



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

FREDDIE O'CONNELL
MAYOR

WALLACE W. DIETZ
DIRECTOR OF LAW

DEPARTMENT OF LAW
METROPOLITAN COURTHOUSE, SUITE 108
P.O. BOX 196300
NASHVILLE, TENNESSEE 37219-6300
(615) 862-6341 • (615) 862-6352 FAX

January 11, 2024

VIA ELECTRONIC MAIL

Daniel Horwitz (daniel@horwitz.law)
Lindsay Smith (lindsay@horwitz.law)
Melissa Dix (melissa@horwitz.law)
Horwitz Law, PLLC
4016 Westlawn Drive
Nashville, Tennessee 37209

Re: MNPD Domestic Violence Policy

Dear Counsel:

MNPD takes very seriously the needs of domestic violence victims in our community. As such, MNPD has been in consultation with our office for several months concerning whether there were improvements that could be made to MNPD's domestic violence policy. Earlier this week, MNPD finalized two changes and is now ready to disseminate them department-wide. The changes are as follows:

First, MNPD Policy 15.50.060 (Victim Assistance) already requires officers to provide domestic violence victims with information concerning shelter and counseling. MNPD's existing body-worn camera policy also requires officers' body-worn cameras to be in operation during their interactions with domestic violence victims. Nevertheless, MNPD has updated Policy 15.50.060 to clarify explicitly that, where possible, body-worn cameras be in operation when officers provide information concerning shelter and counseling to domestic violence victims. The "where possible" language is included only to address the unusual situation where an officer may not have a camera or where the officer's camera malfunctions. The intent and expectation of the policy is to have these interactions recorded so that MNPD can ensure officer compliance with the policy and that victims are receiving the information they need.

Second, MNPD Policy 15.50.090 (Orders of Protection) has been updated to require officers to send out a rapid BOLO ("be on the lookout") for suspected order of protection violators where the BOLO could assist with quickly locating and apprehending the respondent. Of note, when a BOLO goes out, it excludes all unrelated communications for approximately 15–30

seconds. Thus, its urgency must outweigh the downsides to that lost communication. To that end, the policy requires some level of subjectivity, lest it be rendered meaningless. For example, the BOLO requirement will not apply where circumstances suggest that the respondent cannot be quickly located and apprehended (e.g., the suspect called from out-of-state or mailed a letter from jail). As with any BOLO, the requirement must balance the need to address violations of orders of protection with urgency and seriousness against the reality that flooding the airways with unnecessary BOLOs will diminish their significance and prevent communications that are urgent and more likely to advance public safety. This policy change appropriately strikes this balance, and MNPd adopted the change in hopes of it further advancing public safety for domestic violence victims.

These policy changes will be disseminated by amending the MNPd Manual and by requiring all officers to participate in a Roll Call Training (RCT). As part of their RCT, officers will receive information highlighting the changes to MNPd policy, but the RCT will also reiterate the importance of existing portions of MNPd's domestic-violence-related policies, including the requirement to advise the victim about no-cost shelter and counseling services, and the requirement to conduct lethality assessments. This RCT will also include a video published by the Metro Office of Family Safety highlighting the importance of lethality assessments.

Sincerely,

A handwritten signature in blue ink, appearing to read "John K. Whitaker", with a long horizontal flourish extending to the right.

John K. Whitaker

Senior Counsel

Direct Line: (615) 862-6341

Email: john.whitaker@nashville.gov

cc: Wallace W. Dietz
Allison L. Bussell
Sam Keen