



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2022-1116, **Version:** 1

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to ensure data access parity for the Community Oversight Board.

WHEREAS, the current LPR law provides a lower level of access to data to the Community Oversight Board (COB) than is allowed for the district attorney or the public defender; and

WHEREAS, it is important to the public welfare of the city of Nashville for the COB to have the same access as the district attorney and the public defender.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The first two sentences of Part G(3)(f) of Section 13.08.080 are hereby deleted and replaced with the following:

To the extent consistent with state or federal law, to ensure compliance with the provisions of this section or to investigate complaints of misuse of an LPR or LPRs, the district attorney general, or a designee, or the public defender, or a designee, or the Executive Director of the Community Oversight Board, or a designee, may examine and audit any LPR, any file used to store LPR data, and any records pertaining to the use of LPRs. If the district attorney general, the public defender, or the Executive Director of the Community Oversight Board believes that an LPR or LPRs have been used in violation of this section, any of them may send a letter to the Metro Council requesting suspension of the use of an LPR or LPRs for the purposes of investigation, to prevent ongoing violations, or to deter future violations.

Section 2. Part G(5)(e) of Section 13.08.080 is hereby deleted and replaced with the following:

(e) To the extent consistent with state or federal law, access to review the Metropolitan Nashville Police Department audit trail including any audit work papers shall be provided to the District Attorney, Public Defender, and the Executive Director of the Community Oversight Board, or their respective designees.

Section 3. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This proposed ordinance amends the newly enacted Metropolitan Code of Laws sections 13.08.080G(3)(f) and 13.08.080G(5)(e) to include the Executive Director of the Community Oversight Board. The recently enacted BL2021-961 created section 13.08.080G(3)(f) of the Metropolitan Code providing that the District Attorney and the Public Defender may investigate complaints of misuse of LPR, examine and audit LPRs and LPR data files or record, and if either believes that LPRs have been used in violation of the code section, they may request that Council suspend the use of LPR. The proposed ordinance will add the Executive Director of the Community Oversight Board as an entity entitled to take specific investigative and examination actions

related to in addition to the District Attorney and the Public Defender.

BL2021-961 also created section 13.08.080G(5)(e) of the Metropolitan Code providing that the District Attorney, the Public Defender, and the Chair of the Community Oversight Board shall have access to the MNPD audit trail. The proposed ordinance will provide such access to the Executive Director, rather than the Chair, of the Community Oversight Board and expand the review to designees of the named entities. And, it will enlarge the scope of review to include audit working papers.