

Metropolitan Nashville Police Department Declaration of Cooperative Interaction with the Nashville Community Oversight Board Proposed Amendments and Additions

PROPOSED AMENDMENTS TO MNPD MANUAL, 4.10.400

Availability of Employees to COB

(2nd) Paragraph)

It is understood and agreed that employees of the MNPD may be asked to submit to interviews or other fact finding inquiries. Employees ~~are encouraged to~~ **will** cooperate with any such inquiry.

(3rd Paragraph)

~~However, any employee with a need or a desire to insure that he or she is afforded the due process constitutional protections found in Garrity (Garrity v. New Jersey, 385 U.S. 493 (1967)), the Civil Service Rules of the Metropolitan Government or the policies and procedures of the MNPD, may decline the request and request that the Chief of Police issue an order requiring cooperation with the COB. Interviews occurring as a result of such an order will be scheduled by MNPD OPA taking into account the employees assigned shift, regular days off and availability.~~

~~Upon such an order of cooperation issued by the Chief of Police, interviews of MNPD employees by COB personnel will be conducted in a sdesignated interview facility at MNPD Headquarters (600 Murfreesboro Pike, Nashville, TN 37210). MPND will furnish technical support personnel to insure that the interview is video and audio recorded. The MNPD Office of Professional Accountability (OPA) may elect to simultaneously monitor the interview for the purpose of determining whether a concurrent MNPD investigation is warranted.~~

When an employee receives official notification that they have become the subject of a COB investigation, the COB shall issue the employee a brief statement of the allegations and refer the employee to Article 4.10.050, Section (A)(4) concerning their rights and responsibilities relative to the investigation. The employee under formal investigation shall also be given the following admonitions preceding an interview by a COB investigator:

- a. You are advised that this is a formal internal administrative investigation only.**
- b. You shall be asked and are required to answer all questions specifically related to the performance of your duties**
- c. If you refuse to answer these questions, you can be subject to disciplinary action.**

These rights are those provided to the employee in administrative investigations. In no way should it be construed that these rights are provided in a criminal investigation. If at

any point during questioning about an administrative investigation there is a determination the conduct may involve a potential criminal violation; all questioning will stop.

Obtaining Documents and other Materials from MNPD by COB

(1st Paragraph)

Requests for the procurement of documents, records, or other materials by the COB will be through established Public Record Request procedures.

Via official Metro Government Email to: policerequests@nashville.gov.

(2nd Paragraph)

Generally, Any established fees and competition of record request forms will be waived. However, any **onerous or voluminous** requests, or any request involving the expenditure of any significance of MNPD resources, must be approved by the Chief of Police.

Secured Investigative Perimeter Access

(Last two sentences)

COB will acknowledge that their presence and entry of any perimeter may require presentation of sufficient identification for perimeter personnel to document perimeter ingress and egress in official MNPD records. ~~After a sufficient time has been allowed for viewing, COB personnel will be escorted outside the perimeter.~~

If, after this general viewing, COB investigator(s) have any further tasks to be performed by Crime Scene Investigations Section personnel, the investigator(s) shall notify the on-scene CSI supervisor. The CSI supervisor will then assign a CSI investigator to complete the task. After COB personnel have indicated that they have completed all necessary procedures at the scene, they shall be escorted outside the perimeter.

Training by MNPD to COB Personnel or Board Members

(4th Paragraph)

~~It is expected that COB personnel attending training conducted by MNPD will participate in any proficiency examinations given to other class members.~~

Concurrent Investigations

It is recognized that from time to time the MNPD and the COB will be conducting concurrent investigations. ~~When feasible, investigative information will be shared.~~

PROPOSED ADDITIONS TO MNPD MANUAL SECTIONS

4.10.030 Investigation of Complaints: Office of Professional Accountability

A. The Office of Professional Accountability shall review complaints against employees, ~~whether~~ initiated by ~~the public or by~~ a member of the department. **The Community Oversight Board shall review complaints against employees initiated by the public.**

C. The Office of Professional Accountability may initiate an investigation of alleged employee misconduct, with or without a formal complaint, with the prior knowledge and approval of the Chief of Police or designee. **The Community Oversight Board may initiate an investigation of alleged employee misconduct, with or without a formal complaint, and without the prior knowledge or approval of the chief of police or designee.**

1. The role of the Office of Professional Accountability **and the Community Oversight Board** is to investigate administrative (departmental) violations, and if during an investigation there are potential criminal violations, the criminal aspect of the investigation will be referred to the appropriate criminal investigative unit.

2. The Office of Professional Accountability **and the Community Oversight Board** may continue their investigation of the potential administrative violations, as a separate investigation from any criminal investigation. OPA **and COB** may continue, or have continued, an administrative investigation to assess or establish an administrative duty or omission of duty relevant to the underlying criminal investigation.

