

Davidson County Grand Jury January – March 2025 Session

Criminal Court – Division V Judge Khadija Babb

Introduction

The Davidson County Grand Jury met on Wednesday and Thursday weekly from January 9th to March 26th. This session was powered by an extraordinary group of Nashville residents who willingly dedicated themselves to discharging their public duty as jurors.

We heard a total of 653 cases with 606 true bills and 47 no true bills.

General Observations

We started the session with a presentation from Lori Woodney, whose uncle was murdered and whose husband is currently incarcerated in a Tennessee Department of Corrections facility. Ms. Woodney shared her experience with the criminal justice system as a family member of someone who was murdered and her ongoing advocacy for her husband who has maintained his innocence since he was convicted. Jurors also heard from Glenn Funk, the Davidson County District Attorney, who talked about how important the grand jury is to the

administration of justice and from Martesha Johnson, the Davidson County Public Defender.

Jurors were most impressed by the presentation from Travis Claybrooks and Ashlee Sellars of the Raphah Institute who explained the concept of “restorative justice” and the work they have been doing in the Juvenile Court. When they reported that they have also been working with some of the criminal court justices to offer restorative justice on cases involving young adults up to age 25, jurors discussed the possibility of referring cases to restorative justice as an option during this session. We fully embraced that option and referred 48 cases to restorative justice this session. We are hoping that the cases we referred will be seriously considered for restorative justice. As stated in the Restorative Justice section of this report, we hope that the option of referral to Restorative Justice will become a standard option for disposition for future grand juries.

Other speakers we heard from who offered various perspectives from the community were:

- Ms. Jill Fitchard, Executive Director of the Nashville Community Review Board
- Mr. Rahim Buford, Founder and Director of Unheard Voices Outreach and formerly incarcerated person
- Dr. Sekou Franklin, MTSU Professor of Public Policy

This was the first grand jury session in the Historic Courthouse. We suggest that grand juries continue to meet at that location since it provides a neutral space for the grand jury to meet. It is essential that the grand jury be able to act independently of prosecutors, judges and police and having its own dedicated space is key.

This session, we attempted to initiate independent investigations into issues we felt needed to be investigated. As we called witnesses and asked questions, we discovered time constraints and a lack of supportive infrastructure which hampers the ability of the Grand Jury to act independently in an investigatory capacity. More supportive infrastructure which would allow us to initiate and

complete adequate investigations of issues. However, we did our best and our findings and recommendations are presented below.

Investigations

The Grand Jury received testimony and reviewed cases in revealed clear patterns of uneven use of discretionary power by law enforcement originating from how they conduct their investigations, up to and including the filing of charges against defendant(s). The fact patterns we observed include, but are not limited these following observations:

- Instances where an inmate commits a crime against an officer, and at least one additional charge is included on the indictment attributed to an event unrelated to the crime that compelled the witness to seek charges against the defendant.
- Instances where the witness was not prepared to present to the Grand Jury.
- Case outcomes impacted by failures in the chain of command, to communicate and train officers on new operating procedures and agreements with non-government entities.

Metro Nashville Police Misconduct

Last summer, the city was shocked when a whistleblower, retired Lieutenant Garet Davidson, attached as Exhibit A, came forward with a 61-page complaint alleging years of misconduct within the Metro Nashville Police Department (MNPd). This was not the first whistleblower complaint. Even though the mayor hired an independent investigator to look into those allegations (after community pressure to do so), the public has not heard anything about the status or outcome of that investigation. Therefore, we felt it was incumbent upon us as a grand jury to look into these allegations to see if there was merit.

We called upon retired Detective Greta McClain, the Founder and Director of Silent No Longer TN. Her statement regarding the longstanding, largely unaddressed issues of sexual misconduct within MNPd is attached as Exhibit B. We are pleased that MNPd has recently adopted a comprehensive sexual misconduct policy which, if fully implemented, will go far toward protecting officers and the public from harassment and assaults.

However, many of those past incidents remain unaddressed. We paused during the session to acknowledge the tragic suicide of one of the victims (Exhibit C). We feel that more could be done to make sure these victims also receive justice.

We also called upon retired Captain Dhana Jones, former director of the Youth Services Division and, at one time, the highest-ranking Black woman officer in the department. She described how she had been discriminated and retaliated against when she fell out of favor for pushing for more resources and support for her department. She testified to a culture of favoritism and corruption within the department which mirrored the allegations of the Davidson complaint. Her exit interview is attached as Exhibit D.

We read another whistleblower complaint (Exhibit E) and heard testimony from other officers who reported incidents of supervisors interfering in Office of Professional Accountability investigations, policies and practices which artificially inflate call response times, and instances of retaliation against officers who fall out of favor with their supervisors.

