



COMPTROLLER'S INVESTIGATIVE REPORT

20th Judicial District Attorney General's Office

September 25, 2024

Jason E. Mumpower
Comptroller of the Treasury



DIVISION OF INVESTIGATIONS



JASON E. MUMPOWER
Comptroller

September 25, 2024

Office of the Attorney General and Reporter
P.O. Box 20207
Nashville, TN 37202

Office of the Attorney General and Reporter:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the 20th Judicial District Attorney General's Office, and the results are presented herein.

Copies of this report are being forwarded to Governor Bill Lee, certain state legislators, and various other interested parties. A copy of the report is available for public inspection in our Office and may be viewed at <http://www.comptroller.tn.gov/ia/>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason E. Mumpower", is written over a faint, larger version of the signature.

Jason E. Mumpower
Comptroller of the Treasury

JEM/MLC

INVESTIGATIVE REPORT

20th Judicial District Attorney General's Office

The Office of the Comptroller of the Treasury, in conjunction with the Tennessee Bureau of Investigation, investigated allegations of malfeasance related to the 20th Judicial District Attorney General's Office. The investigation was limited to selected records for the period January 1, 2020, through October 1, 2023. Investigators expanded the scope of the investigation to include certain periods prior to 2020. The results of the investigation were communicated with the Office of the Tennessee Attorney General & Reporter, and the Board of Professional Responsibility of the Supreme Court of Tennessee.

BACKGROUND



District Attorneys General are constitutional officers who are elected by the citizens within their judicial district to eight-year terms of office and serve as the chief law enforcement officer in their judicial district. The 20th Judicial District Attorney General's Office is responsible for the prosecution of all violations of the state criminal statutes that occur within Davidson County, Tennessee, and to perform all prosecutorial functions attendant thereto. Further, the 20th Judicial District Attorney General's Office shall have discretion in the performance of duties and responsibilities in the allocation of resources available and possesses the authority to delegate the foregoing duties and responsibilities to an assistant district attorney. Tenn. Code Ann. § 8-7-103.

The 20th Judicial District Attorney General was first elected in 2014 and was reelected in 2022. The 20th Judicial District Attorney General's office (office) consists of the District Attorney General, two Deputy District Attorneys, Assistant District Attorneys, and administrative and support personnel. Pursuant to Tenn. Code Ann. § 16-2-508, all appointed employees serve at the will and pleasure of the District Attorney General.

Since 1993, the office has leased multiple floors in a privately owned building with other tenants, including private law offices and other businesses. In addition to employees who work in the office on a daily basis, the building is often frequented by visitors and is accessible to the public. During the scope of the investigation, the office's functions were funded by a variety of sources, including State, Metro Nashville, and grants.

RESULTS OF INVESTIGATION

1. GOVERNMENT EMPLOYEES SURVEILLED AND MONITORED AUDIO AND VIDEO RECORDINGS OF CRIMINAL DEFENSE ATTORNEYS, OFFICE EMPLOYEES, OTHER TENANTS, AND VISITORS ON THE BUILDING'S PREMISES WITHOUT THEIR KNOWLEDGE OR CONSENT USING A GOVERNMENT-OWNED SURVEILLANCE SYSTEM

On or about 2020 through 2021, the office used government funds to purchase and install new surveillance equipment throughout the building. While the previous surveillance system had video recording capabilities, several newly installed cameras had both video and audio recording capabilities in multiple locations throughout the building. The new surveillance system also allowed real-time live streaming of certain cameras in multiple locations throughout the building. Investigators located four entrance sites into Washington Square that were accessible to the public and tenants of the building. Investigators noted numerous video surveillance warning signs but found only one warning of audio surveillance, a sticker approximately three inches in diameter posted near the bottom of one entrance site with wording that may not reasonably be observed due to its obscure placement. Therefore, investigators question whether a reasonable person would notice the warning in the normal course of entry into the building. Investigators found no additional notice that audio surveillance was in progress, and evidence indicates the audio surveillance notice was not posted by members or leadership personnel of the District Attorney's Office. The office surveillance system was used to audio and video record conversations of criminal defense attorneys, office employees, other tenants, and visitors without their knowledge or consent and without clear warning or adequate disclosure of such practice.

A. Conversations of criminal defense attorneys were audio and video recorded

At various points during its operation, the office used a designated viewing room where criminal defense attorneys were permitted to review evidence on behalf of their clients in pending criminal cases (**Refer to Exhibit 1**). The evidence reviewed in this room was often sensitive in nature and was not allowed to be copied, photographed, or removed from the office by criminal defense attorneys or their associates. Thus, defense attorneys were required to come to the office's viewing room to examine the evidence. The viewing room was equipped with cameras and a microphone that required manual activation using a Network Video Recorder (NVR) switch. Posted warnings in and around the office did not warn that audio surveillance was in progress.

Investigators reviewed captured recordings and internal office email communications and identified several criminal defense attorneys who were recorded in the viewing room at the office. Investigators spoke to numerous criminal defense attorneys, and they told investigators in part: they were unaware, and no office personnel had ever informed them that the viewing room was equipped with a microphone device capable of capturing their conversations or that they would be audio recorded in the viewing room while examining evidence in a criminal case. Privileged information among themselves was often discussed, including statements made by their clients along with defense strategies, and they said that they would not have

stayed in the viewing room had they known that the room was equipped with a microphone. It was their belief that the office employees had an ethical obligation not to use audio recording devices when defense attorneys are required to come on the premises to review evidence in a criminal case. These audio and video recordings of them were described as an unfair advantage and unsettling and would give an unfair advantage to the prosecution by revealing strategic information about their client(s)' defense. Other defense attorneys stated they stopped coming to the district attorney's office after the presence of audio recording devices in the office became known.

