

Metropolitan Charter Amendments To Be Placed on November 6, 2018 Ballot

Amendment 1

Summary

This amendment would establish The Metropolitan Government of Nashville and Davidson County Community Oversight Board (“Board”) consisting of 11 members, to be operational no later than January 31, 2019. The Board would have the independent power to investigate allegations of misconduct against Metropolitan Nashville Police Department (“MNP”) officers. The Board would have the power to issue reports assessing allegations of misconduct by MNP officers and make policy recommendations to public safety and justice administration agencies. The Board can recommend that discipline be given within the parameters of civil service rules when it finds a basis to believe that an officer has committed misconduct. The Board has the option of forwarding findings of criminal misconduct and civil rights violations to the District Attorney, the Grand Jury, or the United States Attorney. The Board must submit to the mayor an annual budget request of no less than \$1,500,000.00, and the Metropolitan Council must determine if this amount is sufficient for the operation of the Board and staff. No later than March 29, 2019, and through a special appropriation, the Board must be fully operational and staffed by sufficient personnel in order to carry out its duties.

Full Language

Article 11 of The Metropolitan Government of Nashville and Davidson County shall be amended by adding Chapter 13 to the following new paragraph at the end thereof:

“Sec. 11.1301 – Created; qualifications, term and selection of members

There is hereby created The Metropolitan Government of Nashville and Davidson County Community Oversight Board, sometimes in this chapter called “the Board,” to be operational no later than January 31, 2019. The Board shall consist of eleven (11) Members, who are residents of Davidson County and shall serve three (3) year terms without compensation. The Board members must have a demonstrated knowledge of issues pertaining to civil rights and equity, and must have experience with criminal justice and policing practices. Board members are to receive related orientation and training, including the completion of Metropolitan Nashville’s Citizen Police Academy or an equivalent training, and ongoing civil rights and equity training from entities concerned with police oversight. Ineligible persons for the Board and the supporting staff include current employees of any law enforcement agency; anyone who has served in a law enforcement capacity in the past five years; any elected official; and the spouses of the foregoing persons. Seven (7) of the Board members shall be persons who are nominated by community organizations or private petition signed by fifty (50) Davidson County residents and approved by majority vote of the Council. At least four (4) of the seven (7) members must reside in economically distressed communities. Two (2) of the members shall be persons who are nominated by Council Representatives, and then approved by majority vote of the Council. Two (2) of the members shall be persons who are nominated by the Mayor, and then approved by majority vote of the Council. Except for the initial appointees who shall serve at least a one-year (1) term, the successive Board members shall serve staggered three-year terms. The initial Board members shall develop rules for determining staggered terms for the succeeding appointees to the Board.

Section 11.1302 – Powers and duties

The Board shall have the following powers and duties, and shall by majority approval adopt procedures for their implementation:

1. The Board shall have the power to investigate allegations that MNPD officers have committed misconduct against members of the public, as well as issue policy advisory and resolution reports assessing allegations of misconduct by MNPD, recommendations to agencies involved in public safety and the administration of justice, and have the option of establishing a monitoring program that provides an ongoing review or audit of the complaint process administered by the MNPD Office of Professional Accountability (“OPA”) or equivalent internal affairs program in MNPD.
2. Where the Board finds a basis to believe that an officer has committed misconduct in violation of MNPD policy, the Board may refer such matter to the MNPD OPA and recommend that discipline be given within the parameters of civil service rules and regulations of article 12 of this Charter. MNPD shall be required to respond to the Board’s disciplinary recommendations in writing.
3. The Board has the option of forwarding resolution reports that produce factual findings of criminal misconduct and civil rights violations to the District Attorney, the Grand Jury, or the United States Attorney.
4. The Board shall have all powers, including the power to compel, afforded to other metropolitan government agencies, Boards, and entities identified in Section 18.10 of the metropolitan government Charter.
5. The Board shall submit to the mayor, through the director of finance, an annual budget request of no less than \$1,500,000.00 beginning and after the fiscal year 2019-2020, and it shall be the duty of the council to determine if this amount is sufficient for the operation of the Board and staff.

Sec. 11.1303 – Support Staff and Personnel

No later than March 29, 2019 and through a special appropriation lasting through the end of the fiscal year, the Board shall be fully operational and staffed by sufficient members of personnel in order to promptly, competently, and thoroughly carry out its duties. The salaries and benefits of the following support staff and personnel shall be as fixed in the pay plan adopted pursuant to article 12 of this Charter: Executive Director, Assistant Executive Director, a minimum of three investigators to investigate alleged misconduct and factual matters relevant to the development of policy advisory and resolution reports, a minimum of two research analysts, a minimum of one community engagement liaison to receive and solicit input from community members, and a legal resource advisor.”