We feel that these complaints coming from multiple sources and basically saying the same things are strong evidence of a serious problem within MNPd which is not being recognized or addressed. The foreperson sent a letter on our behalf (Exhibit F) to Attorney Edward Stanton, the independent investigator of the Davidson complaint, and as of this date have not gotten a reply. Two days prior to our meeting and finalizing this report, it was disclosed at a public meeting of the Metro Nashville Community Review Board that the independent investigator's office had been raided by the Tennessee Bureau of Investigation and that several files were confiscated, including the files documenting the Davidson

complaint investigation. At this point, we have no idea where that investigation stands and that is concerning.

Systemic Bias and Discrimination in Law Enforcement

The whistleblower reports from within MNPd expose a culture of racism, sexism, and internal misconduct that erodes public trust. These firsthand accounts paint a troubling picture of systemic bias, racial discrimination, and neglect within law enforcement—issues that deeply undermine public confidence in the Metro Police Department and policing as a whole. The language and behaviors described are not just signs of individual prejudice but symptoms of an institutional culture that normalizes injustice.

1. "Those People" – Dehumanization Through Language

Officers referring to residents based on where they live or their racial/ethnic background with dismissive or demeaning language reveals a "them vs. us" mentality—a direct contradiction of their duty to serve all members of the community.

Why This Matters:

- When law enforcement views certain communities as inherently criminal or unworthy of protection, it leads to over-policing, excessive force, and wrongful arrests in those areas while simultaneously neglecting victims from marginalized backgrounds.
- This reinforces a cycle where entire neighborhoods feel unsafe—not because of crime, but because they cannot rely on police for protection.

2. Demeaning Slurs for Low-Income and Minority Communities

Officers using racially charged, derogatory language when discussing certain parts of the city or housing projects is evidence of explicit bias within the ranks.

The Impact:

- When officers see a neighborhood as "bad" or its residents as "undeserving," they respond more aggressively, escalate situations unnecessarily, and fail to provide equal protection under the law.
- It also affects response times and case prioritization—wealthier, whiter neighborhoods get faster, more thorough investigations, while lower-income areas are left to fend for themselves.

3. Criminalizing Victims – Bringing Up a Victim's Background Instead of Pursuing Justice

The practice of emphasizing a victim's past criminal record instead of focusing on the crime committed against them is a deliberate tactic used to justify inaction or mistreatment.

Why This Is Dangerous:

- This devalues human life, implying that some people are "less worthy" of justice.
- It discourages victims from reporting crimes, knowing they might be put on trial for their past rather than receiving help.
- It perpetuates cycles of violence—if victims are ignored because of their background, perpetrators learn they can act without consequence in certain communities.

4. "The Detective Decided Not to Take the Case" – Systemic Apathy & Case Dismissals

If a patrol officer—not a detective—is presenting a case with zero supporting evidence, it raises serious concerns about deliberate negligence and a lack of investigative integrity.

What This Suggests:

- Racial and class-based bias in which cases are pursued versus ignored.

- Manipulation of case statistics—some cases may be intentionally dismissed early to keep crime clearance rates artificially high by ensuring cases never make it far enough to be classified as unsolved.
- A culture of institutional apathy, where officers decide who is worth protecting before even investigating.

RECOMMENDATION

- a. We feel that there is enough evidence to warrant the District Attorney appointing a Special Prosecutor to do a thorough investigation into all the allegations of misconduct within the police department. We feel that there is evidence of criminal and civil violations which should be meticulously investigated. We heard from several former MNPd Employees that there are varying kinds of harassment within the Department. Some officers feel that they cannot voice their issues due to being retaliated against or their complaint not being investigated. Most of the complaints were against higher level officers in the Department.
- b. We support MNPd's decision to adopt the comprehensive sexual harassment and assault policy which originated from research done by Metro Community Review Board. However, decades of harm done to officers and the community still need to be acknowledged and reckoned with. We feel that it is not enough to change the policies without attempted to get justice for the people whose lives were negatively impacted.
- c. We learned that after someone has two years of experience, they are allowed to take the Sergeants Exam. Once they are promoted to Sergeant, they are no longer required to respond to certain calls for service. We heard testimony which stated that at one point, this resulted in a ratio of 1 supervisor for every 2.5 officers which resulted

in a situation where the time to respond to calls would be artificially high. This should be changed in the SOP for the Department and MNPDP's requests for funding based on this artificially high statistic should be reviewed.