During the investigation, investigators recovered partial audio and video recordings of a criminal defense team reviewing evidence in a specific criminal case. Investigators determined that the defense team was unaware they were being audio recorded.

Exhibit 1



Excerpt of audio and video footage recovered by investigators of a criminal defense attorney reviewing evidence in a pending criminal case.

Former office employees informed investigators that it was common practice to use office equipment to audio and video record criminal defense attorneys in the viewing room without disclosure and for office personnel to subsequently provide the captured audio and video recordings of the criminal defense attorneys to office staff handling the criminal case. The former office employees further stated that prior to the arrival of a criminal defense attorney at the office, the viewing room's audio and video recording equipment would be activated with the NVR switch. The criminal defense attorneys were not informed about the presence of audio recording devices or that their conversations were being recorded. After the criminal defense attorneys left, office personnel extracted the audio and video footage from the surveillance

system and gave it to the assistant district attorney(s) or secretary of the office unit handling the criminal case. Investigators reviewed internal office emails that support the former office employees' statements regarding the recording of defense attorneys and the subsequent distribution of the recordings to office employees (**Refer to Exhibit 2**).

Exhibit 2

Subject: Open Discovery Recordings
Date: Monday, March 20, 2017 10:12:26 AM

All,
If you have an attorney visit for an open discovery, please have them review in the conference room adjacent to the 5th floor entrance [REDACTED]
[REDACTED] email [REDACTED] @jis.nashville.org the following info:
Open Discovery Request
Case#
Time Start:
Time End:
We will then make a copy of the video of the attorney reviewing the file for your record or to place in the blue file...

Investigators located an internal office wide email explaining to members of the district attorney's office the process for obtaining a copy of the recordings of criminal defense attorneys that visit the office to review evidence in a criminal case.

The Former Operations Director for the district attorney's office was asked about the email (**Exhibit 2**) that outlines the process for getting a copy of the open-discovery review and he stated in part, that a member of the Information Technology (IT) staff would be responsible for that, and his understanding is that it would become part of the case file.

In reviewing internal office emails, investigators located a specific example of how the surveillance footage of criminal defense attorneys was requested from IT and subsequently provided to the assistant district attorneys (ADA) (**Refer to Exhibit 3**).

Exhibit 3

[REDACTED]

Attorneys are reviewing a file on a case today in the room on the 3rd floor. Can you burn a copy of the review for me which began at 10:00 am today? [REDACTED] can let you know when they are finished. Thank you [REDACTED]

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

Investigators reviewed emails from an ADA to IT that support the statements to investigators that audio and video recordings of criminal defense attorneys were extracted from the surveillance system by the office.

Exhibit 4

From: [REDACTED]
Sent: Friday, [REDACTED]
To: [REDACTED]
Subject: I have to go to a cle. can u leave the recording in my chair and I'll swing by after it's over to pick it up

Investigators subsequently located an email sent by the same ADA in Exhibit 3, indicating the recording was brought to their possession by the IT.

Investigators spoke to the attorneys who visited the office referred to in **Exhibits 3 & 4**. Investigators determined these criminal defense attorneys were not aware they were going to be audio recorded while inside the district attorney's office. It was stated to investigators that defense strategy and strategic information would have been discussed which the district attorney's office should not have access to.

The Fifth and Sixth Amendments taken together set forth the protections afforded to persons who are accused of crimes and the Fourteenth Amendment makes those protections binding on the states. Among the protections afforded are the right to trial by jury and compulsory process to summon witnesses and prohibitions against double jeopardy and self-incrimination. The Sixth Amendment affords all criminal defendants the right to effective assistance of counsel which is an especially critical component of those protections. The attorney-client privilege and work product doctrine are two of the vital components of that right. Absent protections from disclosure of attorney-client communications and co-counsel discussions related to litigation strategy and other aspects of their legal representation of a client, that right would be rendered meaningless or substantially weakened.

The audio recording procedures implemented using government-owned equipment could implicate the Tennessee Rules of Professional Conduct. Attorneys have an ethical obligation to prevent unauthorized disclosure of information relating to the representation of a client. TN R S CT Rule 8, RPC 1.6. A lawyer who receives information relating to the representation of a client that they know or reasonably should know is protected by Rule 1.6 and was disclosed to them inadvertently or without authorization, is required to immediately terminate review or use of the information and notify the client or the client's lawyer of the inadvertent or unauthorized disclosure. TN R S CT Rule 8, RPC 4.4. Here, audio recording equipment was manually activated and audio recordings were captured by the Office, and the investigation revealed it was common practice for defendants' lawyers to not be notified of any disclosures contained in those recordings. If the state's counsel had access to any inadvertent or unauthorized disclosures of defense counsel's plans or strategies, then efforts to provide an effective defense before a jury or while engaging in meaningful settlement negotiations could be compromised.

Moreover, the audio recording practices and procedures implemented in the office using government-owned equipment could implicate the statutory provisions of Tenn. Code Ann. §§ 39-13-601 *et. seq.* It is unlawful for any person to intercept or use any oral communication without the consent of one or more parties to the communication. Tenn. Code Ann. § 39-13-601. "Oral communication means any oral communication uttered by a person exhibiting an

expectation that the communication is not subject to interception under circumstances justifying that expectation.” Tenn. Code Ann. § 40-6-303.

The District Attorney General acknowledged to investigators that he was aware that the office was capturing defense attorneys’ conversations using the office’s government-owned video and audio recording equipment when visiting the premises for purposes of reviewing evidence and asserted that he was aware of this practice occurring since at least June 2022. When asked about the expectation of privacy among criminal defense attorneys, the District Attorney General responded in part,

They’re inside of the District Attorney’s Office, they’re in an area inside of the District Attorney’s Office and you think they have an expectation of privacy? You don’t, you don’t, you don’t have any expectation of privacy in the District Attorney’s Office. Nobody would have an expectation of privacy anywhere in the District Attorney’s Office. They just wouldn’t, there’s no private place for defense attorneys and their clients to talk.

