CrimCon, a virtual criminology and criminal justice research conference. Presentations during the conference covered a variety of topics including: crime in the time of COVID-19, police reforms, police administration, community policing, and race, policing, and history.

2020 Challenges and Successes

There have been many challenges for people in Tennessee and all over the world during 2020. In the early morning of March 3rd, a deadly tornado hit Nashville and continued East through Middle Tennessee. The damage was devastating. Nashvillians pulled together after this disaster to help clear the streets and provide support and resources to those in need.

Later in March, COVID-19 began impacting Nashville. Government and businesses quickly had to shift their operations for public health and safety. To help protect staff and Board members, MNCO quickly transitioned to working remotely and to holding public Board meetings virtually. This change in operations continued through the rest of the year. MNCO staff members adapted to the sudden change and were able to carry out functions of the department remotely. Staff had access to the MNCO office for urgent matters but largely worked from home.

Protests against police brutality and in support of the Black Lives Matter movement erupted around the world after the murders of Breonna Taylor by Louisville police officers on March 13, 2020 and George Floyd by Minneapolis police officers on May 25, 2020. These actions led to conversations and proposed legislation across the U.S. regarding racial injustice, police misconduct, use of excessive force, police reform, and the defunding of police departments. Nashville residents held several marches and demonstrations, and many called for the Metropolitan Government to shift funding from the police department to community services. Following calls for a review of MNPDP's use of force policies, the COB issued two reports: Policy Advisory Report on #8canwait Use of Force Policy Recommendations and Policy Advisory Report on Use of Force Consent Decrees.

In June, Chief Anderson announced his retirement from MNPDP and left his role as chief of police on August 6th after serving in the role for a decade. Deputy Chief John Drake was appointed as interim chief of police following Anderson's retirement. From August to October of 2020, the Community Oversight Board and the Metro Human Relations Commission held four public hearings asking community members what they were looking for in a new chief of police. Community members were able to share their comments by calling into the meeting live, leaving a voicemail to be played during the meeting, or by leaving a written comment on the MNCO website. Several key themes emerged from community comments including: working toward racial equity and justice, enhancing accountability and transparency, investigating and holding officers accountable in response to sexual harassment and assault allegations, supporting the COB, responding to mental health and other crisis situations, partnering with communities to enhance public safety, working to be trauma-informed and victim centered, ensuring that community voices guide MNPDP, reimagining policing and public safety, and encouraging a diverse and professional police force. A discussion of these themes and the public comments made during the townhall meetings were compiled into a summary report.

On August 14, 2020, Mayor John Cooper announced the creation of a Policing Policy Commission (PPC) focused on reviewing MNPDP's use of force policies and developing reforms that could be implemented by the next chief of police. Mayor Cooper's PPC was comprised of over 40 members from various specialties and backgrounds that were split into three subcommittees: Communities, Workforce, and Policy. The chair of the COB, Ashlee Davis, led the Policy Committee of the PPC. The Commission met over the course of 11 weeks and heard from several subject matter experts, including MNCO Executive Director Fitchheard and Lead Research Analyst Dr. Vielehr. The PPC's final report and recommendations were released on November 20, 2020.

After reviewing applicants for the chief of police position, five finalists were selected by Mayor John Cooper and Metro Human Resources. Executive Director Fitchheard sat on the chief of police finalist selection panel and COB chair Andrés Martínez sat on the interview panel for the finalists. Of the finalists, John Drake was appointed the new chief of police on November 30, 2020.

On Christmas morning, the city of Nashville experienced yet another disaster. At 6:30 AM, a bomb exploded on Second Avenue North causing extensive damage to the heart of downtown Nashville. Although investigations into the Christmas Day bombing are still ongoing, the incident had an immediate impact on the homes of community members as well as local businesses. The downtown area around Second Avenue remains closed to the public as structural damage is assessed. The damaged area includes the Washington Square Building where the MNCO office is located.

Process Created for Metro Council to Issue Subpoenas on COB's Behalf

In 2019, the state legislature restricted the ability of COBs to issue subpoenas but allowed local legislative bodies to issue them on the Board's behalf. On September 16, 2020, Nashville's Metropolitan Council passed Bill BL2020-401 which allows the Council to issue a subpoena on the COB's behalf by a Council resolution receiving at least 21 affirmative votes.



Finalization of the Memorandum of Understanding

In January 2020, a version of a Memorandum of Understanding (MOU), a working agreement between the COB and Metro Nashville Police Department (MNP) that outlines specific guidelines on how the departments will work together, was approved. However, after realizing that some of the terms did not allow COB staff to efficiently carry out their duties, negotiations began to update those concerns.

A modified version was finalized in December of 2020. This agreement was signed by newly appointed Chief John Drake, who has promised to work through past points of tension with the COB, including disagreements over public records, crime scene access, and communication. The updated MOU was negotiated between the COB and MNP with the help of the Metro Department of Law and the District Attorney's Office. COB member Phyllis Hildreth led the negotiation on behalf of the COB.

Shortly after his appointment, Chief Drake designated Captain Carlos Lara to serve as the Department's new Chief Diversity Officer as well as the liaison to the COB.



