



MEMORANDUM

TO: Ashlee Davis, Chair; Community Oversight Board

FROM: William C. Weeden, Executive Director, Metro Nashville Community Oversight

DATE: September 18, 2019

RE: Executive Director Update

EXECUTIVE DIRECTOR UPDATES

SEPTEMBER 18, 2019, SPECIAL BOARD MEETING

In response to the request of the Board to arrange a meeting between Mayor Briley, Chief Anderson, DEC Director Milliken and Director Weeden, invitations to meet were extended to each party on September 13, 2019. Director Weeden was informed that Mayor Briley was out of town until September 15, 2019. Email invitations were sent to Chief Anderson and DEC Director Milliken. DEC Director Milliken accepted the invitation to attend on September 13, 2019.

Also, on September 13, 2019, attempts were made to contact the staff of Mayor-Elect Cooper. On September 14, 2019, Mayor-Elect Cooper's Transition team advised that the Mayor-Elect was out-of-town until September 16, 2019, and would not be able to attend the Special Board Meeting.

District Attorney Glenn Funk was extended an invitation to attend the Special Board Meeting on September 17, 2019. General Funk accepted the invitation and agreed to attend the meeting.

After receiving no response to the initial invitation sent to Chief Anderson, a second invitation was emailed on September 17, 2019. Chief Anderson responded by delivering a written narrative.

COMSTAT

MNCO Research Analyst Orozco and Vielehr attended the MNPd COMSTAT meeting on September 13, 2019.

DISTRICT ATTORNEY MEETING

On September 13, the MNCO executive staff attended a meeting with the District Attorney's executive staff to discuss ways in which both organizations could collaborate. Legal Advisor Todd Pinckley will provide a further update.

CALL-OUT NOTIFICATION

On September 16, 2019, MNCO was added to the new DEC RAVE notification system and can manage its account. Director Weeden, Assistant Director Fitchard, and Legal Advisor Todd Pinckley are to be notified in critical incidents.

On Thursday, September 19, 2019, Director Weeden, Assistant Director Fitchard, and Legal Advisor Todd Pinckley will meet with DEC Director Milliken, Assistant Director Peterson, and Legal Advisor Gross to complete the final draft of the DEC-MNCO MOU.

MNCO CALL-OUT REQUEST TIMELINE

May 1, 2019

After reviewing the MNPd Manual and specifically section 1.50.010, that states "Only the Chief of Police, or his/her designee, has the authority to issue, modify, or approve revisions to the Manual", I initiated a meeting between the COB and MNPd. This was an attempt to begin a meaningful dialog, promote cooperation, and establish a positive collaborative working relationship with MNPd. May 1,

2019, this meeting was held in the Mayor's Press Room at the Historic Courthouse. Attending this meeting from the MNPD was Chief Anderson, Deputy Chief Hagar, and Director Morante. Director Weeden and Board Member Ross attend on behalf of the COB. At his meeting, I suggested to the Chief and his staff, that the COB should be added as an organization to be notified in the event of a critical incident, as described in MNPD Manual 15.10.010 and 15.10.050. The Chief's response to each request at this meeting, including the request to be added to the call-out process, was to "put request the request in writing and I'll consider them". This statement by Chief Anderson that he would only consider written suggestions became the basis for the need to develop a full written MOU with MNPD. The COB continues to work on the final version of this MOU. This meeting was the first opportunity that Chief Anderson had to implement any additions, changes, or modification to the MNPD Manual, including the call-out procedures, which he has the authority to do.

August 9, 2019

On this date Director, Weeden received documents entitled, "Metropolitan Nashville Police Department Declaration of Cooperative Interaction with the Nashville Community Oversight Board". This new policy was added to the MNPD Manual as section 4.10.400.