B. Office employees’ and visitors’ conversations were captured without their knowledge and consent

Investigators obtained evidence revealing that current and former office employees’ conversations were recorded on the office’s surveillance system. Some of the recorded conversations involved personal matters.

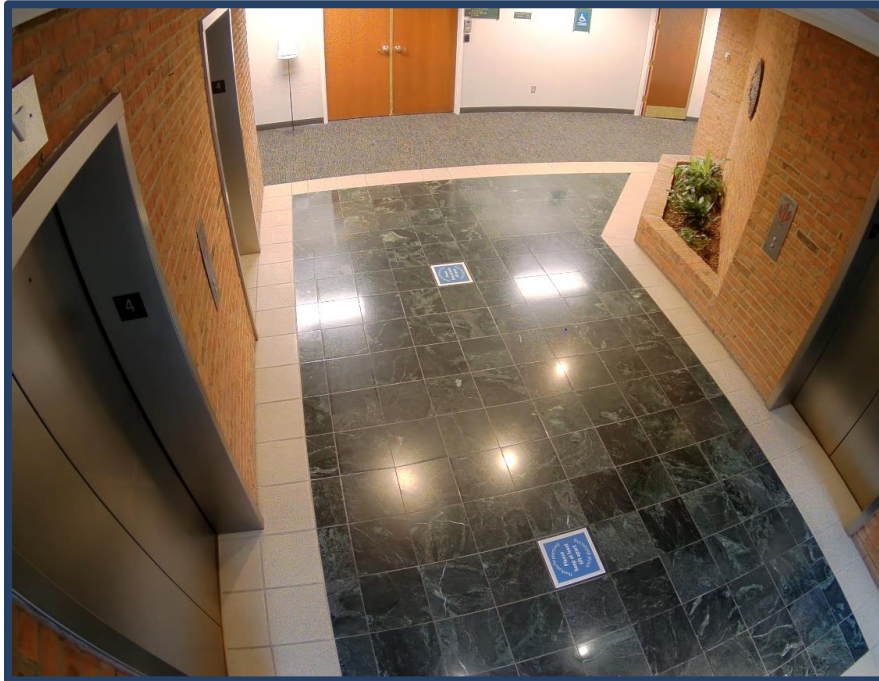
Evidence reflects the office employees and visitors identified in the obtained footage were unaware that the office was equipped with cameras capable of capturing the audio from their conversations and that the office leadership did not disclose the fact that such surveillance was taking place at the office. Evidence reflects the office employees and visitors believed that their conversations in the office were private.

When interviewed by investigators, the District Attorney General reiterated that public spaces are not protected areas.

C. Audio-capable recording devices were installed by the office in common areas used by private tenants and the public

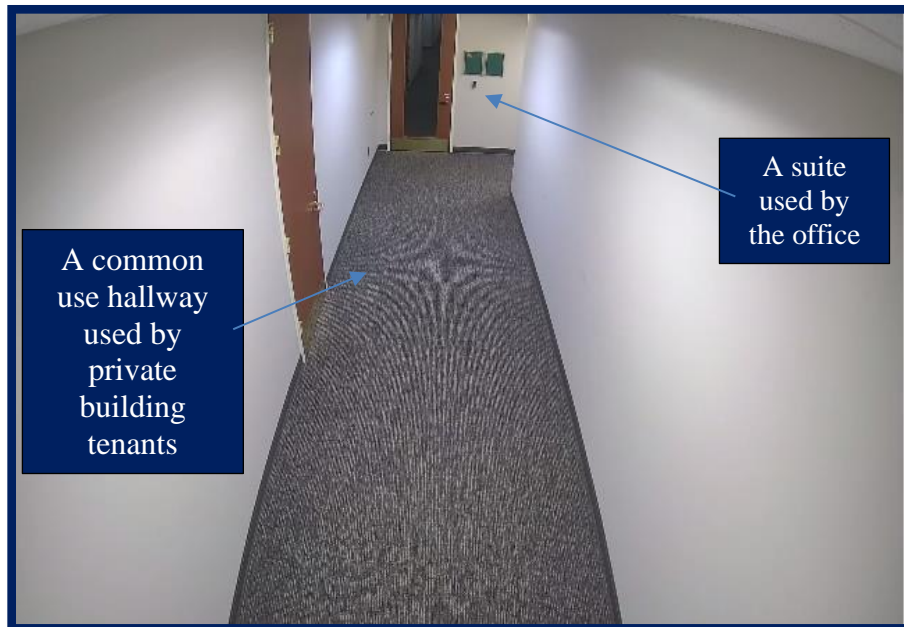
Investigators identified several government-owned audio-capable recording devices installed in common areas of the building. Common areas are used by private tenants and their visitors or in areas accessible to the public and include an elevator lobby and hallways throughout the building, which were not exclusively used by office personnel (**Refer to Exhibit 5, Exhibit 6 and Exhibit 7**). Investigators determined that audio and video footage from these recording devices was consistently live-streamed to the operations director’s office, where the content of conversations could be heard.

Exhibit 5



View of the audio-capable recording device in the elevator lobby on the 4th floor of the building. This area is frequented by other building tenants and their visitors.

Exhibit 6



The view of the audio-capable recording device in a hallway on the 3rd floor of the building. This area is frequented by other building tenants and their visitors who were unaware that conversations were recorded.

Exhibit 7



The audio capable equipment in the hallway captured an individual who was not employed by the District Attorney's Office giving personal identifying information on their cellphone.

