The MNPD is very concerned about the accuracy, integrity, and methodology of this report. This document is clearly deficient as it relates to data and laws/policies which govern officers on use of force. Comprehensive Use of Force data shows that very few people who interact with the MNPD have force used against them, the Nashville public at large is not an at-risk population to receive an application of force by the MNPD, and this report uses a flawed sample.

Any suggestion that the men and women of the MNPD engage in disparate policing, without an accurate analysis of all the data, only provides a divisive and inflammatory narrative while ignoring the real disparities of crime divides in our communities.

The MNPD remains committed to Chief Drake’s three core pillars: organizational excellence, community engagement, and precision policing. In his time as Chief, traffic stops are down and a shift towards focusing on persistent offenders and problem locations has led to dramatic impacts on violent crime. Community engagement has grown with implementation of the Office of Community Outreach and Partnerships, which bridges diverse groups across Nashville towards the common goal of improved police community relations and crime reduction, the Police Activities League, which brings together police and youth from at-risk communities, and other programs to foster stronger ties and sense of responsibility to the diverse communities the MNPD serves.

**Review of the Use of Force Report by MNPD Analysts:**

**Overall**

This document is laden with inadequacies and inaccurate statements about the data and/or about laws and policies governing law enforcement officers on force applications. **This leaves the reader with a false narrative or misunderstanding of MNPD policies, practices, forms, and data collection.**

There was no real attempt to provide a legitimate comparison by normalizing the data with the relevant target population of persons at risk of receiving a force application. The Nashville public at large is not an at-risk population to receive an application of force. **This leaves the reader with a false narrative or misperception.**

MNPD’s patrol allocation analysis which is 100% based on citizen demand. This document states it is unclear whether the MNPD practices predictive policing, using an algorithm to allocate officers throughout the county. **During the meeting, we unequivocally denied the use of predictive policing software to allocate police resources.**

The document uses alternating methods of presentation between percents and counts according to the method providing the greatest dramatic effect. **This leaves the reader with a false narrative or misperception.**

Assumptions are made that subject resistance (physical resistance against an officer) is not made in Use of Force interactions, when this could have been determined in a brief conversation with MNPD staff, or by checking hardcopy examples of a completed Use of Force reports. **This leaves the reader with a false narrative or misperception.**
The report finds that, “in some cases, (subject) race reported as ‘Missing,’” and “this lack of subject demographic information is concerning,” when under 4% of records show missing or unknown race information. **This leaves the reader with a false narrative or misperception.**

Bar charts are presented using raw counts (e.g. firearm displays) but not rates (e.g. % of UOF event with a firearm display) for dramatic effect. **This leaves the reader with a false narrative or misperception.**

There is no discussion about the exceedingly small number of MNPD interactions with the public that actually result in a UOF event. **This leaves the reader with a false narrative or misperception about the true number of use of force events.**

The document cites findings from agencies under DOJ consent decrees and references whitepaper research articles that are not peer reviewed. These references do nothing to explain MNPD data and instead serve to unnecessarily inflame the reader regarding policies or practices that are not related to the MNPD. **This leaves the reader with a false narrative or misperception that this narrative is applicable to MNPD and its officers or policies.**

As we discussed in the meeting, MNCO bases their findings using a roster of employees that was current for the date when the report was created. However, the Use of Force data MNCO relies on goes back to 2018. It is important to note that sworn employees do not necessarily stay in the same role from one year to the next. Officers assigned to patrol are regularly provided an opportunity to change the precinct and shift to which they are assigned. Since 2019, this process has taken place at the end of each year. An officer’s assignment in 2018 is not necessarily the same as their current assignment. **Historical officer assignment information is available for analysis, but MNPD analysts were not asked to provide it beforehand.**

MNCO mentions that “Another limitation of our data must be noted at this point: officer hire date is missing for approximately 2/3 officers, meaning we cannot adjust for how long an officer has been in service. It makes logical sense that an officer with 10 years of experience would have used force more frequently than an officer with six months experience. We have reached out to MNPD staff to try and gather a more comprehensive roster for officers and will update this report if additional information is made available.” Date of employment is available for all MNPD officers, so it’s unclear why this information is not available in the database MNCO sources for their report. **This information is available, but MNPD analysts were not contacted about it beforehand.**

MNCO states “there was some minor data loss due to the nature of MNPD’s data export process” regarding the map data that was provided. **MNPD analysts were not notified of this data loss beforehand.**

“In some cases, (subject) race is reported as ‘Missing.’ While we hope that this data was simply not available to the officer at the time of the report, this lack of subject demographic information is concerning.’ The MNPD use of force table shows that in UOF incidents occurring in 2013 or later, 35% of subjects are White, 60% of subjects are Black, and 1% fall into the category of Some Other Race. **Only 4% are unclassified or categorized as Unknown Race.**
“MNCO has not independently verified each line of data, which does present a weakness of this report; however, MNCO believes it to be the prerogative of MNPD to verify the accuracy of their data prior to sending it to MNCO.” At no time during the report writing process did MNCO reach out to MNPD analysts to provide insight on how to interpret Use of Force records, officer assignment information, or mapping data, so MNCO cannot absolve themselves from inaccuracies in their reporting when misrepresentations do occur.