COB members sign first version of the MOU



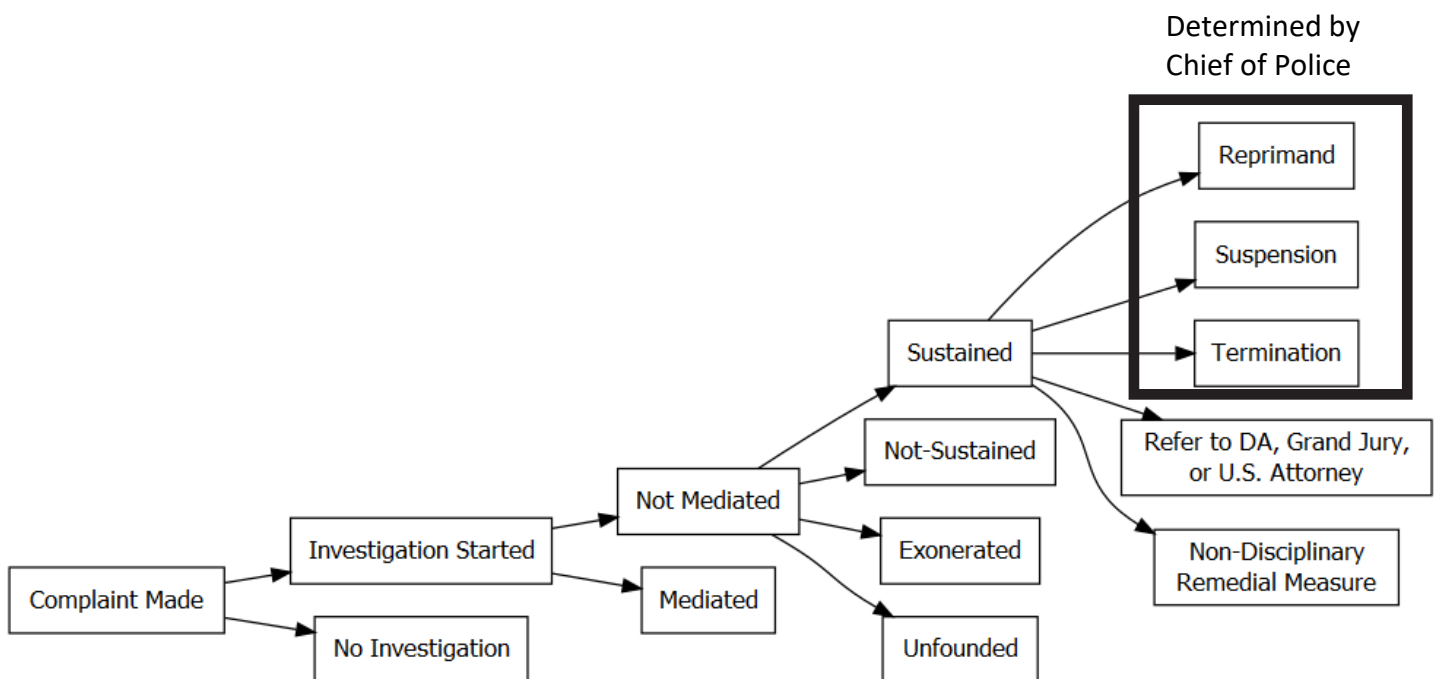
Chief John Drake signs the renegotiated MOU

Investigations

All allegations of MNPD misconduct are evaluated by investigators during an intake process. If a complaint does not fall under the jurisdiction of MNCO (e.g. it occurred by a police department other than MNPD or occurred prior to April 1, 2019), the investigation is not pursued and, if applicable, referred to the appropriate agency. If an investigation is opened, investigators collect witness statements and other evidence to corroborate the complaint.

All cases except those alleging excessive force, serious bodily injury, or in-custody deaths are eligible for mediation. The complainant may choose to have a mediation session with the officer and the officer must also consent to mediate the complaint. For cases that are not mediated, investigators report the evidence to the executive director who then determines whether the evidence shows whether the officer engaged in the alleged misconduct and whether the conduct was against policy. The COB receives a proposed resolution report (PRR) and determines whether to accept the recommendation from the executive director. The COB forwards the resolution report and Board disposition to the chief of police who reviews the report and ultimately agrees or disagrees with the findings. If warranted, discipline is administered by the chief of police.

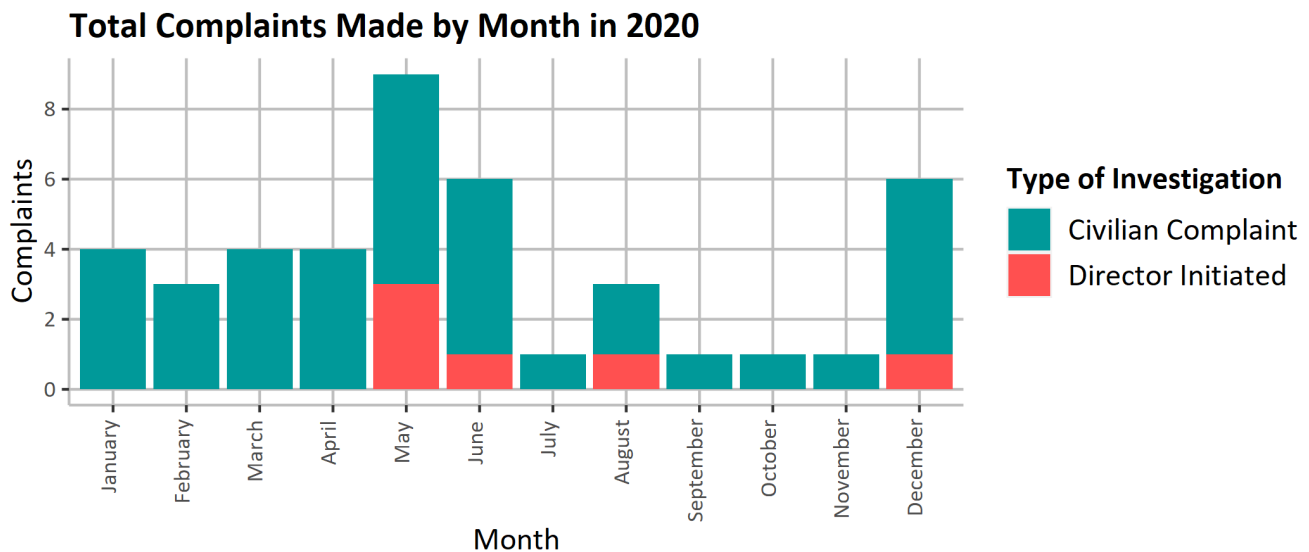
The following diagram shows the process of a complaint:



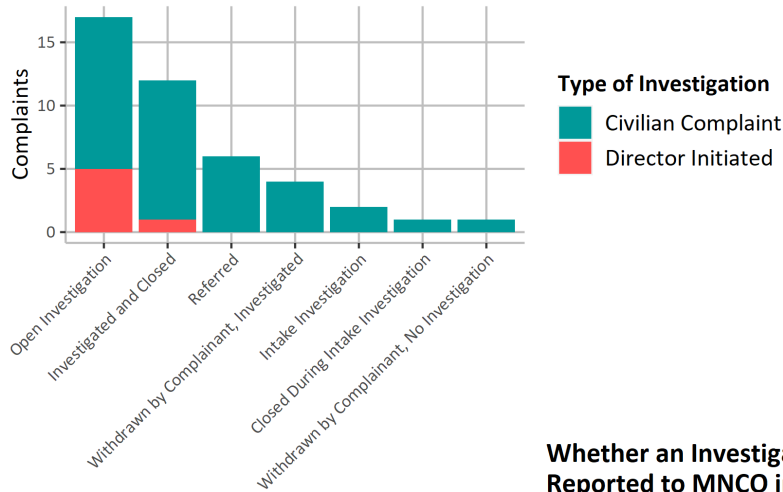
Number and Nature of Misconduct Allegations and Reviews Conducted

MNCO began taking complaints on April 1, 2019. In order to investigate a complaint, the alleged misconduct must have occurred after April 1st, 2019 and involve a police officer from Metro Nashville Police Department. MNCO conducts investigations on two types of cases: civilian complaints of police misconduct and director-initiated reviews. Civilian complaints typically involve a community member making an allegation of misconduct while director-initiated reviews usually are related to instances where an individual is killed or critically injured during or after a police encounter.

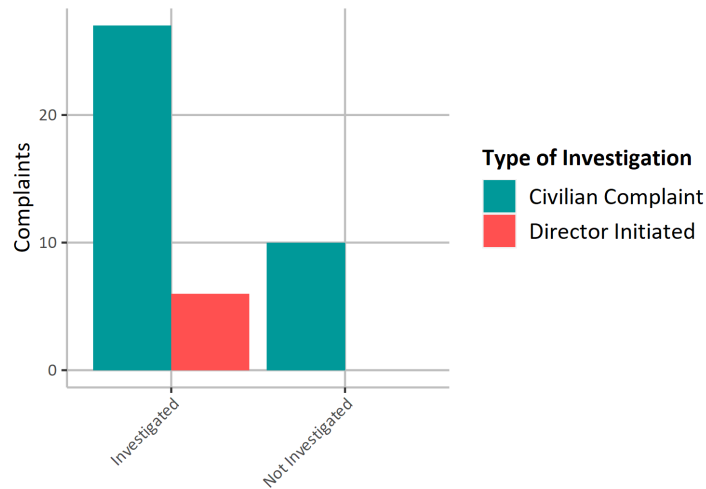
A total of 37 civilian complaints were received by MNCO in 2020. Of these, 27 investigations were initiated on the complaints (73% of all civilian complaints). The ten complaints where no investigation was conducted included two complaints received in December 2020 that were in the initial intake stage on January 1, 2021 meaning that there had yet to be a determination whether to conduct a full investigation, six complaints were referred to another agency due to the nature of the complaint, one was withdrawn by the complainant, and one was not investigated since the complainant was unreachable after several attempts. The executive director initiated six reviews during 2020.



Status of Complaints Made in 2020 as of January 1, 2021



Whether an Investigation was Initiated on Matters Reported to MNCO in 2020 as of January 1, 2021



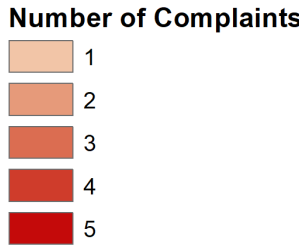
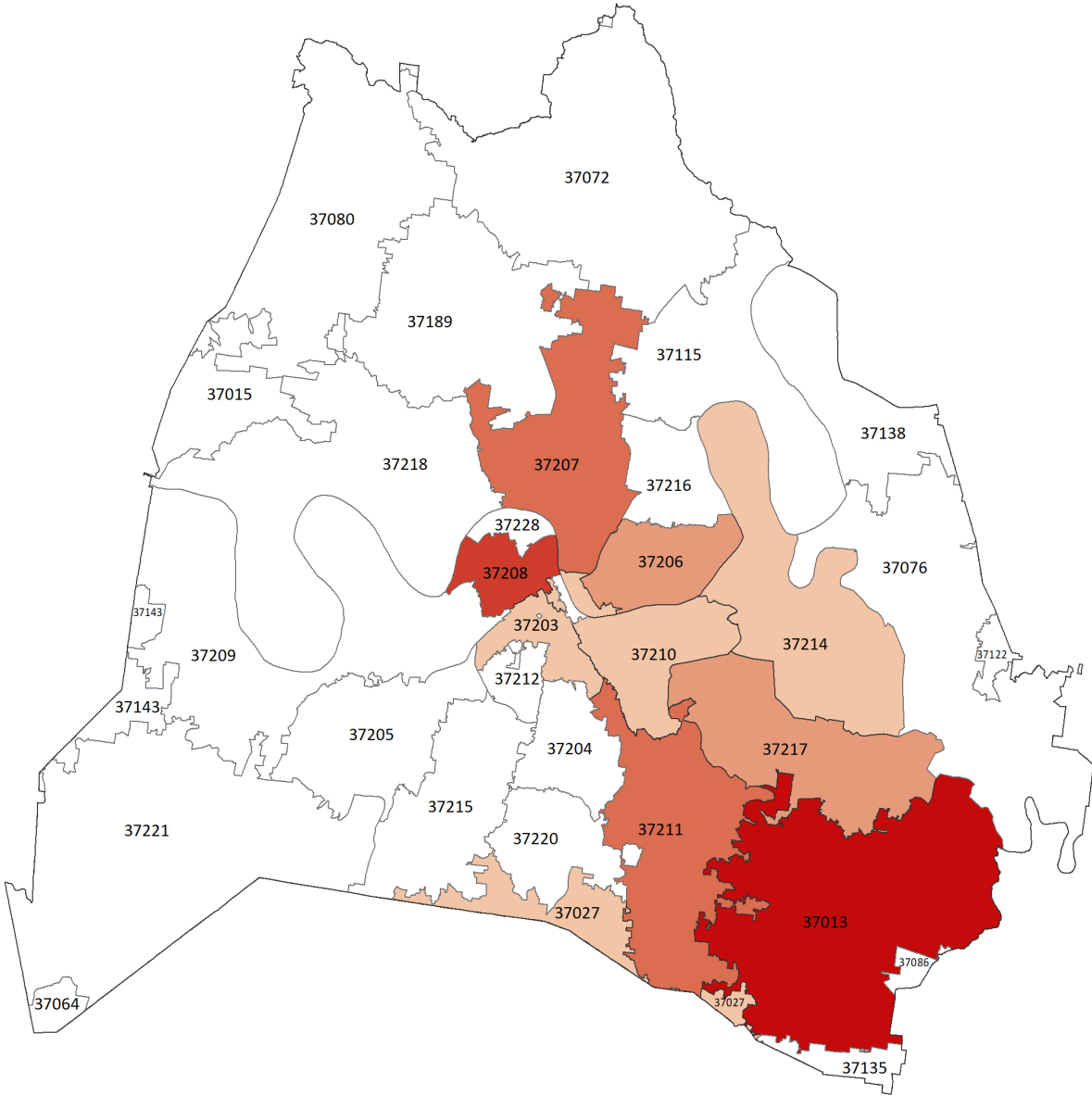
Status of All Civilian Complaints and Director-Initiated Reviews as of January 1, 2021^a