As stated above, investigators noted several signs warning of video surveillance on the floors occupied by the District Attorney's Office, but no signs warning of audio surveillance. The signs stated in part, that the location(s) were monitored, or video surveillance was on the premises. Investigators noted several other entrances into the building that did not have such warning. Investigators concluded that the warning sticker was insufficient to put building management personnel and numerous current and former employees who frequent(ed) the building daily on notice, based on their statements that they were unaware their conversations would be audibly recorded by the District Attorney's Office when in or around the building. Investigators also located evidence that the operations director asked leadership personnel of the District Attorney's Office about displaying audio warnings around the office but was instructed that posting warnings of video surveillance was sufficient.

As referenced above, these audio recording practices could implicate the provisions of Tenn. Code Ann. §§ 39-13-601 *et. seq.* When interviewed by investigators regarding the installation of audible devices in areas accessible to the public, the District Attorney General stated in part,

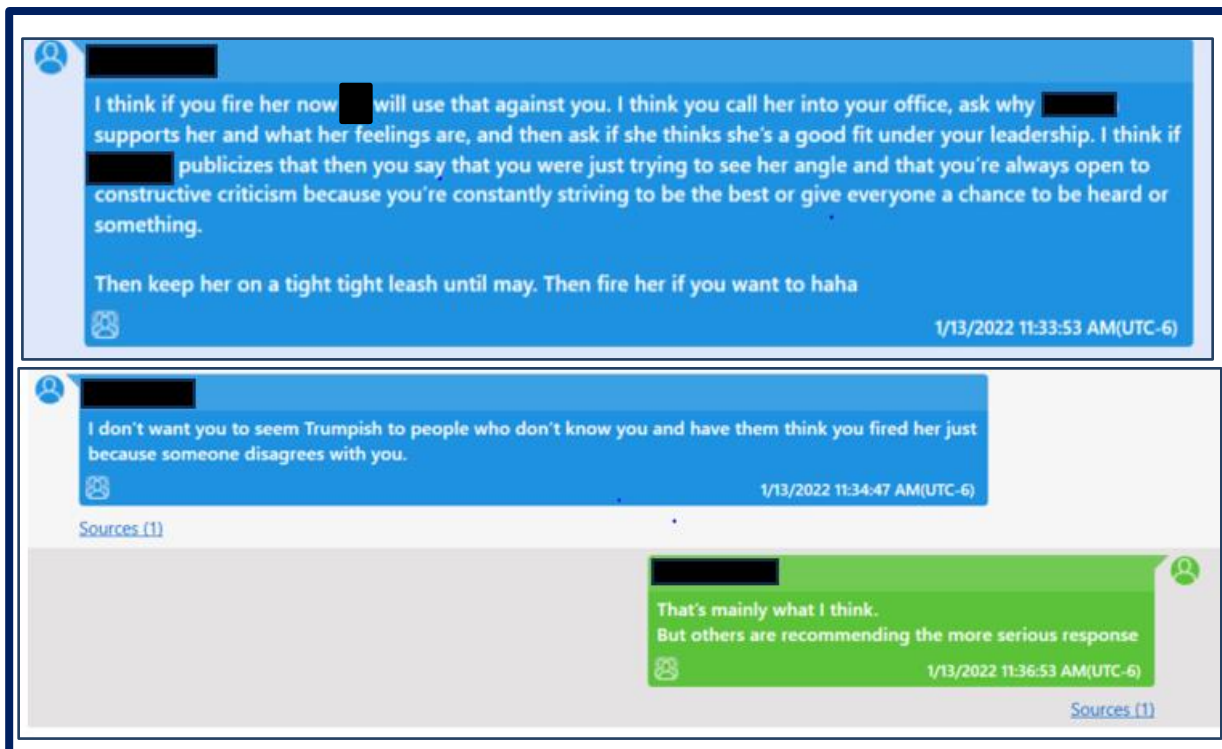
Public spaces are not protected areas. There is not a situation where you can have a private conversation in a lobby or hallway. If a defense attorney wants to talk to their client in private, they need to do that in their own office, or a protected space such as their home, the defendant's home, inside of an attorney-client room in the

courthouse or sheriff's office. But if you're in a public space and you're talking to your client, you don't have an expectation of privacy there.

2. THE DISTRICT ATTORNEY GENERAL UTILIZED QUESTIONABLE PRACTICES WITH A FORMER ASSISTANT DISTRICT ATTORNEY WHOSE FAMILY MEMBER SUPPORTED A POLITICAL OPPONENT

On or about January 2022, a family member of a former Assistant District Attorney (ADA) made a social media post in support of the District Attorney General's 2022 campaign opponent. After learning that the ADA's family member spoke in support of one of his political opponents, the District Attorney General received a contribution to his reelection campaign from the former ADA. The District Attorney General directed office personnel to conduct office surveillance of the former ADA without the former ADA's knowledge or consent using its government-owned surveillance system, and the District Attorney General reassigned the former ADA from a criminal court team to a grant-funded position. Upon forensic examination of an office computer, investigators located communications between the District Attorney General and other individuals where the social media post, consistent with political speech, made by the former ADA's family member was sent to the District Attorney General. Within this same device, text message communications regarding the former ADA's family member's social media post and recommended action were located (**Refer to Exhibit 8**).

Exhibit 8



Communication between an individual and the District Attorney General discussing the former ADA's family member's social media post.

In these communications, it appears the District Attorney General was being advised to wait until after the May 2022 election to terminate the employment of the former ADA if he wanted to because it could be used against him by his political opponent if done prior to the election. The former ADA subsequently resigned from the office on or about July 2022.