- d. We join the chorus of voices from the community who have long been advocating for a change in policing culture in Nashville. The MNPDP, even after multiple attempts at reform and oversight, continues to resist all efforts to hold them accountable. This makes all of us unsafe.

Delays in Processing Lab Results

Throughout our term we heard multiple cases that involved sending evidence to the crime lab, whether the Metro Lab or an Outsourced Lab, for testing. It is shocking that the time to process a Medical Legal Exam (MLE) is between 18-24 months. Expedited requests get fulfilled within 1 to 3 months. It is also worth noting is that the entire sexual abuse division is only allowed to expedite 5 total requests per month. Even when the MLE is sent to an Outsourced Lab, the Metro Lab still must verify the results are accurate, adding more time to an already too long timeframe.

Staffing/Training: Since the Metro Lab has this much backlog, a thorough breakdown of the lab is needed. There are only three lab technicians on staff currently. It is worth noting that the Metro lab technicians are getting paid at a lower rate than technicians at the outsourced private labs.

RECOMMENDATION

More staffing is needed and there needs to be adequate funds allocated during the City's budgeting process for new hires and training.

Since the Metro Lab is allowed to contract the testing of evidence to private labs, why does there need to be verifications of the results? Are the outsourced labs' processes, certifications, and training not verified before they are contracted? We understand that there needs to be checks and balances to make sure the

evidence was tested properly, but it seems like there is unnecessary added time and money involved in the retest/verification process.

General Recommendations

The grand jury needs a secured area where they can access notes of previous grand juries and more easily implement recommendations and take up work which was left unfinished in previous grand juries.

It would be helpful to have a more in depth orientation for grand jurors which includes a more detailed explanation of grand jury rules.

Each day we are given our docket. In some instances, the charges listed on the docket were different from what is on the actual indictment. Some were minor and some were completely different.

It would be helpful if the docket could be reviewed against the indictments prior to being presented to the Grand Jury. Also, if there is a superseding indictment it would be helpful to know what specific charges are being voted on. There were a few instances where we listened to the facts of a case and found out afterwards that we were only voting on either an amended charge or added charge.

We believe it is helpful seeing all sides of the criminal justice system. Witnesses are almost always law enforcement officers. This can create instant bias within the grand jury as the officers are automatically seen as “the good guys”. It leaves out the voice of the victims and the bigger picture of how crimes become a systemic issue affected by oppression. We are grateful for the lead of our foreperson, Theeda Murphy, who connected us with many voices and many perspectives. Without this, it is easy to take all cases as “true bills” versus truly considering the impacts of what takes place before and after that charged crime.

This grand jury, by virtue of being the voice of a cross-section of Nashvillians, is hungry for another way. We want true justice, community engagement, and systemic healing for all. We believe we are on a pathway there, but the larger

population of Nashville has to become more aware and allow their voices to push for the changes it desires.

Based on witness testimony, the MNPDP's Discipline and Corrective Action policy¹, and evidence given to the Grand Jury (attached as Background Information), it is unclear that there exists mechanisms to protect officers either as a victim of an alleged crime or as an employee of the Metro Nashville Police Department. At times, officers lower in the chain of command incur moral and professional injury due to the uneven use of discretionary power in the course of disciplinary actions. For instance, the Chief of Police has the sole authority to assign sanctions outside recommendations of the disciplinary grid. If the Chief of Police was to discover they are the accused, the Chief could retaliate with a sanction of any degree for an offense of any category and thereby either kill the investigation or skew its results to the detriment of the accuser. "The decision to impose a sanction not recommended by the Disciplinary/Corrective Action Grid shall not be subject to appeal or objection."²

Secondly, if an accuser, a lower ranking officer, incurs an offense in an unrelated incident, the current MNPDP policy does not outline any measures to protect them from the unnecessary spread information about their use of their rights. Officers under disciplinary review have the option to request a Disciplinary Advisory Panel. In making such a request, if the accused is the Chief of Police (or a previously declared designee), the request signals to the previously accused, again opening the employee up for retaliation.^{3,4}

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- 1 Title 4. Employee Conduct. Section 410: <https://filetransfer.nashville.gov/portals/0/sitecontent/Police/docs/Chief%20of%20Police/MNPDPManual410-Discipline-Corrective-Action.pdf>
 - 2 Title 4. Employee Conduct. Section 4.10.280 - Authority of the Chief of Police, Subsection B
 - 3 Title 4. Employee Conduct. Section 4.10.260 - Disciplinary Advisory Panel, Subsections A & B
 - 4 Misuse of Official Information. TN Code Section 39-16-404. <https://law.justia.com/codes/tennessee/title-39/chapter-16/part-4/section-39-16-404/>

Restorative Justice: A Path to Healing and Systemic Change

The failures of the criminal justice system have long been evident—particularly in how it perpetuates cycles of harm rather than fostering healing or accountability. From the understaffing and inadequate training in correctional facilities to the discriminatory practices within law enforcement, the system has prioritized punitive measures over true justice. This is further compounded by systems of oppression that have shaped sentencing disparities, favoring corporate interests over individual well-being, and devaluing the protection of the most vulnerable members of our society, including children.