	Civilian Complaints	Director-Initiated
Total Complaints or Reviews	37	6
Investigation Conducted		
Open Investigation	12 (32%)	5 (83%)
Investigated and Closed	11 (30%)	1 (17%)
Withdrawn by Complainant after Investigation Started	4 (11%)	
No Investigation Conducted		
Intake Stage ^b	2 (5%)	
Referred to Other Agency	6 (16%)	
Withdrawn by Complainant Prior to Investigation	1 (3%)	
Closed During Intake Investigation	1 (3%)	

^a Percentages may not sum to 100% due to rounding.

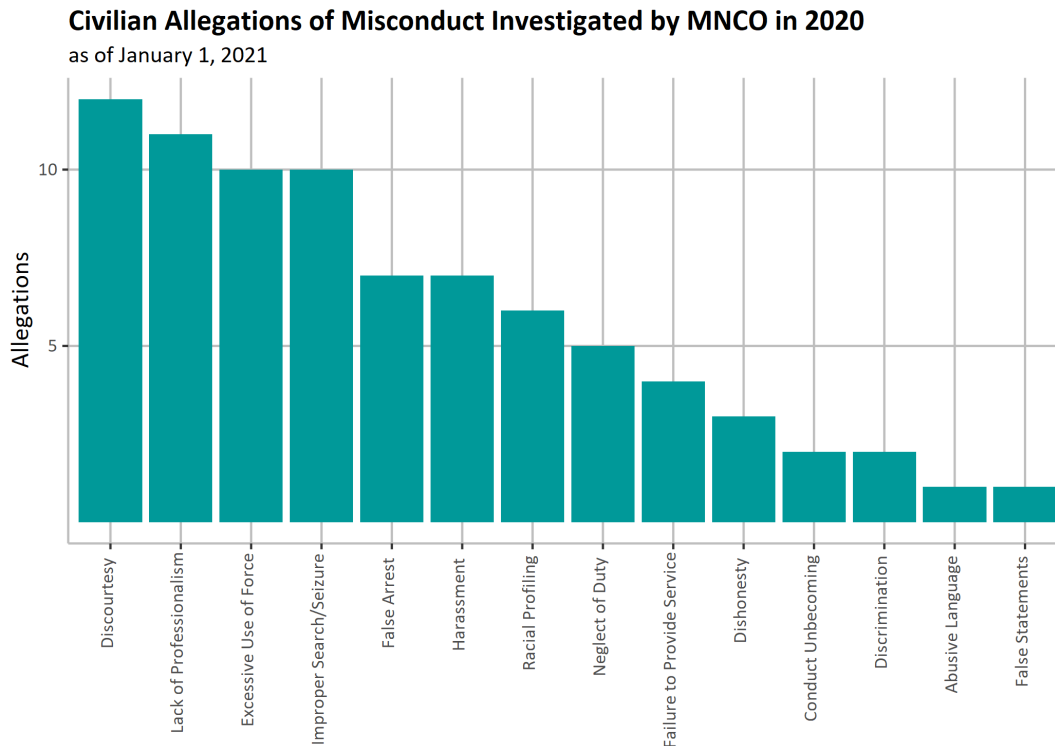
^b Determination of whether and investigation will occur has not yet been made.

Locations of 2020 Civilian Complaints Investigated by MNCO



Civilian Complaint Allegations, Demographics, and Outcomes

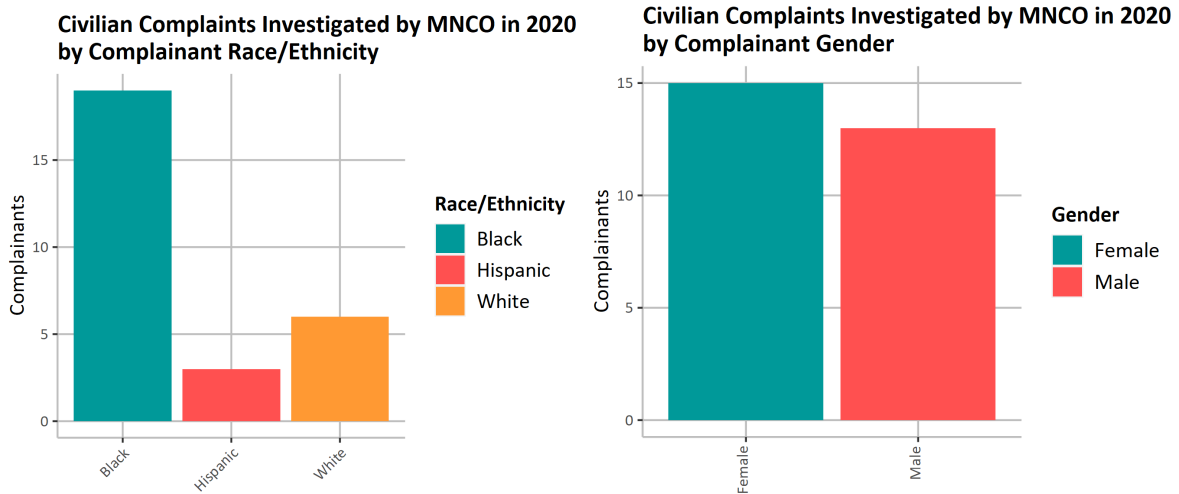
Each complaint made to MNCO is categorized by the allegations of misconduct made by the complainant. Most complaints have more than one allegation of misconduct. The most common allegation was discourtesy, followed by lack of professionalism and excessive use of force. MNCO also received allegations related to improper search and seizure, false arrest, false statements, racial profiling, and failure to provide service.