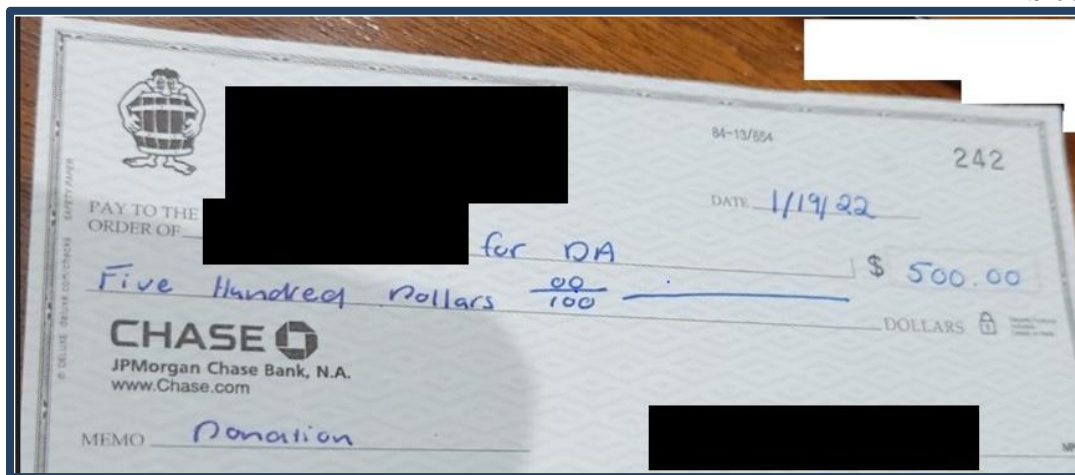
A. The District Attorney General received a questionable campaign contribution from the former ADA

Upon learning of the social media post made by the former ADA's family member, the District Attorney General met with the former ADA. The former ADA told investigators that during the meeting the District Attorney General stated in part,

Everyone in this office knows about that post. (the former ADA interpreted this as he was implying that she was lying about not having known about it). I would never ask you to get involved in politics, but I think the only way you could make this any better is if you donated a significant amount of time or money, but I don't ask anyone to do that. The District Attorney General then ends by saying we may need to check in next week about your future at the office.

Below is an excerpt of the check written to the District Attorney General's reelection campaign by the former ADA after the meeting (**Refer to Exhibit 9**).

Exhibit 9



Check written to the District Attorney General's reelection campaign by the former ADA.

The solicitation or acceptance of the \$500 check could implicate the provisions of Tenn. Code Ann. § 39-16-102, which states that it is unlawful for a public servant to solicit, accept or agree to accept money or other pecuniary benefit with an agreement or understanding that such payment will influence action by the public servant. Likewise, it is unlawful to use coercion to obtain money or property from another person. Tenn. Code Ann. § 39-14-112. Additionally, it is unlawful for an elected official to intimidate, coerce, or command a subordinate to make a campaign contribution. Tenn. Code Ann. § 2-19-202.

The District Attorney General confirmed that the meeting took place, told investigators that he accepted the \$500 check, but stated he did not cash it. The District Attorney General stated to investigators that he felt the check was written to him as an apology for the social media post made by the former ADA's family member.

B. The District Attorney General reassigned the former ADA's position within the office

The former ADA informed investigators that shortly after the May 2022 election, she was reassigned from a criminal court prosecutor (ADA) position to a grant prosecutor (ADA) position. This reassignment was initiated by the District Attorney General, and various individuals within the office familiar with the duties and responsibilities of both positions informed investigators that they would consider the reassignment to be a demotion.

C. The former ADA was monitored with audio and video surveillance without their knowledge or consent

At the direction of the District Attorney General, the former ADA was monitored at the office using the government-owned audio and video-capable surveillance system without her knowledge or consent. Around the time of the former ADA's reassignment, the District Attorney General directed the former operations director to monitor the former ADA using the office's surveillance system. The former operations director stated to investigators that he was instructed to review the former ADA's activities for the last three months due to questions surrounding the former ADA's work hours as a grant prosecutor (**Refer to Exhibit 10**). The former operations director further told investigators that he, the District Attorney General, and the former ADA's supervisor watched the surveillance footage of the former ADA, which included audio footage. Another former employee of the office informed investigators that he was tasked by the former operations director to monitor the former ADA's activities, to capture every frame that the former ADA appeared in, and to point a camera directly at the former ADA's office.

Exhibit 10

X	8:37:02	Got on elevator
X	8:44:21-28	Elevator door by flags
	8:44:36-38	Door by flags past flag
	8:44:42-46	Flag to Office
	8:45:50-54	Office to flag
	8:44:58	8:45:00 Flag to door
X	8:45:10-15	Door to elevator with jacket and backpack
X	12:06	55-59 Got off 5th fl elevator

A detailed log prepared by the former operations director. This record shows the former ADA's movement, documented in seconds, while on the office building's premises. It also shows what the former ADA was wearing or carrying. The former operations director documented for investigators with an "X", the cameras capable of recording conversations.

The former ADA stated that they did not consent to audio recording and expected privacy within the office. Further, the former ADA stated that due to the nature of the work, confidential information that should not have been recorded was often discussed.

The District Attorney General acknowledged to investigators that he directed the monitoring activities of the former ADA by office personnel using office equipment because of an alleged mismanagement of the former ADA's working hours. The District Attorney General further stated that he personally observed the former ADA on the audio and video recordings having "small talk." The District Attorney General repeatedly stated to investigators that public spaces are not protected areas.

