

RULES OF THE NASHVILLE COMMUNITY OVERSIGHT BOARD

Current as of February 26, 2020 as amended

SECTION 1. Definitions

The following definitions apply to these rules:

- A. **Aggrieved Person**--anyone who allegedly has been mistreated by a MNPD officer or employee, or the department generally.
- B. **Board**--the 11-member governing body of the Metropolitan Community Oversight Board.
- C. **Community Oversight Board (also referred to as the COB and as Metro Community Oversight)**--generally, the staff supervised by the Board, which implements the Board's policies, and which is led by an Executive Director.
- D. **Complaint**--the claim made to the COB alleging MNPD Misconduct.
- E. **Complainant**--anyone who has filed a Complaint or on whose behalf a Complaint has been filed.
- F. **Executive Director or Director**--the Executive Director of the Community Oversight Board, who reports to the Board and oversees the other COB staff.
- G. **Intake Investigation**--the process by which COB receives, records, evaluates, and categorizes Complaints.
- H. **Jurisdiction**--the authority of the Board to consider a matter as set forth in Sec. 11.1302 of the Charter of the Metropolitan Government of Nashville and Davidson County.
- I. **Mediation, Conciliation and/or Restorative Justice programs**--voluntary informal ways to directly address and/or resolve disagreements between individuals in a way that is mutually acceptable to each of them. Each of these methods is different and works in its own way.
- J. **MNPD**--Metro Nashville Police Department.
- K. **MNPD Misconduct or Misconduct**--improper behavior by an MNPD officer or employee of MNPD, which violates MNPD policies, criminal laws or civil rights laws.
- L. **OPA**--Office of Professional Accountability of the MNPD.
- M. **Petition for Reconsideration**--a request made to the Board to reconsider its decision regarding a Proposed Resolution Report.

N. **Policy Advisory Reports**--a public report and recommendation by the Board based on community and criminal justice agency input and COB staff research and analysis regarding any aspect of the criminal justice system in Davidson County.

O. **Proposed Resolution Report**--the draft of a Resolution Report which has been prepared by the COB and submitted to the Board for its review and action.

P. **Resolution Report**--the decision by the Board on an investigation of a Complaint of MNPD Misconduct.

Q. **Standard Operating Procedure (SOP)**--a document describing the regularly recurring operations relevant to a process. The purpose of the SOP is to provide guidance and information specific to this operation and to assist employees in carrying out the operations correctly.

SECTION 2. Investigations and Resolution of Complaints of Alleged MNPD Misconduct

Misconduct allegations will be investigated and resolved in accordance with the procedures established by the COB SOP, subject to the following requirements:

A. Complaints and Initiation of Investigations

(1) The COB may initiate a Misconduct investigation against a MNPD officer or employee, or the department, based on a Complaint made by a person with personal knowledge of the incident. An unsigned, anonymous Complaint related to Misconduct may be the basis for initiating an investigation, but it will not be used as the sole basis for substantiating any charge. Should a Complainant seek to withdraw a Complaint, the COB shall have the discretion to conduct an Intake Investigation nonetheless. Additionally, the Director may initiate a Misconduct investigation based upon media reports, other public information or a request of the Board or a Board member. With the approval of the Director, when justice so requires, a Complaint may be amended at any time before the Proposed Resolution Report has been provided to the Board for consideration.

(2) COB will establish an accessible system for receiving Complaints by as many means as practically available, including in-person, by telephone, by mail, by facsimile, by email, website and by other electronic means, recognizing that as a newly created entity, all means might not be available initially. The system will be designed to receive common types of audio and video files. Letters, emails, texts, telephone calls or personal discussions or other contacts with Board members at, or outside of, Board meetings, or general postings of information on social media, are not Complaints and will not initiate Intake Investigations.

(3) However a Complaint is received, it shall be tracked in a current database. The system shall date and sequentially number each Complaint. The database shall include the substance of the Complaint and further Intake Investigation information and shall track the matter at all stages through response by any entity to whom a Resolution Report is referred.