3. The criteria for determining the categories of complaints to be referred to the ~~Office of Professional Accountability~~ **Community Oversight Board** may include, but are not limited to: allegations of corruption, brutality, misuse of force, major breach of civil rights and criminal misconduct. When an allegation of misuse of force is reported to ~~the immediate an MNPD supervisor~~, it shall be the responsibility of that supervisor to ~~conduct a preliminary investigation into such allegations before reporting them to the Office of Professional Accountability.~~ **report the allegation to the COB.**

~~D. The Office of Professional Accountability may make additional inquiry or use investigative measures deemed necessary to verify, authenticate or clarify the findings and recommendations of a supervisor initiated investigative report. The Office of Professional Accountability may include these findings and disposition recommendations with the report submitted to the Chief of Police and the Deputy Chief or Commander/Director of the involved employee.~~

4.10.050 Investigative Interviews, Examinations & Searches

B. Examinations and Searches

1. The department or the **Community Oversight Board** may direct that the employee undergo an intoximeter, blood, urine, psychological, polygraph, computer voice stress analysis (CVSA),

medical examination or any other exam not prohibited by law or policy, provided the examination is pertinent to an administrative investigation (*Exams such as these which may be part of a criminal investigation are guided by existing criminal investigative laws*). Refusal to sign, or alteration of a waiver to submit to any of the referenced examinations, shall be considered a refusal to submit to the exam. (*Violation of this provision shall be a category A Offense*)

2. Polygraph and/or Computer Voice Stress Analysis (CVSA) reports may be submitted for consideration with the investigative file. Polygraph/CVSA examinations unaccompanied by other objective evidence will not conclusively establish or refute allegations of misconduct. Employees will not be subject to corrective action or discipline solely on the results of a polygraph or CVSA examination.

4.10.190 Administrative Leave or Alternate Duty Assignment

A. General Provisions

1. When grounds exist for disciplinary action and/or there is sufficient reason to believe the accused employee's continued presence on the job may be detrimental to the department or the safety of anyone, the initiating authority shall relieve the employee of their duties and cause them to be placed on administrative leave with pay, pending further disposition by higher authority. **The Community Oversight Board Executive Director may initiate a request that an employee be relieved of power by submitting the request directly to the Chief of Police.** The equipment of an employee relieved of duty shall be turned in to their supervisor.

11.10.180 Force Review Board

E. Force Review Board Membership

The Force Review Board shall consist of:

6. A representative of the Office of Professional Accountability **and a representative of the Community Oversight Board**, who is assigned to assist the board and is a non-voting member; and

H. In addition to reports from Force Review Boards occurring throughout the year, the Chief of Police may schedule a Departmental Force Review Board annually. The core members shall review each use of deadly force and all cases reviewed by the Force Review Board for the purpose of identifying any potential patterns and/or systemic problems and to report their findings and recommendations to the Chief of Police.

1. Core members of the annual Departmental Force Review Board shall include the Chief of Police, the Deputy Chiefs, the Director of the Training Division, the commanding employee of the Homicide Section, and a representative from the Office of Professional Accountability and **Community Oversight Board**. Other persons may be present at the discretion of the Chief of Police.

Title 15: Investigations

15.10 “Call-Out” Guidelines for Investigative and Support Elements

The purpose of this order is to establish call-out criteria and procedures for investigative elements and certain support elements when there are no on-duty personnel available.

15.10.010 Policy

A. It is the policy of the Metropolitan Nashville Police Department that the public will be provided the best police services possible. Every effort will be made to adequately and promptly respond to calls for service and calls for assistance from on-duty personnel.

B. Therefore, this policy is provided to facilitate the call-out of additional and/or specialized personnel to assist with certain incidents.

C. “On-call” personnel are those individuals that are assigned to respond to incidents or calls for assistance outside of normal working hours for the component to which they are assigned.

15.10.020 Elements Involved

The call-out procedures described herein shall apply to the following

- A. Homicide Unit
- B. Sex Crimes Unit
- C. Victim Intervention Section
- D. Fraud Unit
- E. Fugitive Unit
- F. Auto Theft Unit
- G. Youth Services Division
- H. Technical Investigations Section
- I. Domestic Violence Division
- J. Crash Investigations Unit
- K. Hit and Run Unit
- L. Hazardous Devices Unit
- M. Aviation Section
- N. Canine Section
- O. Specialized Investigations Division
- P. Office of Professional Accountability (OPA)
- Q. Special Weapons and Tactics Team (SWAT)
- R. Police Negotiators Team

- S. Emergency Contingency Section
- T. Public Information Officer
- U. Police Advocacy Support Services (PASS)
- V. Chaplain
- W. Safety Coordinator
- X. Substance Abuse Coordinator
- Y. Task Forces
- Z. Community Oversight Board**

15.10.050 Criteria for Call-Out

Z. Community Oversight Board (COB) An investigator shall be notified when no one from the Community Oversight Board is on duty, pursuant to the following criteria:

- 1. All police personnel involved shootings;**
- 2. In-custody deaths;**
- 3. Any other situations as deemed necessary or appropriate the COB Executive Director.**