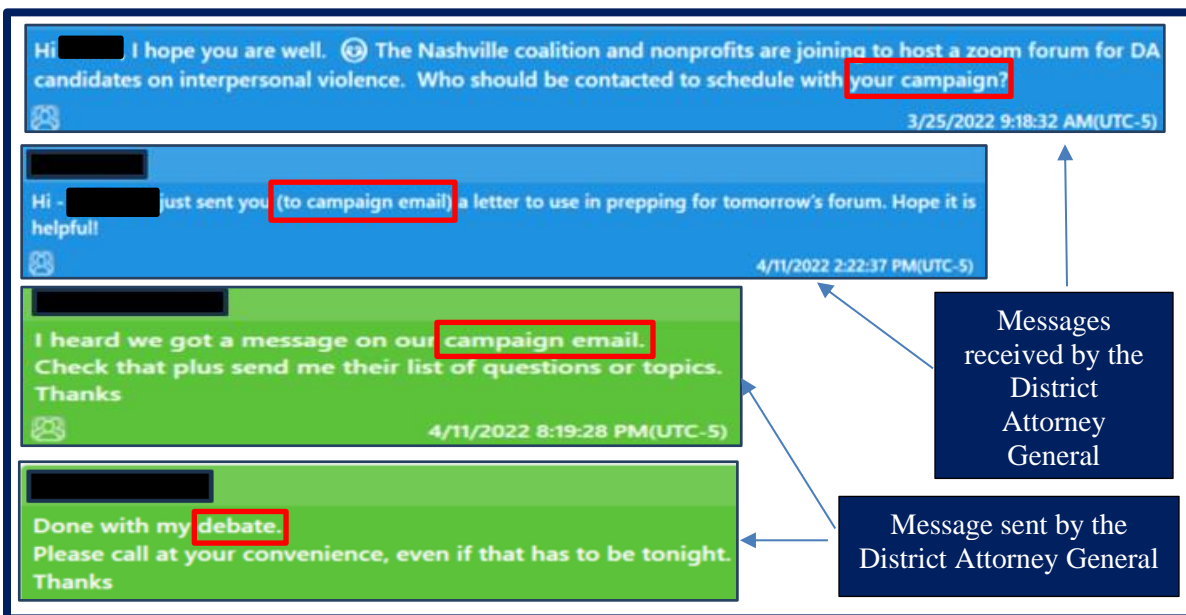
3. WITH THE KNOWLEDGE OF THE DISTRICT ATTORNEY GENERAL, OFFICE EMPLOYEES PARTICIPATED IN CAMPAIGN ACTIVITIES DURING WORK HOURS AND USED GOVERNMENT RESOURCES TO PROMOTE AND BENEFIT THE DISTRICT ATTORNEY GENERAL'S REELECTION CAMPAIGN

Government resources, including personnel, equipment, and property, should only be used for official purposes. Our investigation revealed that the office's resources were routinely used to promote or otherwise benefit the District Attorney General's reelection campaign and related activities. Investigators found that two Deputy District Attorneys participated in a forum with the District Attorney General and his reelection opponents using government-owned equipment during normal business hours; office employees participated in campaign-related activities during normal business hours; and office employees used a governmental email system to send campaign-related content.

A. The District Attorney General used office employees and government equipment to participate in a forum with his reelection opponents

On April 12, 2022, at approximately 9:30 a.m., the Nashville Coalition Against Domestic Violence hosted the 2022 Nashville District Attorney Candidate Forum. The event was hosted virtually, and the District Attorney General and two reelection opponents participated. At the time of the event, all three individuals were declared political candidates for the 20th Judicial District Attorney General's Office. During the forum, the candidates discussed various issues that were consistent with a political debate. Investigators obtained communication from a government-owned device that showed the District Attorney General had prior knowledge that the event was a political debate and was coordinated through the District Attorney General's political campaign (**Refer to Exhibit 11**).

Exhibit 11



Investigators located various correspondence between the District Attorney General and other personnel indicating that the forum was a political debate consistent with campaign activity.

At the request of the District Attorney General, two Deputy District Attorneys participated in the event during regular business hours, when state business should have been conducted, using a room on the office's premises and government-purchased equipment to facilitate the recording of the event. After the event, the Deputy District Attorneys submitted paid-time-off (PTO) forms to account for their time during the event.

The District Attorney General stated to investigators that the forum was set up between the office and himself. When asked whether the two Deputy District Attorneys who participated in the event were asked or instructed to be there, the District Attorney General stated in part,

They sent the questions that were going to be asked a few days before. Some of those questions were best answered by people who do the work rather than the administrator. So, he is sure he would have said to these individuals here are the questions, would you like to come answer the questions.

The District Attorney General stated to investigators that after the event, one of the Deputy District Attorneys recommended submitting PTO forms so it couldn't be alleged that the participants were campaigning. The District Attorney General responded to the Deputy District Attorney that they were just answering questions about their jobs.

B. Office employees participated in campaign-related activities with the knowledge of the District Attorney General

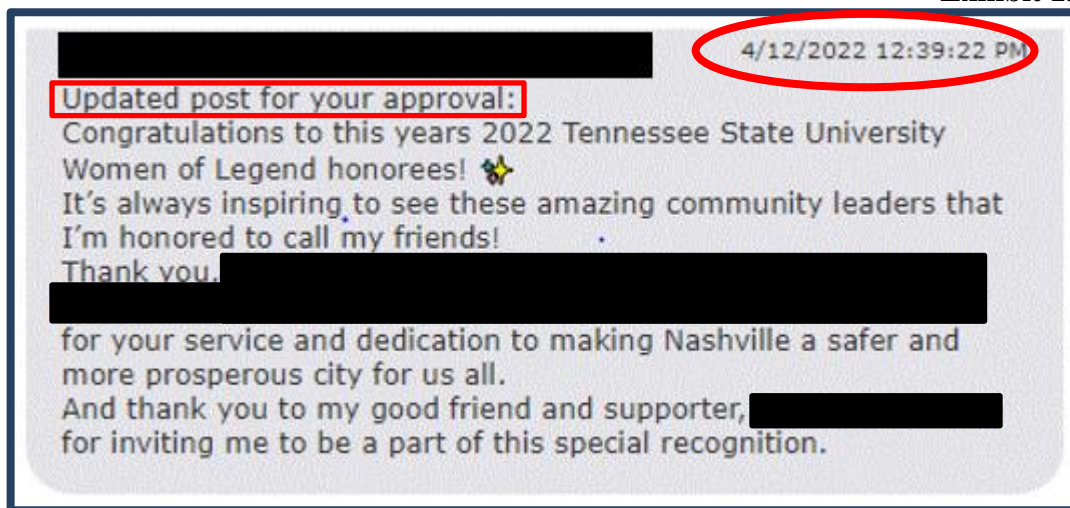
In an examination of an office computer, investigators located several communication threads exchanged for campaign purposes during regular business hours between the District Attorney General and office employees. These communications included creating and discussing social media posts by an office employee for the District Attorney General's reelection campaign sites (**Refer to Exhibit 12, Exhibit 13, and Exhibit 14**). Investigators located several examples of these communications being conducted in the spring of 2022 prior to the election.