(4) The Director may notify the Davidson County District Attorney or the United States Attorney for the Middle District of Tennessee, as appropriate, of any Complaint which facially alleges the commission of a crime by a MNPD officer or employee, while reserving to the COB the right to investigate the Complaint.

(5) The COB will investigate Complaints only for events which are alleged to have occurred on or after April 1, 2019.

(6) If at any time during an investigation the Director has sufficient reason to believe that an accused MNPD officer's continued presence on the job may be detrimental to the MNPD or the safety of anyone, then the Director, with the approval of the Board Chair, may request in writing that the MNPD Chief of Police immediately relieve the officer of duties and cause the officer to be placed on administrative assignment with pay pursuant to 4.10.190 of the MNPD Manual, pending completion of the Board's investigation. In making such a request to the MNPD Chief of Police the Director shall inform him of the basis for the Complaint, the status of the investigation, and the evidence obtained, and shall explain the facts and circumstances causing him to believe that the officer's continued presence on the job may be detrimental to the Department or the safety of anyone.

(7) The COB Intake Investigation file and all related documents and information shall remain confidential until the case is closed or a Proposed Resolution Report is provided to the Board, whichever comes first. However, files for mediations conducted under Rule 31 of The Tennessee Supreme Court and any document provided to the COB that is confidential under T.C.A. §10-7-504 or any other law shall be treated as confidential and shall not be released to the public. All personnel employed by the COB will maintain strict confidentiality about COB matters at all times and at no time outside of the performance of their duties will disclose or discuss the contents of any files or documents to which they have access.

(8) The COB has the authority to investigate the following categories of alleged Misconduct by MNPD officers and employees or the department generally:

- a. violations of MNPD policy;
- b. crimes; and
- c. civil rights violations.

The COB may negotiate a memorandum of understanding (MOU) with MNPD regarding matters within its authority, authorizing OPA to exclusively investigate and resolve certain categories of Complaints involving violations of MNPD policy, while authorizing COB to investigate exclusively other categories of Complaints, including those made by a member of the public, or which involve a member of the public.

B. Intake Investigations The COB shall establish a SOP manual for the conduct of its Intake Investigations, including manner and methods. The objectives of an investigation are to:

(1) Factually establish what happened, to include all relevant information which bears on the culpability, if any, of the MNPDP officer or employee;

(2) Uncover, collect and preserve all pertinent facts and evidence;

(3) Determine if department personnel were involved in a violation of law, policy, procedure, rules, regulations, ethical codes or administrative or executive orders as established by MNPDP; and

(4) At a minimum, the Intake Investigation SOP shall include the following:

a. Within ten (10) calendar days of receipt, the COB will acknowledge to the Complainant in writing that the Complaint has been received and will provide a copy to the MNPDP officer or staff member identified or to the Chief of Police if the department generally is identified; the acknowledgment will include the identifying number of the Complaint. The Complainant will be kept reasonably informed about the status of a Complaint.

b. The Director will review each Complaint to determine whether the COB has Jurisdiction to conduct an investigation. If not, then the Director may administratively close the Complaint with periodic notice of such closings to the Board. If authority exists, or if it is unclear whether authority exists, the Director will assign the case to an investigator. Director-initiated investigations will be assigned automatically to an investigator. Complaints in other than English will be translated to English. The Director will give written notice of each investigation undertaken, including a copy of the Complaint or if not in English, the translated Complaint, to the OPA.

c. Investigations will be stayed if a criminal investigation of the alleged MNPDP Misconduct is undertaken, either before or after the COB Complaint has been filed. The COB may or may not commence the investigation after the criminal investigation has concluded depending upon the outcome.

d. The Director may stay an investigation if a civil lawsuit is filed, either before or after the COB Complaint, alleging the same MNPDP Misconduct. The COB may or may not commence the investigation after the civil litigation has concluded depending upon the outcome.

e. The Director will advise the Board of all stayed investigations and the reasons therefore. A stayed investigation may be closed and the matter dismissed upon the written request of the Director with the written approval of the Board Chair.

