



Metropolitan Government of Nashville & Davidson County
COMMUNITY OVERSIGHT BOARD
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December 9, 2021

Dear Chief Drake:

Thank you for your response to Proposed Resolution Reports D2020-005 and CC2020-018. After reviewing your response, the Board respectfully requests you reconsider your conclusion that the Board's recommendations cannot be legally imposed.

In your response you state—based upon the advice of Metro Legal—the Civil Service Rules do not establish a provision to increase sanctions after the disciplinary process has been completed, and that therefore, the Board's recommendations cannot be legally imposed. This conclusion neglects to consider the additional policy violations the Board discovered in each case. Metro Legal, in the same correspondence which produced the opinion above, states:

"If a new and separate policy violation is discovered by the COB, or by MNPDP upon further investigation of the matter, then an additional/new disciplinary process could begin against the employee based on that separate policy violation that was discovered."

Given Metro Legal's advice, it is appropriate for MNPDP to examine each of the Board's recommendations and their respective sanctions, and not just the ones that have already gone through the Civil Service process. Specifically, we ask you to reconsider the following separate and additional policy violations found in each case.

In CC2020-018, the Board found two additional violations of MNPDP 4.20.050 (D) (1) Demonstrated Negligence in the performance of duties & MNPDP 4.20.050 (D) (4) Failure to supervise and/or carry out the duties and responsibilities of a supervisor against the Commander and recommended sanctions of a Category B offense and a 10-day suspension.

In D2020-005, the Board found three additional violations of MNPDP 4.20.040 (G) Courtesy, MNPDP 4.20.040 (I) Responsibility, and MNPDP 4.20.040 (J) Profanity and recommended sanctions of a 4-day suspension.

Lastly, to avoid this issue in future responses to Proposed Resolution Reports, the Board requests the MNPDP stay its disciplinary proceedings until or simultaneous with the COB's Resolution Report, and vice versa. If the MNPDP continues to issue disciplinary sanctions ahead of the COB's findings, it will interfere directly with the Board's ability to recommend discipline as described in the Metro Charter.

Sincerely,

A handwritten signature in blue ink that reads "Andrés Martínez".

Andrés Martínez
Chair