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Corrections and clarifications: *A previous version of this story was unclear on the relationship between an original ruling and whether or not a party can appeal that ruling. Legally, parties can appeal the ruling whether or not they were found to have standing in the original suit.*

The legal tangle about a proposed civilian oversight board for the Nashville police department leveled up Friday.

A civil case between the Metropolitan Government of Nashville, with advocacy group Community Oversight Now, and the Fraternal Order of Police is working its way through the appeals process.

In a somewhat rare move, the Supreme Court of Tennessee may be considering the possibility of reaching down past the Court of Appeals to hear the FOP's motion as the number of days left to hear the case dwindles.

If they do, it would be the third time in recent months that the court expedited the appeals process. The others involved the Nashville mayoral election and the execution of Billy Ray Irick.

Dismissed, appealed

A judge on Wednesday ruled against the FOP, who hope to challenge a voter referendum on the creation of a community oversight board.

Community Oversight Now gathered signatures earlier this year to allow November voters to decide on a Metro Charter amendment that would create a civilian oversight board of Nashville police.

The group argues such a board is needed as a way to root out racial bias and misconduct in the police force.

On the other hand, FOP attorney David Raybin explained his client's view that the proposed form of the board would violate the due process rights of any officer called before it, leaving them without an avenue for appeal.

The suit was filed Aug. 21 and asked Davidson County Circuit Court to stop the referendum from being part of the Nov. 6 general election.

Judge Kevin Jones released his findings on the case Wednesday afternoon, ruling in favor of Metro and the oversight board to dismiss the case. By Thursday, Raybin and the FOP had filed a motion asking the state supreme court to weigh in.

"The judge found that we have standing, and we agree with him," Raybin said Wednesday. "It is clearly a legal issue, and we respectfully believe there are a lot of legal arguments that go the other way."

Which election was it?

The lawsuit, filed by the Fraternal Order of Police in August, hinged on a technicality related to which election should be used to determine how many signatures are needed to qualify the measure for the November ballot.

The Metro Charter indicates that 10 percent of voters in the "preceding general election" must have signed a petition asking for a proposed amendment to allow a referendum.

Metro attorneys and Community Oversight Now based counts on the August 2016 election, in which 47,074 people voted. The petition signature threshold would therefore be 4,708.

In the lawsuit, the union asserted that the preceding general election was actually the special mayoral election on May 24, when 82,368 people voted, setting a higher threshold, at 8,237 valid signatures, or further back, the August 2015 metropolitan election in which 104,757 people voted, according to the suit.

Community Oversight Now submitted more than 8,200 signatures, according to previous reporting, but election staff verified only 4,801 — which might not be enough if the appeal is successful.

Time running out

Raybin's team filed a motion to the state supreme court Thursday. On Friday, in a surprise move, Community Oversight Now filed a motion to amend the decision in the original suit.

The motion asked the court to revise its opinion from dismissing the suit in favor of the referendum, to further stating that the FOP did not have standing to bring the suit in the first place.

Standing, is "the principle that courts use to determine whether a party has a sufficiently personal stake in a matter to warrant a judicial resolution of the dispute," as Jones, citing a Tennessee Supreme Court statement from last year, said in his ruling.

The motion filed by Metro asserts that the FOP's suit did not prove that they, and those they represent, would be "aggrieved" by allowing the referendum to be on the ballot.

The FOP, the motion said, did not have standing to challenge the referendum itself, and that a challenge of the proposed oversight board itself was not part of the conversation.

"The issue," Jones' ruling states, "is whether Petitioners (FOP) have standing to challenge the number of signatures required to place the Referendum on the ballot; not whether Petitioners have standing to challenge the Board itself."

Friday afternoon, Jones denied the request to change his decision, upholding his ruling in favor of Metro's decision that the "preceding general election" in question was on Aug. 4, 2016, and that a special election would not be counted in this context.

And, also, upholding the ruling that the FOP, itself and on behalf of the individual petitioners in this case, did have standing to bring the suit against the referendum.

Supreme Court intervention possible, not confirmed

That same day, the state supreme court sent an order to all parties, ordering Metro and the oversight board to respond to the FOP motion. Metro needs to provide an argument for why the court should not take the case, Raybin said.

"It's certainly well-intentioned, I don't want to castigate it at all," Raybin said, "but it's simply not procedurally thought out correctly. We're going to fight this fight on this referendum."

The court also asked for confirmation of the important dates in the upcoming election, to confirm the deadline.

The timing is tight. Early voting in the Nov. 6 election begins Oct. 17.

A request for comment from Community Oversight Now was not returned before press time.