f. In all cases undertaken by the COB, except those alleging excessive force, serious bodily injury or in-custody deaths, the COB may offer Mediation, Conciliation and/or a Restorative Justice program, and if it does, the

Director will advise the Complainant and the accused MNPD officer/employee of their availability and what they entail, as alternatives to an Intake Investigation and possible Board review. Those alternatives, which are voluntary and not required, will be for the purpose of fully, thoroughly and frankly discussing the alleged Misconduct and attempting to arrive at a mutually acceptable conclusion of the Complaint. During such a process, which must be completed within sixty (60) days, the investigation is suspended. If not completed within that period, Complaints will be referred for Intake Investigation.

g. All Intake Investigations which have not been stayed, or referred to Mediation/Conciliation/Restorative Justice program alternatives, will be completed, set forth in a written Investigation Report and submitted to the Director within sixty (60) calendar days of assignment, unless that time is extended by the Director in writing for good cause stated.

h. Throughout the investigation both Complainants and the subjects of Complaints may be represented by private attorneys, or otherwise assisted by representatives, family members, guardians, etc. However, none of those persons will be allowed to participate in the investigation itself, question witnesses, etc.

C. Proposed Resolution Report The COB also shall establish a SOP manual for the preparation and presentation of its Proposed Resolution Report, which at a minimum shall include the following:

(1) Within thirty (30) days after receipt of an investigative report, the Director, in concert with the Investigator, will prepare and submit to the Board a Proposed Resolution Report with factual findings based on the investigation. The Director shall ensure that investigation is as thorough as necessary to reach reliable and complete findings, and is objective, fair, impartial and free from political influence. The Director will consider all relevant evidence, including circumstantial, direct and physical evidence and will apply a preponderance of the evidence standard in making his findings. No additional weight will be given to statements provided to the COB by any person based on whether that person is a Complainant, an accused or a witness, or whether the person is a law enforcement officer; nor will the Director or investigator disregard a witness's statement merely because the witness has some connection to the Complainant or accused, or because of any criminal history or any concern regarding mental illness. As relevant only to an issue of credibility of any person, however, the COB may take into consideration any conviction of that person for crimes of dishonesty or other indicia of untruthfulness, including evidence from a previous Misconduct investigation, guided generally by considerations underlying Rules 608 and 609 of the Tennessee Rules of Evidence. The Proposed Resolution Report will include the following at a minimum:

a. Summary of the Misconduct allegation, the Complaint and any response to the Complaint, including the OPA categorization of the type of Complaint;

b. A conclusion as to each alleged act of Misconduct as:

1. "sustained" -- the factual findings support the allegations in the Complaint by the preponderance of the evidence, which conduct was inconsistent with MNPDP policy;

2. "not sustained" -- the factual findings do not support the allegations in the Complaint by the preponderance of the evidence;

3. "policy exoneration" -- the factual allegations in the Complaint do not violate the law or MNPDP 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 MNPDP policy; or

4. "unfounded" -- the allegations in the Complaint were proven false by the preponderance of the evidence.

Where a Complaint is resolved based on a "policy exoneration," the report shall address whether a policy change should be recommended.

c. Summary of the COB's investigation of the alleged Misconduct;

d. The COB's factual findings regarding the alleged Misconduct, including any MNPDP policies, criminal laws or civil rights statutes violated;

e. Copies of any recorded testimony, written statements, interview reports, audio or video recordings or other exhibits;

f. A recommended remedy for any sustained MNPDP Misconduct policy violations, whether disciplinary, non-disciplinary or both;

g. Any non-disciplinary remedy implemented directly by the COB, as well as an assessment of the perceived outcome and effectiveness of that remedy;

h. Determination regarding whether to refer criminal Misconduct to the District Attorney, Grand Jury and/or U.S. Attorney;

i. Determination of whether to recommend MNPDP policy changes based on the Misconduct investigation.