Note: Graph shows only allegations of misconduct made in civilian complaints during 2020 that resulted in an investigation. Complaints usually involve more than one allegation of misconduct.

Complainant Demographics

MNCO tracks demographic information about complainants to better understand the population of residents served. In the 27 complaints where MNCO initiated investigations, there were 28 complainants. Nineteen (70%) of the complainants were Black or African American, six (21%) were White, and three (11%) were Hispanic or Latino. A total of 13 complainants (46%) were men and 15 (54%) were women.



Outcomes of Civilian Complaint Investigations

Following an investigation, the evidence collected is carefully evaluated to determine whether each allegation from the complaint is supported. Since MNCO conducts administrative investigations, the evidence must meet a preponderance of the evidence standard. The following outcomes are used by MNCO as investigative findings on each allegation of misconduct:

Outcome	Definition
Sustained	The factual findings support the allegations in the complaint by the preponderance of the evidence, which conduct was inconsistent with MNPD policy.
Not Sustained	The factual findings do not support the allegations in the complaint by the preponderance of the evidence.
Policy Exoneration	The factual allegations in the complaint do not violate the law or MNPD policy; or, although the factual findings support the allegations in the complaint, the conduct proved by the preponderance of the evidence was lawful and consistent with MNPD policy.
Unfounded	The allegations in the complaint were proven false by the preponderance of the of the evidence.

After the finding is determined by the executive director, the COB is presented a Proposed Resolution Report (PRR). The COB issued one PRR in 2020. PRRs are available to the public at:

<https://www.nashville.gov/Community-Oversight/Proposed-Resolution-Reports.aspx>. The PRR was issued for case number CC2020-016 in which the complainant alleges that an officer was discourteous and failed to provide assistance. The complaint is summarized in the PRR as follows:

The Complainant filed a complaint with the Metro Nashville Community Oversight Board on May 05, 2020. Complainant alleges that on May 01, 2020, MNPD Officer (“Officer”), was rude, continually cut her off when she was speaking, and refused to take her statement to add to a traffic accident report.

MNCO investigated the incident by reviewing all reports related to the incident and interviewing both the complainant and officer. The first allegation of discourtesy was *not sustained* meaning that the factual findings do not support the allegations in the complaint by the preponderance of the evidence. In this instance, the complainant alleges that the officer was rude and cut her off but the officer claims to have spoken in a professional manner. Since there is no supporting evidence by either party, the allegation is not sustained since it cannot meet the preponderance of the evidence standard used for administrative investigations.

The second allegation that the officer failed to provide assistance by failing to add the complainant’s statement to the accident report resulted in a *policy exoneration*. In this incident, the officer failed to take the report from the complaint but was not required by MNPD policy to take the report.

In light of the policy exoneration, the COB issued a policy recommendation to MNPD:

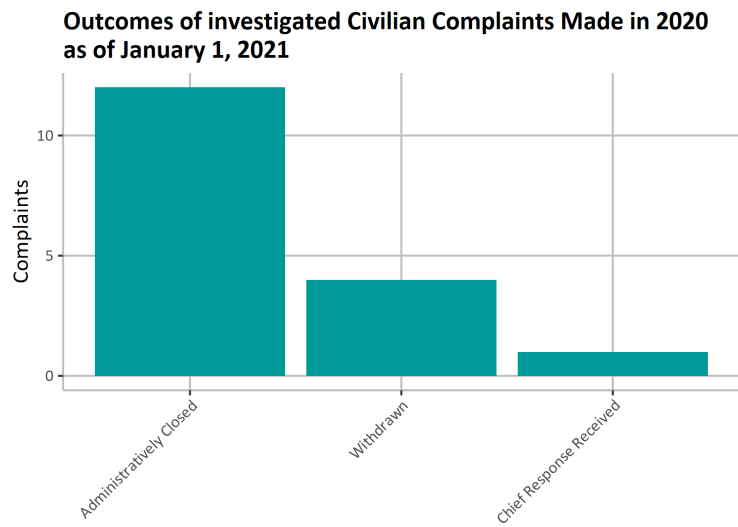
The Board recommends that the policy be strengthened by adding language that states whenever an accident has occurred and a person involved is unable to provide a statement at the scene, but later requests within a reasonable timeframe to provide a statement, their statement shall be taken and included in the report.

The recommendation was issued on October 23, 2020 and the COB received a response from Office of Professional Accountability Director Kathy Morante on behalf of Chief Drake dated December 22, 2020. Director Morante stated that she and Chief Drake had reviewed the complaint and accept the recommended dispositions of the COB. She further stated that the officer was required under current policy to take the report and that the officer’s “supervisor has informed him in writing that a report should have been taken in this case, that he should have responded to the hospital to take the report, that no conclusions should have been made until all information was obtained and that investigations of automobile accidents are not to be simply left to the respective insurance companies.”

Director Morante stated that they do not believe that a policy change is needed. In this instance, the officer did not understand the relevant policy that would require him to take the report. Ms. Morante “will be directing that a roll call training be distributed to all officers to remind them of this policy.”

Additional Case Outcomes

In addition to the outcomes for allegations of misconduct defined above, complaints may be withdrawn at the request of the complainant or administratively closed. Administratively closed cases are those where investigators are not able to contact complainants, or the allegation was resolved outside of MNCO. All closed cases that MNCO investigated are shown in the table below. The mean number of days to close cases reported in 2020 was 113 days. The median time to closure was 76 days.