Exhibit 12

Time stamps on employee's correspondence during April 12, 2022	Campaign-related activity by an office employee
11:23:00 a.m.	Email correspondence
11:25:00 a.m.	Email correspondence
12:39:22 p.m.	Text message correspondence (refer to Exhibit 13)
12:52:19 p.m.	Text message correspondence
01:19:59 p.m.	Text message correspondence

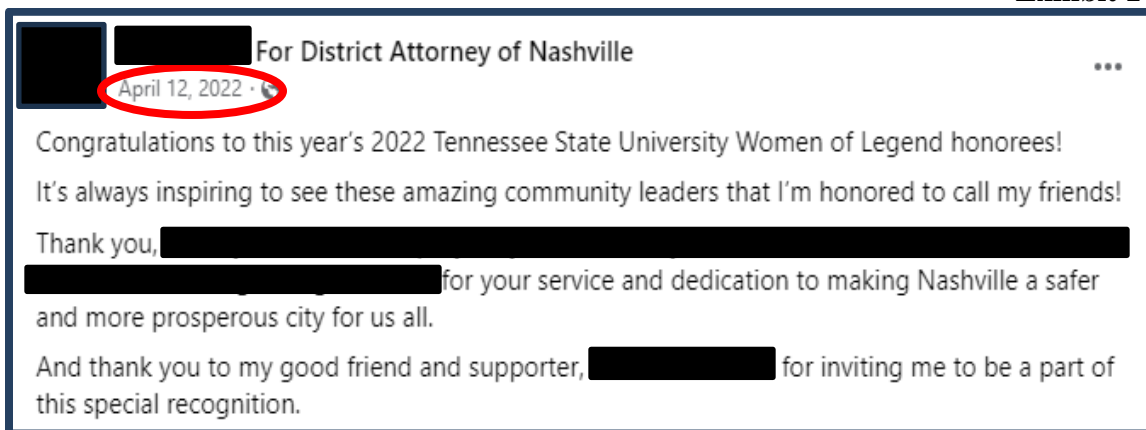
The campaign-related activities of the employee in question on April 12, 2022, are indicative that campaign activity took place during the workday.

Exhibit 13



An excerpt of a message sent by an office employee on April 12, 2022, at 12:39 p.m. This communication indicates that the employee was participating in campaign-related activities.

Exhibit 14



The same message that was communicated in Exhibit 13 and approved in one of the messages included in Exhibit 12 was subsequently posted to the District Attorney General's reelection social media the same day.

Investigators reviewed the office employee's building access card swipes and verified that the employee accessed the office several times on dates in question. Investigators also did not locate any PTO claimed by this employee on various dates campaign activity was shown to have been conducted.

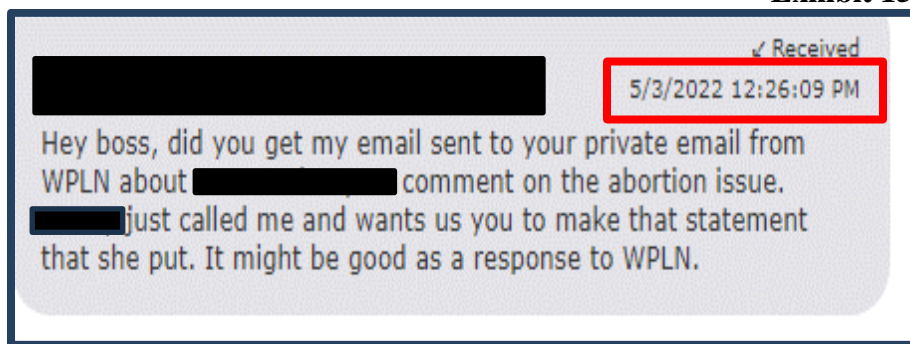
In an interview with investigators, the District Attorney General was asked about various office employees' roles in his reelection campaign. The District Attorney General stated in part that the office employee in **Exhibit 12 and Exhibit 13** "was not a campaigner." Investigators

question the District Attorney General's characterization that this individual "was not a campaigner" when investigators located several indications this employee was participating in campaign-related activities during normal business hours with the knowledge of the District Attorney General and attended campaign-related events with the District Attorney General.

C. PTO forms were created for office employees who were participating in campaign activities after questions were raised with the office

Investigators identified numerous instances where office employees participated in campaign-related activities during the normal course of business hours with the knowledge of the District Attorney General (**Refer to Exhibit 15**).

Exhibit 15



Various communications were identified between the District Attorney General's device and an employee on election day. The content of this and other communications appear to be campaign-related, thus indicating he was participating in campaign activity. The above exhibit references a comment the District Attorney General's political opponent made.