D. Board Review of the Director's Proposed Resolution Report

(1) Proposed Resolution Reports will be posted on the COB website at least ten (10) calendar days before being considered by the Board at a Board meeting. The Complainant and the accused MNPDP officer/employee will be given contemporaneous notice of the posting and of the scheduled date for the Proposed Report's consideration by the Board. No later than five (5) calendar days before the Board review, the Complainant or the accused MNPDP officer/employee, or their representatives, may request permission to speak at the Board

meeting. Permission will not be granted regularly, but the Board Chair may grant permission for brief comments by both if requested by either and granted for good cause shown--not exceeding ten (10) minutes each; at least two (2) calendar days before the Board meeting the Complainant and the accused officer will be notified of the Chair's decision.

(2) The Board will review each Proposed Resolution Report applying a standard of presumption of correctness, unless the preponderance of the evidence is to the contrary. In most situations, the Board will make its decision based upon the Proposed Resolution Report and any comments by the Director without any further submission or argument by the Complainant or the accused MNPDP officer/employee, as each has had the opportunity to present information to the COB during the investigation. The Board may take one of the following actions:

- a. Accept the Proposed Resolution Report as submitted and send it to the agency(ies) identified in the report. The accepted Proposed Resolution Report shall become the Resolution Report after the time for reconsideration under Section E of this rule has passed and the report has been signed by the Board Chair;
- b. Accept, but modify, the Proposed Resolution Report based on information contained in the report, and as modified send it to the appropriate agency(ies);
- c. Reject the Proposed Resolution Report and based on information contained therein reach a different conclusion, directing that the Director revise the report, and as modified send it to the appropriate agency(ies); or
- d. Return the Proposed Resolution Report to the staff for further investigation and/or analysis.

(3) After a Complaint has been filed, no Board member shall communicate with the Complainant, the accused or their respective representatives about a Complaint or a matter under investigation or review by the Board and any such communication received shall be brought to the attention of the Director.

(4) No Board member shall conduct their own investigations or add their own evidence to the record of the Proposed Resolution Report.

(5) Regardless of outcome, all Resolution Reports approved by the Board will be sent by the COB to the MNPDP Chief of Police and the MNPDP Office of Professional Accountability.

E. Petition for Reconsideration

(1) Within ten (10) calendar days following the Board's announced decision on the review of the Proposed Resolution Report at the Board meeting, the Complainant or the

accused may Petition the Board in writing, with grounds set forth, for a reconsideration. Such reconsideration may be granted by the Board if it is shown that there is newly discovered evidence that is material to the investigation for the party making the application which could not have been, with reasonable diligence, discovered and provided to the COB during the investigation, or that there was substantial procedural error likely to have affected the outcome.

(2) Upon the COB's receipt of a Petition for Reconsideration, the Board Chair in consultation with the Director will promptly decide whether to grant or deny the request. When a reconsideration is granted, the matter will be taken up at the next regularly scheduled Board meeting.

(3) No Board member will knowingly communicate with a member of the public, the accused, their respective representatives or an organization about the subject of the request for reconsideration. Information and correspondence that is not in the record at the time the request for reconsideration is submitted only may be considered in making a decision if it is accepted as new evidence on remand from the Board to the COB.

F. Advocacy on Behalf of COB Resolution Reports

The Director and COB may advocate on behalf of the findings and recommendations contained in COB Resolution Reports that are forwarded to MNPDP, the District Attorney, the Grand Jury or U.S. Attorney's Office.

SECTION 3. Policy Advisory Reports

A. The Board is empowered to issue Policy Advisory Reports and is aided in that process by the MNCO.

B. The MNCO, on its own initiative or at the request of others, may review and investigate any aspect of the Davidson County criminal justice system without need for anyone having filed a Complaint as to any incident, policy or practice. To assure the best use of resources, however, before undertaking such a matter, the MNCO shall prepare a Research Proposal and Project Plan ("Research Proposal"), which will include an overview of the proposal, primary research questions, a brief background of the topic, research methods, data required, a list of relevant stakeholders, an implementation timeline, an impact and risk assessment, and advice on whether expedited Board consideration of the intended draft Public Policy Advisory Report will be necessary. The Director upon review and approval of the Research Proposal, shall present it to the Board and request approval to proceed on either an expedited or regular schedule; with the Board's approval and as governed by a SOP, the MNCO may undertake the matter and prepare a draft Policy Advisory Report for the Board's consideration. Furthermore, if later the Director determines that the Board's consideration of an anticipated draft Policy Advisory Report should be expedited, the Director should advise and seek permission from the Executive Committee for such a review.