Also, on this date, I emailed an invitation to Chief Anderson to participate in the upcoming Community input Panel for the proposed MOU with the MNPD. Included with this invitation was a final draft of the MOU, which suggested, among other things, adding the COB to the Call-Out notification process. Chief Anderson replied to this invitation by stating, "I remain convinced that this is a procedure that should be conducted independently. I do not think it advisable that the MNPD has even the appearance of attempting to form or shape the rules and procedures to be adopted by the COB" (see email) Chief Anderson suggested a meeting if we wish to discuss issues further. On August 10, 2019, I responded by email to the Chief requesting a meeting that was eventually scheduled for August 13th, 2019.

August 13, 2019

On this date, Director Weeden, AD Fitchard and LA Todd Pinckley meet with Chief Anderson, OPA Chief Morante, and DC Hagar to discuss MNCO concerns with the new directive. Included amongst these concerns was the method in which MNCO would be notified in the event of a critical incident. The Chief's response

to each of our request was again to put those concerns in writing, and he would consider them. This was, again, another opportunity for Chief Anderson to use his exclusive authority to issue, modify, or approve revisions or changes to the MNPD Manual. This was again another missed opportunity to add the MNCO to the call-out process.

After the Tuesday, August 13, 2019, meeting Legal Counsel Pinckney via email contacted MNPD and DEC Attorney Cynthia Gross for clarification/guidance on the notification issue as suggested by Chief Anderson. Mr. Pinckley asked Ms. Gross if MOU was necessary or if a simpler method would accomplish. On August. 16, 2019, Ms. Gross emailed reply, and she suggested the MOU with DEC.

August 15, 2019

On this date, Director Weeden emailed to Chief Anderson his written suggestions for modifying the new directive and his suggestions for modifying other existing sections of MNPD manual. Among those suggestions was, again, adding the MNCO to list of agencies to be notified in the event of critical incidents, or called out. (see MNCO Proposals for Amendments to MNPD Manual).

August 20, 2019

On this date, following MNPD and DEC Attorney Gross's directions, Legal Advisor Pinckley submitted an initial draft of the DEC MOU agreement.

August 27, 2019

After receiving Director Weeden's suggestions for modifying the MNPD Manual, a meeting was held with Chief Anderson on this date. Director Weeden, AD Fitchard and LA Todd Pinckley meet with Chief Anderson, OPA Chief Morante, and DC Hagar. Chief Anderson denied every MNCO request for modifications or changes to the new MNPD section 4.10.400 and changes to other existing sections of the MNPD Manual, including to our request to add MNCO to the call-out list. Chief Anderson did, however, agree to add MNCO to the list of members on the Force Review Board in reference as suggested by MNCO. This change of adding

the MNCO to the Force Review Board was within his exclusive authority to issue, modify, or approve revisions or changes to the MNPB Manual, and another missed opportunity to make changes to the call-out procedures.

September 10, 2019

In response to the officer-involved shooting that occurred on September 7th, 2019, Deputy Chief Hagar emailed DEC Director Milliken regarding notification procedures for MNCO, indicating that he hopes to “help resolve the issue of call-out notification to the COB and speed up that process by facilitating a dialogue between DEC and COB (see email). This, in essence, is was a request from MNPB to add the MNCO to the call-out notification process – a request that we first made on May 1, 2019, and then again on August 13th and 27th of 2019.

In response to the email from Deputy Chief Hagar, DEC Director Milliken agreed to add MNCO to notification list as directed by MNPB. In her email response to Deputy Chief Hagar, Director Milliken stated that DEC only takes direction to “notify on incidents that have occurred with MNPB and NFD and work under guidelines provided by those Departments for release of information and notification. (see email – DEC Director Milliken). The MNCO is NOT one of those Departments, only MNPB. This is further evidence in Chief Anderson letter of September 17, 2019, that “MNPB relies on DEC for these notifications and regularly furnishes DEC with a listing of MNPB call-out personnel. The MNPB relies on DEC for this service. (Anderson page 1). DEC Director Milliken also indicated in this email that she had been in previous communication with both Ms. Gross and Mr. Pinckley about the issue. (see email).

September 16, 2019

DEC Assistant Director adds MNCO to new RAVE DEC notification system as an independent Metro agency account,