Case Number	Complaint Type	Complaint Date ^a	Allegation	Disposition	Disposition Date	Current Case Status
CC2020-001	Civilian Complaint	1/8/2020	Dishonesty	Withdrawn	1/10/2020	Withdrawn by complainant.
CC2020-002	Civilian Complaint	1/9/2020	Discrimination	Administratively Closed	1/22/2020	No violation discovered.
CC2020-003	Civilian Complaint	1/28/2020	Discrimination; Conduct Unbecoming	Administratively Closed	4/13/2020	Complainant refused to cooperate beyond initial complaint.
CC2020-004	Civilian Complaint	2/10/2020	Discourtesy	Withdrawn	4/10/2020	Withdrawn by complainant.
CC2020-005	Civilian Complaint	2/21/2020	Harassment	Withdrawn	4/10/2020	Withdrawn by complainant.
CC2020-007	Civilian Complaint	3/23/2020	Harassment	Administratively Closed	10/21/2020	Administratively Closed due to lack of notification and interviews of involved parties.
CC2020-008	Civilian Complaint	3/24/2020	Discourtesy	Withdrawn	4/9/2020	Withdrawn by complainant.
CC2020-009	Civilian Complaint	3/30/2020	Discourtesy	Administratively Closed	10/21/2020	Administratively Closed due to lack of notification and interviews of involved parties.
CC2020-011	Civilian Complaint	1/21/2020	Racial Profiling	Administratively Closed	10/16/2020	Received the case file on 10/07. Reviewed and determined case should have been closed due to Complainant being non responsive.
CC2020-015	Civilian Complaint	4/2/2020	Excessive Use of Force	Administratively Closed	10/21/2020	Administratively Closed due to a lack of cooperation by the reported victim and the lack of notifications/interviews of involved parties.
CC2020-017	Civilian Complaint	5/12/2020	Lack of Professionalism; Neglect of Duty	Administratively Closed	10/21/2020	Administratively closed due to a lack of notifications/interviews of involved parties.
CC2020-022	Civilian Complaint	6/4/2020	Neglect of Duty; Failure to Provide Service	Administratively Closed	10/21/2020	Closure requested by complainant. Officer was able to satisfy the complainants request during the investigative process.
CC2020-027	Civilian Complaint	8/6/2020	Neglect of Duty	Administratively Closed	10/21/2020	Administratively closed due to complainant being non-responsive.
CC2020-029	Civilian Complaint	8/24/2020	Racial Profiling; False Arrest	Administratively Closed	10/16/2020	Complainant went through Mediation with MNPD regarding same incident.

^a Complaint Date is the initial contact that a complainant has with MNCO. Occasionally, a complainant does not file a formal complaint at the initial contact but decides to later. In these circumstances, a Case Number is assigned sequentially on the date the formal complaint was made but the initial contact date remains the Complaint Date in MNCO records to track the full history of the complaint. For this reason, the Complaint Date may not be sequential in all circumstances

Director Initiated Reviews

The MNCO executive director may initiate investigations into incidents of potential misconduct based on media reports, other public information, or at the request of a Board member. During 2020, the executive director began investigations on six incidents. One investigation was closed in 2020, D2020-001, which was related to a death in Davidson County Sheriff's Office custody. Five investigation remain open as of January 1, 2021.

Case Number	Complaint Date	Allegation	Disposition	Disposition Date	Current Case Status
D2020-001	5/11/2020	Force Review	Administratively Closed	10/21/2020	Medical Examiners Report confirmed death was unrelated to police interactions.
D2020-002	5/13/2020	Force Review	Open Case		Waiting to interview witness officers.
D2020-003	5/21/2020	Force Review	Open Case		As of 12/09/2020 case is still under review by the DA's office. Investigative work on hold until released.
D2020-004	6/5/2020	Force Review	Open Case		Waiting to interview witness officers.
D2020-005	8/19/2020	Improper Search/Seizure; Excessive Use of Force	Open Case		OPA Investigation completed and a copy received on 12/01/2020. Reviewing OPA investigative report to determine next steps.
D2020-006	12/3/2020	Force Review	Open Case		Under investigation by TBI.

Mediation Program

The Board's mediation program was developed by reviewing current police mediation programs from across the United States including Nashville, Washington D.C., Seattle, Austin, New York, San Francisco, and Denver. The program incorporates best practices from the current Police and Citizen Mediation Program by the MNPDP in collaboration with the Nashville Conflict Resolution Center (NCRC).



The Community Oversight Mediation Program allows for eligible complaints filed with MNCO to be referred to NCRC for mediation. The benefits of this voluntary program are placing the potential resolution of a complaint into the hands of both the aggrieved party and the MNPDP employee accused of misconduct under the supervision of a highly trained mediator, which will help to build trust between MNPDP and the community.

Mediation provides a quicker resolution to complaints filed against officers and allows MNCO resources to be focused on other complaints such as excessive force, serious bodily injury, or in-custody deaths. Additionally, following each mediation session, the participants will be asked to complete an evaluation form to inform MNCO of the successes and failures associated with the program so that it may be improved. MNCO will send regular reports to the COB to update the Board of the number of cases being referred to mediation, how many cases are successfully mediated, and how many cases are ultimately sent back to MNCO for a formal investigation.

The Community Oversight Mediation Program did not have any complaints that were mediated in 2020.



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Policy Reports & Recommendations

The MNCO research team conducts policy research and analysis in order to create policy advisory reports that are reviewed and voted on by the Board. Policy advisory reports may review and assess any aspect of Nashville and Davidson County's criminal justice system. Reports consider insights from the fields of criminology, criminal justice, law enforcement theory, civil rights, and racial justice.

Developing a policy advisory report is a multistage process. First, the Board will be asked by MNCO to evaluate and approve a research proposal that outlines the analyses that the research analysts plan to conduct. The proposal can come from Board members, MNCO staff, or suggestions from community members.

Second, MNCO submits a draft report to the COB for consideration. If approved, Policy Advisory Report drafts are sent to community stakeholders including law enforcement for comment and public hearings are held for feedback.

Finally, the Board considers the policy advisory report in the context of feedback from the public and stakeholders at a separate Board meeting and may vote to issue the report and its recommendations.