C. Before the Board votes to adopt a draft Policy Advisory Report, the proposed action must be noticed on the agenda and considered at no fewer than two Board meetings on different days. At the first meeting the MNCO will present and explain the

draft report, how it was developed and key issues for Board consideration. The Board may discuss, but not vote to adopt, the proposed report at that first meeting. Unless the draft is withdrawn by the Director at or before that Board meeting, it shall proceed and the Chair will appoint a one-person Board Committee to solicit public comment and conduct a public forum with the Director to receive community input on the draft; all Board members are encouraged to attend each forum.

D. Whether on an expedited track or a regular track, where a draft Policy Advisory Report is first noticed for a vote on its adoption, the consideration of that report shall be the primary agenda item for the Board's consideration. The review shall then proceed as follows:

(1) If the draft Policy Advisory Report is considered on an expedited track, the second Board meeting, where a vote may first be taken, shall be held on the same day as the public forum and immediately following the forum.

(2) If the draft Policy Advisory Report is considered on a regular track, the second Board meeting, where a vote may first be taken, shall be set on another day after the public forum has been held.

(3) After the Board's full consideration of a draft report at a second or subsequent meeting either on the regular or expedited track, then, if necessary, the draft may be noticed for further consideration at any subsequent Board meeting as one of several agenda items.

(4) When a draft report is presented for a vote, the Board will consider the report as a whole and each separate policy recommendation; the report and its policy recommendations may be considered by the Board as a whole, unless a Board member requests separate consideration of one or more policy recommendations. At any time, the Board may refer the draft report or any part thereof back to the MNCO for revision or for further consideration/development.

E. The MNCO SOP for the development of Policy Advisory Reports shall include, but is not limited to, the following criteria:

(1) Before it is first presented to the Board, the Director shall vet and endorse the draft Policy Advisory Report and each of its policy recommendations. Additionally, before a draft report is later presented to the Board for a vote, the Director and the Chair shall meet to vet and finalize the draft.

(2) Reports shall be presented in a uniform style appropriate for the subject matter and the particular type of policy recommendation(s) made.

(3) Each policy recommendation in a report should be evidence-based, grounded in solid reasoning and practical. The recommendation should take into account existing applicable policies and their rationales, as well as insights related to the proposal from NACOLE, the Commission on Accreditation for Law Enforcement Agencies, Inc., any related and recognized law enforcement "best practices," the fields of criminology, criminal justice, law enforcement theory, civil rights, and racial justice, as applicable.

(4) The development of draft report should include and document actively solicited input, both by written comment and by public forum, from those stakeholders most directly affected by the proposed policy, including various communities and criminal justice entities. Unless it has earlier occurred, the solicitation and receipt of stakeholder input should occur between the first Board meeting when a draft report has been

presented and the subsequent Board meeting when the Board will be asked to vote on the report. Furthermore, outside of the Board meetings, and before the Board's scheduled vote to approve a Policy Advisory Report, each Board member also may, and is strongly encouraged to, provide direct input to MNCO about the draft report and its policy proposals.

(5) To the extent practical, each policy recommendation in a report should include a clear cost benefit analysis that considers anticipated outcomes, the potential impact on stakeholder groups identified, clear and quantifiable performance goals, and how success is to be measured. And

(6) Legal analysis of the draft report in relation to applicable Tennessee and/or federal law.

F. The Board will provide its Policy Advisory Reports to all affected criminal justice agencies for their review and response. Copies also will be provided to the public, the Mayor and the Metro Council. Publication of such a report will authorize the Director and the Board to advocate on behalf of the recommendation and to work with the affected agencies and other parties toward implementation.