Consider the stark inconsistencies in our legal system: theft at corporate locations can result in severe charges even if the person has not left the premises, while crimes such as sexual assault or abuse require actual physical contact to even be considered an offense. Moreover, statutory rape is categorized as a lesser felony (Class E) compared to aggravated rape (Class A), despite the lifelong trauma it inflicts upon victims. These disparities highlight the need for fundamental changes that recognize and prioritize human dignity and community well-being over profit-driven punitive measures.

Restorative Justice: Breaking the Cycle of Harm

Restorative justice acknowledges that harm isn't just about the crime itself—it's about the pain that led to it and the pain it creates. By addressing those deeper wounds, we have a chance to stop the cycle rather than pass it along to the next generation.

How Raphah's Work Addresses Systemic Failures

Organizations like the Raphah Institute are redefining justice by prioritizing healing, accountability, and community-led solutions over incarceration and systemic oppression. Raphah's work includes:

1. **Healing the Harm** – Facilitating restorative justice circles and victim-offender dialogues to repair harm and prevent future violence.

2. **Building Trust and Community Engagement** – Creating community-driven solutions that restore faith in accountability.
3. **Challenging Systemic Oppression** – Confronting racial and economic disparities within the justice system.
4. **Victim-Centered Advocacy** – Ensuring victims are heard and given a role in shaping justice processes.
5. **Transforming Law Enforcement Culture** – Advocating for policies that emphasize **accountability, transparency, and systemic change**.

The Impact of a Broken Correctional System

We heard several cases where the offense was committed by people who were already incarcerated and serving time on other charges within a state facility or the Davidson County Jail. In too many instances, the witness's clear distaste for the incarcerated people and often even the officers was evident and appalling. We had to ask for video footage of incidents in that the presenting witnesses often seemed to think the outcome should be evident simply based on how the case was presented. We were assured that policy reviews were conducted, however, reviewing policy is much different from proactive actions taken to correct dangerous and potentially life-threatening issues. We felt that in many cases, the person being charged was simply the scapegoat presented to avoid changing the way the facility addresses issues.

If this is the case, it creates unsafe environments for employees and perpetuates the issues of oppression within a defunct justice system. De-escalation training must be prioritized, along with more strict hiring requirements and higher wage provisions.

SUMMARY

By supporting and expanding the work of organizations like the Raphah Institute, we can create a justice system that values people over profit, healing over harm, and true accountability over unchecked power. It is time to break the cycle of

systemic violence and oppression—to build a future where justice means restoration, not just punishment. Our hope is that citizens of Nashville can come together to work with the city to build better pathways of justice for all.

The Grand Jury recognizes that underlying pride, sacrifice, and duty to serve one's community for by choosing life as a public servant. Multiple witnesses have demonstrable moral and professional injury due to realities of the culture within the MNPd and the challenges of serving all victims of both violent and non-violent crimes in proportion. The Grand Jury presents punitive and non-punitive measures creates the best possible path to repairing the trust in the Public around the trends of how cases within the MNPd as well as improving service across the county.

Suggested Remedies

- The establishment of an Urban Services District Reserve Fund where the city can appropriate supplemental funding to improvements to facilities, personnel, and other initiatives to increase the quality of services to victims of sexual assault across the county and to give ensure officers who are victims are afforded the same power, privileges, rights and immunity that comes with their positions as employees of the MNPd.
- Update to MNPd policies that include protective measures to ensure the privacy of victims who are law enforcement officers with the accused is also a member of law enforcement.

Grand Jury Signatures

Regular Jurors



Jurnell Cockhren



Lisa Gibson



LaTosha Harris



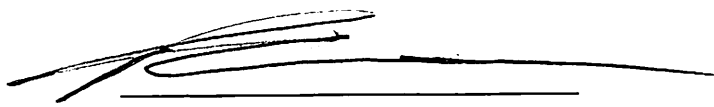
Michael Harrod




Grace Knight



Thomas McKinley Richardson



Rachel Pachmayr



Laura Robinson



Mark



William

Mark Thomas



William Zerbe

Alternate Jurors

Kathleen Elliot



Charles Tubbs

Foreperson



Theeda Murphy