In 2020, the Board approved three policy advisory proposals: an analysis of law enforcement accessibility and community outreach in Limited English Proficient and Deaf, deaf, and Hard-of-Hearing communities, an analysis of crisis-related calls for service and diversion to non-police crisis responders, and an analysis of hiring procedures at Metro Nashville Police Department.

In 2020, the Board issued three policy advisory reports with fourteen recommendations.

In addition to policy research, the research and policy team track, manage, and analyze departmental data. MNCO produces monthly performance indicators for the Mayor's Office, a Monthly Statistical report for the COB, and a Monthly Complaint Log that tracks all investigations.

Policy Advisory Reports Issued in 2020

The following policy advisory reports were submitted by the MNCO research team for the Board's review and approval in 2020 (all reports available at <https://www.nashville.gov/Community-Oversight/Policy-Advisory-Reports.aspx>):

Policy Advisory Report Examining Local Law Enforcement Policies and Immigration Enforcement Actions (Issued by the COB on April 14, 2020) - **Read full report.**

Recommendations:

1. The MNPDP should create and implement policies and formal training on what types of U.S. issued and foreign issued identification will be accepted in order to issue misdemeanor citations rather than take individuals into physical custody.

2. The MNPDP should create and implement policies that discourage police officers from asking about immigration or citizenship status. If an officer does ask about immigration status or citizenship status, they should be required to document that they asked and provide a justification for the question in their report narratives.

3. The MNPDP should create and implement training on the difference between administrative and judicial warrants and what ICE can and cannot do while conducting immigration enforcement in public vs. REP (Reasonable Expectation of Privacy) areas.

4. The Department of Emergency Communications and the Metro Nashville Police Department should document and track instances of federal immigration enforcement officials calling for MNPDP or first responder assistance during their enforcement actions in Davidson County.

Policy Advisory Report on #8canwait Use of Force Policy Recommendations
(Issued by the COB on June 24, 2020) - [Read full report.](#)

Recommendations:

Recommendation on #1. Ban choke holds and strangle holds: “The COB recommends that MNPD policy define “neck restraints” to include choke holds, carotid restraints, lateral vascular restraints, and holds with a knee or other object on the neck while an individual is prone.”

Recommendation on #2. Require de-escalation: “The COB recommends that deescalation tactics be required before an officer uses force, be it non-deadly and/or deadly, and that failing to use reasonable de-escalation techniques when circumstances permit should make the officer subject to disciplinary action. Policy should state that physical force should only be used as a last resort. The MNPD Manual should also explicitly define common de-escalation tactics that are available to officers.”

Recommendation on #6. Ban shooting at moving vehicles: “The COB recommends that MNPD amend the policy prohibiting shooting of firearms at moving vehicles to specify that the only circumstance where shooting at vehicles is allowed is when an occupant of the vehicle is using deadly force, other than the vehicle itself, against the officer or another person. We recommend that shooting at moving vehicles be prohibited except for in the specified circumstances and that the disciplinary category for shooting at a moving vehicle is included.”

Policy Advisory Report on Use of Force Consent Decrees (Issued by the COB on October 23, 2020) -
Read full report.

Recommendations:

1. MNPDP should review policies, procedures, and trainings to ensure consistency between policies in the Manual and prohibitions that are covered in training. Actions that are against policy because of training should be explicitly stated as prohibited in the MNPDP Manual. When appropriate, concrete examples should be provided to ensure clarity.

2. MNPDP should implement promotional and annual in-service supervisor training that focuses on conducting use of force investigations. This training should be in addition to the annual in-service training provided to all sworn officers. Recommended training topics include: conducting use of force investigations, strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force, incident management, and supporting officers who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.

3. MNPDP should create a Crisis Intervention Team comprised of specially trained officers for response to crisis situations involving mental health issues including drug addiction. CIT officers should work closely with civilian mental health professionals and, when possible, should be accompanied by a mental health professional co-responder when responding to crisis-related calls for service. The MNPDP Manual should comprehensively outline policies, procedures, and roles related to the crisis intervention program, including trauma-informed, situation-based guidance for officers responding to the scene of a crisis. Since a CIT will require a long-term implementation plan, MNPDP should aim to create a budget-neutral plan for developing the program. If additional resources are needed, those should be detailed in a request to the Metro Council for the FY22 budget.

4. MNPDP should categorize all use of force above unresisted handcuffing into three levels that will guide the reporting and investigation of the use of force.

5: A Force Investigation Team should be created as a branch of OPA to investigate criminal and administrative aspects of uses of force resulting in serious injury, all firearm discharges, misapplications of force, and other serious uses of force as defined by the department. They should also investigate fatal uses of force for violations of administrative standards parallel to the TBI criminal investigation. The unit should receive specialized training in conducting use of force investigations into serious uses of force.

6. MNPD should track and analyze use of force data and create an annual use of force report that is available to the public. The analysis in this report should examine the relative frequency and type of force used by officers against individuals in specific demographic categories, examine MNPD's use of force over time, and identify and address any trends that may warrant changes to policy, procedures, training, tactics, equipment, or practice.

7: MNPD should publish an interactive dashboard of monthly or quarterly use of force statistics including, but not limited to, the race, ethnicity, age, and gender of subjects; the type(s) of force applied; the type of resistance from subject; injuries sustained by officers and subjects; the geographic area where the use of force occurred, and the call types where force was applied.

Status of MNCO Recommendations Issued in 2020

Recommendation Summary	Date Issued	Action Taken by MNPD
Policies and training on U.S. issued and foreign issued ID for misdemeanor citations	April 14, 2020	The COB is awaiting further information about the implementation of this recommendation.
Policies discouraging asking about immigration or citizenship status & documentation of such questions	April 14, 2020	MNPD and the COB are discussing the wording of this recommendation with guidance from Metro Legal.
Training on ICE enforcement jurisdiction and documents	April 14, 2020	MNPD declined to implement this recommendation.
Tracking incidents of Metro assistance to federal immigration enforcement within the county	April 14, 2020	Similar policy was adopted in compliance with Mayor Cooper's Executive Order Number 008.
Ban choke holds and strangle holds	June 24, 2020	MNPD accepted the recommendation and issued Roll Call Training: "Neck Restraint Techniques July 2020" on 07/17/2020
Require de-escalation, physical force only as a last resort	June 24, 2020	The COB has not received a response regarding this recommendation.
Ban the shooting of firearms at moving vehicles	June 24, 2020	The COB has not received a response regarding this recommendation.
Consistency between Manual policies and training on prohibitions	October 23, 2020	The COB has not received a response regarding this recommendation.