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SECTION 4. Board Meeting Publication

A. In compliance with Metro Code Section 2.68.020(A), the Board and any committee composed of two or more Board members will provide reasonable advance notification of its meeting dates, times, locations and agendas, as follows:

(1) Regardless of postings elsewhere on the web, meeting dates, times, locations and agendas of the Board are to be posted directly to the Calendar Events Page on Nashville.gov at: <https://www.nashville.gov/News-Media/Calendar-of-Events.aspx>.

(2) Agendas of the proceedings, in PDF format, which will include meeting dates, times, and locations, are to be provided to the Nashville.gov web team via email at: webteam@nashville.gov for posting to the Calendar Events page.

(3) All agendas of proceedings are to be searchable PDFs, either directly from a word processing program or by having an optical character recognition (OCR) run on a printed and scanned document.

(4) All agendas will be posted within a time period to give the public reasonable advance notice of the proceedings.

History: This rule adopted at Board Meeting on August 28, 2019, as a part of this set of rules, replacing rescinded rule on same subject, which had been adopted by Board at its first meeting on February 26, 2019.

SECTION 5. Board Minutes Publication

A. Pursuant to Metro Code Section 2.68.020(B), the Board and any committee composed of two or more Board members will provide minutes of its proceedings in a consistent format as soon as practicable after they are approved by the Board, as follows:

(1) Regardless of postings elsewhere on the web, meeting minutes of proceedings of the Board are to be posted directly to the Boards and Commissions page on Nashville.gov at: <http://www.nashville.gov/Government/Boards-and-Commissions.aspx>.

(2) Minutes of the proceedings, in PDF format, are to be provided to the Nashville.gov web team via email at: webteam@nashville.gov for posting to the COB page.

(3) All minutes of proceedings are to be searchable PDFs, either directly from a word processing program or by having an optical character recognition (OCR) run on a printed and scanned document.

(4) All minutes of proceedings will be posted following approval as soon as practicable.

History: This rule adopted at Board Meeting on August 28, 2019, as a part of this set of rules, replacing rescinded rule on same subject, which had been adopted by Board at its first meeting on February 26, 2019.

SECTION 6. Appeals Statement

A. The following will be read by the Board Chair at the beginning of each Board meeting and will be included in each Board agenda:

"Pursuant to the provisions of §2.68.030 of the Metropolitan Code of Laws, please take notice that decisions of The Metropolitan Government of Nashville and Davidson County Community Oversight Board may be appealed to the Chancery Court of Davidson County for review under a common law writ of certiorari. Any appeal must be filed within sixty days after entry of a final decision by the Board. Any person or other entity considering an appeal should consult with an attorney to ensure that time and procedural requirements are met."

B. The COB staff member responsible for assembling and distributing the Board meeting agenda shall include the policy language in each agenda.

History: This rule adopted at Board Meeting on August 28, 2019, as a part of this set of rules, replacing rescinded rule on same subject, which had been adopted by Board at its first meeting on February 26, 2019.

SECTION 7. Community Comments at Board Meeting

A. The Board will regularly provide a time for public comment at its meetings, although not necessarily at every meeting. Board meeting agendas will note time provided for public comment. At those meetings, any person or organization with a direct local interest in an issue the Board has authority to consider may speak, except as to matters noted in Part C below; those interested in speaking at the Board meeting will be asked to sign in on a speakers' sheet 30 minutes before the Board meeting begins so an orderly process for the speakers may be arranged. The public comment time will be limited so the Board may discuss its other scheduled matters. Each member of the public may speak for three (3) minutes, although in unusual situations that

time may be modified by the Board Chair depending on the number of people who wish to speak and the Board's agenda.

B. A member of the public who wants to speak at a Board meeting, who is not fluent in English, and is otherwise unable to provide an interpreter, may request the COB to provide the assistance of an interpreter. Requests for the assistance of an interpreter will need to be made at least three (3) business days before a Board meeting. While the COB cannot guarantee that an interpreter will be available, it will make a reasonable effort to meet timely requests at no cost to the requesting member of the public.