Methodology Issues

(p 10) “It is important to note that the 22.2% figure is inflated by data from 2018-21, years in which soft empty hand control was only reported if there was subject injury. This implies that there were many more instances in which soft empty hand control was used but not tracked as the interactions did not result in injury.” These comparisons cannot be considered accurate. In 2021 and before, Soft Empty Hand Control events were only reported as UOF events when injury occurred. In 2022, all instances of Soft Empty Hand Control are reported as UOF events. When a new category of force application is added to a data collection instrument, data from the current period can no longer be compared to data collected during the prior period.

(p 25-26) “MNCO staff ran regression analyses…and determines that male officers use significantly more force relative to non-male officers; white officers use significantly more force than do non-white officers; and white officers are significantly more likely to injure subjects than are non-white officers.” However, this analysis only sources data in which officers used force and does not consider officers who have never reported an instance of force. If officers who’ve never applied force are not included in the input data, the results of this analysis are questionable and possibly incorrect.

(p 31) “The vast majority (over 70%) of subjects in the use of force database provided to MNCO either are explicitly coded as having no resistance, or do not have any resistance level indicated across any of the resistance columns. Two potential explanations for this issue are that either MNPD officers are frequently using force when they are not encountering any resistance, or they are not coding resistance levels appropriately.” Subject Non-Compliance data is not currently populating into MNPD data tables, so the finding that officers use force without considering resistance is likely incorrect. Hard copies of completed Form 108NCs (subject non-compliance) are available for Public Release. We suggest that MNCO look at a sample of these hardcopy reports, before making a such a determination.

Exaggerated Findings

(p 15-19) In this section of the report, MNCO presents several bar charts demonstrating the assertion that Black subjects receive force disparately than other demographic groups. The graphs use raw counts for dramatic effect. The information would be more useful if it is
normalized. For example, instead of “Total Firearm Displays,” show a chart of “% Total UOF Events That Include a Firearm Display.”

**UOF Events: Percent Including a Firearm Display, by Race / Ethnicity**

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>59.1%</td>
<td>60.3%</td>
<td>62.0%</td>
<td>35.8%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>64.2%</td>
<td>58.3%</td>
<td>58.3%</td>
<td>35.8%</td>
</tr>
<tr>
<td>Missing</td>
<td>0.0%</td>
<td>7.1%</td>
<td>85.7%</td>
<td>54.5%</td>
</tr>
<tr>
<td>Other</td>
<td>75.0%</td>
<td>66.7%</td>
<td>53.3%</td>
<td>47.8%</td>
</tr>
<tr>
<td>White</td>
<td>45.1%</td>
<td>51.3%</td>
<td>48.7%</td>
<td>22.5%</td>
</tr>
</tbody>
</table>

Regarding the chart of Use of K9s by Race, “..we see an overrepresentation of Black subjects as recipients force by canines.” **Upon converting raw counts to rates, this is not true.** 0.4% of 2022 UOF with a Black Subject involved a canine; 0.5% of 2022 UOF with a White Subject involved a canine.

**UOF Events: Percent Including Canine Usage, by Race / Ethnicity**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>2.7%</td>
<td>1.5%</td>
<td>1.3%</td>
<td>1.7%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>6.5%</td>
<td>1.2%</td>
<td>1.2%</td>
<td>1.4%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Other</td>
<td>0.0%</td>
<td>0.0%</td>
<td>16.7%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>White</td>
<td>2.3%</td>
<td>0.5%</td>
<td>2.0%</td>
<td>1.2%</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

(p 29) At the end of the report, MNCO creates maps of UOF events and visually compares them to “% Black” and “% Poverty” maps sourcing Census data. “By integrating these maps, it becomes clear that force usage concentrates in non-white and high-poverty areas of Nashville. These disparities result from policy choices about where to deploy officers, such as predictive/algorithmic policing…This style of policing (“precision policing”, in Chief Drake’s terms) is a major pillar of Nashville policing. Any algorithm is going to be dependent on existing data, and any criminal justice algorithm is accordingly going to be based on existing criminal justice data. **MNPD does not implement predictive policing for locating officers throughout Davidson County.** Officer assignments are made by prioritizing areas where officers spend time during the previous year responding to calls for service initiated by citizens, businesses, and visitors of Nashville-Davidson County. Precincts and Zones are balanced by time spent by patrol officers responding to dispatched calls for service. Other elements of consideration for boundary redesign include geographical features (e.g. Cumberland River, highways, major roads, existing police stations). The Mayor’s Office and Metro Council may have additional recommendations for boundary changes.

Patrol reallocation occurs at the end of each year to balance officer workload. A patrol reallocation will also occur whenever a new precinct is added. At the precinct level, Precinct Commanders decide on how best to deploy their allotted officers. **The information highlighted**
above was provided as feedback to MNCO Analyst Gavin Crowell- Williamson by MNPD Chief Gilder on July 7--two weeks ago before publication, but MNCO did not include this in the report. Instead, MNCO incorrectly asserts that MNPD places officers using an algorithm.