Supervisor training focused on use of force investigations	October 23, 2020	The COB has not received a response regarding this recommendation.
Creation of a Crisis Intervention Team for response to crisis incidents involving mental health and drug addiction	October 23, 2020	The COB has not received a response regarding this recommendation.
Categorize all use of force above unresisted handcuffing into three levels	October 23, 2020	The COB has not received a response regarding this recommendation.
Creation of a Force Investigation Team to investigate criminal and administrative aspects of serious uses of force	October 23, 2020	The COB has not received a response regarding this recommendation.
Track and analyze use of force data and create an annual public report	October 23, 2020	The COB has not received a response regarding this recommendation.
Creation of an interactive dashboard with monthly or quarterly use of force statistics	October 23, 2020	The COB has not received a response regarding this recommendation.

Additional Reports Issued in 2020:

MNCO 2019 Annual Report

Read full report.

Special Report: Nashville's Criminal Justice System and COVID-19

Read full report.

Summary Report: Community Safety Townhall Meetings

Read full report.

Policy Advisory Report Proposals Approved in 2020:

- Policy Advisory Report Proposal on Law Enforcement Accessibility and Community Outreach in Limited English Proficient, Deaf, deaf, and Hard-of-Hearing Communities

Read full proposal.

- Policy Advisory Report Proposal on Metro Nashville Police Department Hiring Procedures

Read full proposal.

- Policy Advisory Report Proposal on Crisis-Related Calls for Service and Effective Practices for Diversion to Non-Police Crisis Responders

Read full proposal.

Future Policy Advisory Reports

As 2021 progresses, the MNCO research team will continue to look to the Board and the local community for input on criminal justice system issues to be addressed in future policy advisory reports. If you would like to make a suggestion to the MNCO research team, you can email your ideas to community@nashville.gov.

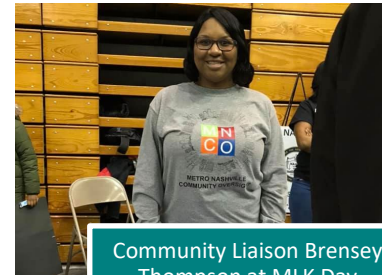
*All reports can be found at <https://www.nashville.gov/Community-Oversight/Policy-Advisory-Reports.aspx>.

Community Engagement

Due to a deadly tornado outbreak that impacted Nashville and surrounding counties, followed by the COVID-19 pandemic, community engagement was forced to look a lot different than MNCO Community Liaison, Brensey Thompson, had anticipated for the 2020 year. As a result, much effort was put into enhancing the department's social media platforms and virtually partnering with other organizations in the community.



ED Jill Fitchard meeting with One Voice Nashville ED Mary Margaret



Community Liaison Brensey Thompson at MLK Day



COB table setup at North Nashville event after tornado

MNCO Outreach & Engagement 2020 Strategies

1. Raise awareness and understanding of MNCO & COB through social media platforms
2. Build community relationships by listening, receiving feedback and offering support
3. Enhance social media presence by posting content relevant to the work of MNCO & the COB
4. Connect with other community groups in the Nashville & Davidson County area



MNCO held or attended **55** community events in 2020 with more than **3,000** community members reached in-person or virtually.

CRIMINAL JUSTICE CONCERNS RAISED BY THE COMMUNITY

Through conversations with MNCO, community members have shared several criminal justice concerns and hopes for the future of public safety in Nashville and Davidson County.

Racial Inequities in Policing

Community Concern: The most frequent theme that was raised during community townhall meetings was the desire for a new chief of police that would work to address racial inequities in policing. A quarter of all statements made by community members mentioned racial equity and justice.

MNCO Response: Building trust between MNPd and the community is one of the core missions of MNCO and the COB. MNCO's leadership will continue to collaborate with MNPd's newly appointed chief of police to address the root of racial inequities and amplify the community's voice.

Enhanced Accountability and Transparency

Community Concern: Community members expressed concern regarding accountability for police misconduct, including accountability for allegations of sexual harassment and assault within MNPd, as well as transparency from the department.

MNCO Response: The MNCO investigation team continues to complete a thorough and unbiased investigation of each complaint received. The MNCO research team has addressed ways in which MNPd can increase accountability and transparency within its *Policy Advisory Report on Use of Force Consent Decrees*. These actions include additional supervisor training, the creation of Force Investigation Teams, and the public sharing of use of force data and analysis online.

Response to Mental Health and Other Crisis Situations

Community Concern: Community members and local advocacy groups brought up the handling of mental health crisis situations and other crisis situations by law enforcement agencies.

MNCO Response: In response to a request for assistance from local advocacy group, NOAH, the MNCO research team created a proposal, *Policy Advisory Report Proposal on Crisis-Related Calls for Service and Effective Practices for Diversion to Non-Police Crisis Responders*.

Diversifying the Police Force

Community Concern: Given Nashville and Davidson County's diversity, many community members have expressed concern regarding the lack of diversity amongst MNPd's sworn officers. Residents would like the police force to better reflect and represent the local community.

MNCO Response: The MNCO research team created a proposal, *Policy Advisory Report Proposal on Metro Nashville Police Department Hiring Procedures*, to better understand MNPd's hiring procedures and to make recommendations to address diversity and inclusion.



Community Engagement Initiatives

- MDHA/MHRC/COB Community Meeting
- Meeting with Primetime Members of New Hope Baptist Church
- North Nashville Community Block Party
- Safety Town Hall Meetings
- MNCO Policy Advisory Community Forum
- Mayor's Policing Policy Committee
- Mayor's Brown Bag Lunch
- Vice Mayor Shulman's Community Conversations
- Minority Caucus Meeting
- Public Safety Committee
- NOAH Community Meeting
- Nashville Democratic Women
- Nashville Women's Breakfast Club
- MDHA Neighborhood Association Meeting
- One Voice Nashville
- Cane Ridge HS Civil Rights Presentation





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