C. Public comment by an Aggrieved Person, the Complainant or an MNPD officer/employee about a Proposed Resolution Report, which has been submitted to the Board for review, is addressed separately in Section 2, Part D, above. If someone wants to speak about an alleged incident of Misconduct at a Board meeting, the Chair will ask the person whether they have filed a Complaint with the COB. If the answer is no, the person will be asked to make a Complaint so it may be investigated, rather than discussing it at the meeting. If the answer is yes they have, then the Chair should tell them that once the investigation is completed, a report will be sent to the Board for its consideration, rather than it then be discussed. If a Resolution Report has been submitted to the Board for consideration, the Chair should explain to the speaker how to request to speak about the report when it comes to the Board.

D. Periodically, and at least twice a year, the Board will hold public forums in the community. Those forums may be about a specific issue or issues, or it may be a general meeting to listen and discuss any matter of local concern about law enforcement and conduct, other than those matters addressed in Part C above. Those interested in speaking at the forum will be asked to sign in on a speakers' sheet 30 minutes before the meeting begins so an orderly process for the speakers may be arranged. The Board may limit the number of speakers and the time each may speak at a forum depending on number of people who wish to speak.

E. Board Committees will regularly provide a time for public comment at their meetings, although not necessarily at every meeting. Public comment typically will be invited toward the end of the meeting, when time allows.

SECTION 8. Community Education and Involvement

A. The COB will prepare and distribute to the public an informational document about the COB and the Board, specifically outlining the Complaint process. This document will describe the methods for making a Complaint and a brief description of the investigative process. The document will be distributed to the public online and made available in the police stations, Davidson County Jail and detention facilities, the Davidson County Courthouses and in other Metropolitan Government departmental and private sector offices. The information will also be available to the news media.

B. While only the Board Chair and the Executive Director can officially speak for the Board, members of the Board and the staff generally will be available to attend various

community and professional group meetings for the purpose of sharing information about the Board and the COB, their roles and responsibilities.

SECTION 9. Training

Board members and COB employees will receive, and are required to undertake, the following training:

A. Initial training for both Board members and COB staff shall include:

(1) Metropolitan Nashville's Citizen Police Academy or an equivalent training, including a ride along; and

(2) civil rights and equity training from entities concerned with police oversight.

B. Additional recommended training for Board members and COB staff include, but are not limited to:

(1) Tennessee Bureau of Investigation shooting simulator training; and

(2) Ongoing civil rights, cultural sensitivity, unconscious bias, equity, procedural justice, search and seizure, use of force and training from entities concerned with police oversight.

C. Whenever a Board member attends, as a representative of the Board, a training program, including any seminar where training or education is a component, the Board member will prepare a written report to the Board summarizing key information learned and provide a copy of the materials provided.

D. As approved and directed by the Director, the COB staff will undergo additional training pertinent to their areas of responsibility. Training courses and those providing training to the Board members and COB staff shall be listed on the COB website.

SECTION 10. Annual Reports

The COB's annual report will include, at a minimum, the following:

A. A statistical report on the COB's resolutions of allegations of MNPD misconduct. This report should provide the following information both in summary, and detailed by the race, gender, and ethnicity of Complainant:

(1) The number of Misconduct Complaints received;

(2) The number of Misconduct investigations initiated;

(3) The number of Misconduct investigations resolved;

(4) The average number of days required to resolve Misconduct Complaints, from receipt of the Complaint to final resolution;

(5) The number and percentage of Complaints resulting in a finding of "Sustained," "Not Sustained," and "Policy Exoneration," and as to the matters resolved by "Policy Exoneration" whether changes to the policies have been recommended, and why or why not;

(6) The number and percentage of Complaints alleging the following Misconduct categories resulting in a finding of "Sustained," "Not Sustained," and "Policy Exoneration":

- a. Excessive Force;
- b. Violation of Civil Rights;
- c. False Arrest;
- d. False Statements;
- e. Discrimination on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability; and
- f. Harassment.

(7) The number and percentage of "Policy Exoneration" determinations resulting in a review of the relevant MNPDP policy(ies);

(8) The number and percentage of Complaints resulting in a finding of criminal Misconduct by an MNPDP officer;

(9) The number of MNPDP Misconduct cases referred to the District Attorney's Office, Grand Jury or U.S. Attorney's Office;

(10) The number and percentage of Complaints resulting in the imposition of non-disciplinary remedial measures implemented directly by the COB;

(11) The number and percentage of Complaints resulting in a recommendation of discipline;

(12) The number and percentage of Complaints resulting in a recommendation of the following categories of discipline:

- a. Reprimand;
- b. Suspension; or

c. Termination.

(13) The number and percentage of MNPB officers or employees who resigned, retired, were suspended or who were terminated while an Intake Investigation was ongoing.

(14) The number of matters resolved by Mediation/Conciliation/Restorative Justice programs.

B. A report on community engagement and input received during the year, including:

(1) The initiatives taken by the COB to actively engage with the community;

(2) The criminal justice concerns raised by the community, and the identity of those organizations and/or individuals endorsing the concerns who wish to be identified; and

(3) The actions taken in response to concerns raised by the community.

C. A listing of all Policy Advisory Reports issued by the COB during the year, and the following information regarding each advisory report:

(1) A summary of the relevant criminal justice institution(s)' receptiveness and response to the Policy Advisory Report;

(2) A summary of any specific feedback provided by the institution which was the subject of the Policy Advisory Report;

(3) A summary of the steps taken to work with the relevant institution toward implementation of the Policy Advisory Report;

(4) A summary of any policy or other changes implemented by the relevant institution in response to the Policy Advisory Report;

(5) A determination regarding whether each existing policy advisory initiative merits continuation into the following year.

D. A report on the COB's efforts to develop and maintain positive relationships with Davidson County's criminal justice agencies, and any reciprocal efforts by those agencies.

SECTION 11. Executive Director's Monthly Report to the Board

Commencing October 2019, the Director shall provide a written monthly report to the Board at least five (5) days before its monthly meeting, which shall include at least the following information:

A. The same categories of information required in Rule Section 10 A. and B, above, for the annual report, but for:

- (1) The preceding month; and
- (2) Cumulative year-to-date.

B. A discussion of any impediment, obstruction or interference the staff has experienced in the performance of its work from any person or source and how those instances have been addressed.

C. A brief summary and discussion of each stayed investigation, current duration of the stay and anticipated future actions in the case.

D. A brief summary of the status of any policy advisory review/investigation undertaken.

E. Personnel developments and changes.

F. Summary and status of internal projects.

G. Recent developments and concerns.

SECTION 12. Budget and Finance

A. Annually, in coordination with the Metro Finance Department Office of Management and Budget ("OMB"), the Director shall prepare a proposed annual budget for the COB, which he shall present to the Board for consideration and approval before it is presented to the OMB for consideration as a part of the Mayor's budget proposal to the Metro Council.

B. It shall be the responsibility of the Director, working with information provided by, and/or available from, the OMB to oversee and manage the annual budget of the COB as approved by the Board (the "Budget").

C. The Budget may not be exceeded. Specific line items of the Budget may not be exceeded by more than 5% without permission of the Board. On at least a quarterly basis, commencing in the FY2020, the Director shall report to the Board on the Budget, comparing the actual and the approved budget amounts by line item. Whenever it appears, by projection or otherwise, in any quarter that a line item for the year potentially will exceed the Budget for that line item by 5% or more, the Director shall bring that matter to the attention of the Board at the earliest possible time for discussion and action, including potential amendment to Budget line items.

SECTION 13. Amendment

The Director shall review these Rules annually and advise the Board of necessary changes based on operational experience. These Rules may be amended or repealed and new rules adopted at any time by an affirmative vote of a majority of the Board members. This vote shall be conducted at any regular Board meeting or at any special meeting called for that

purpose, provided that written notice of the specific proposed amendment or revision is given to all Board members at least five working days prior to the meeting.

History: Rules adopted August 28, 2019. Amended February 26, 2020 substituting new Section 3 for original.

The above rules have been voted on and approved by the Metropolitan Community Oversight Board.