After the May 3, 2022, primary election, the office received questions and requests for documents, including personnel records that could indicate office employees were participating in campaign-related events for the District Attorney General when required to be at work. These requests included PTO forms and building access card swipes. Investigators determined that PTO forms were prepared to reconcile with building access card swipes (**Refer to Exhibit 16**). Investigators found no evidence to indicate that these PTO forms would have been completed before questions were raised about employees' time participating in campaign-related events. Thus, the District Attorney General's reelection campaign would have received a benefit by having government employees working on the campaign while being paid with government funds.

Exhibit 16

PTO Report

Name: [REDACTED]

Begin date MAY 3 Last Date MAY 3

DAYS:	PTO	BANK	MILITARY
Available	18		
Request	1		
Remaining	17 0.0	0.0	0.0

In lieu of covering the docket or record room on this holiday: _____

REASON FOR ABSENCE

Bereavement Illness Leave without Pay
 Vacation CLE Military
 Suspension Other FMLA / STD
 In Lieu of: _____

Explanation, if necessary: _____

IN CASE OF EMERGENCY, I can be reached at the following number/location: _____

Employee's Signature: [REDACTED] Date: 6/1/22

Supervisor Approval: [REDACTED] Date: 6/1/22

Signed Copy to: Executive Assistant or Area Supervisor

PTO REPORT No. _____

Created approximately one month after the May 2022 election.

PTO form completed approximately one month after the office employee participated in campaign-related activities with the knowledge of the District Attorney General.

When a Deputy District Attorney General was questioned by investigators, he stated in part that he doesn't recall the District Attorney General giving direction to find out who was working on his campaign during business hours, but instead, the PTO forms were prepared and reconciled based on building access card swipes. Building access card swipes provide a record of entry into the building; however, there would not be sufficient record to show how long an employee stayed after entering the building. Investigators question this method of reconciliation for PTO usage since building access card swipes would not provide sufficient information to determine whether PTO should have been used. Investigators noted instances of employees having building access card swipes who engaged in campaign activities the same day with no supporting PTO documentation for those activities. Investigators determined that with this method of reconciliation, there would be no way to determine or differentiate when an employee swiped into the building and began performing their official duties or immediately departed to participate or engage in electronic media campaign activity, and no PTO form would have been completed.

Failure to submit PTO forms during a regular course of business and instead submitting the forms after questions are raised is a questionable business practice that could create the

appearance of the District Attorney General's campaign receiving undue benefit in the form of employees' work time and equipment spent on campaigning.


The District Attorney General was questioned if there were any attempts to locate anyone who may have used their building access card to swipe in for an hour and then leave to participate in campaign activity. The District Attorney General responded in part,

He is unaware of anything like that and doesn't think that was happening. The District Attorney General stated the Deputy District Attorney General was in charge of getting all of that together.

D. Office employees used a governmental email system to exchange content benefiting the District Attorney General's reelection campaign

The Justice Integration System (JIS) is a government email system used to operate email accounts for members of the judicial system in Nashville and Davidson County. Our investigation revealed that the governmental email system was used to solicit donations and to exchange email correspondence and various attachments contributing to the District Attorney General's reelection campaign efforts (Refer to Exhibit 17, Exhibit 18, and Exhibit 19).

Exhibit 17



QR (Quick Response) code and logo frequently used in the campaign

Highlights

Supporting Victims and Targeting Violent Crime

Indictment Outcomes 2015-2020

Charge	Conviction	Not Guilty	Total
Murder	381	8	389
Robbery	816	4	820
Rape	137	0	137
Guns	1,662	6	1668

Murder

Not Guilty, 2.1%

Conviction, 381, 97.9%

Robbery

Not Guilty, 0.5%

Conviction, 816, 99.5%

Rape

Not Guilty, 0%

Conviction, 100%

Gun

Not Guilty, 0.4%

Conviction, 1662, 99.6%

Domestic Violence Victim Support

2021 GS DV Jail Docket Outcomes

Outcome	Percentage
GS Dismissals	19%
Successful Prosecutions	60%
Dismissed / Failure to Prosecute	21%

Cases represented: 3376

Common Sense Criminal Justice Reform

Ending prosecution of possession of <.5 oz of marijuana.

Marijuana Offenses – Total Inmate Days in Custody

Year	Days in Jail
2014	5,148
2020	6

Leading the country in ending mass incarceration at the local level – saving taxpayers \$50 million per year.

Average Daily Population of Locally Incarcerated Inmates

Year	Inmates in Jail
2013	3,095
2021	1,510

Promoting diversity in the DA's office

Hired 27 minority ADA's

August 2014

Black 3%

White 97%

Today

Latinx 9%

Black 18%

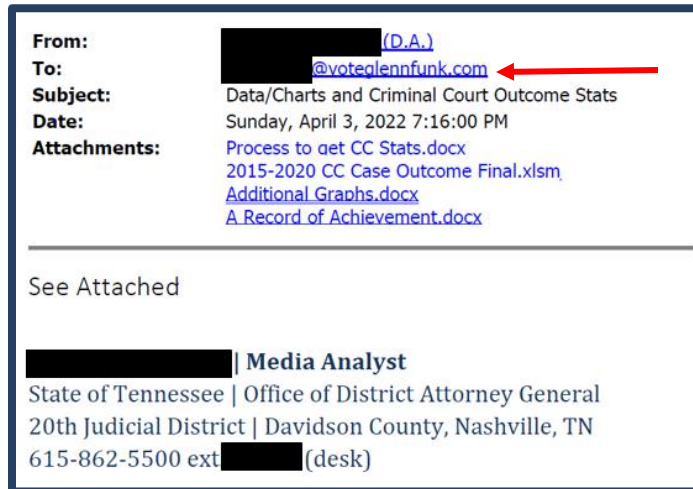
White 73%

Ending Prosecution for Revoked Driver Licenses

Year	Days in Jail
2013	18,229
2019	196
2020	29

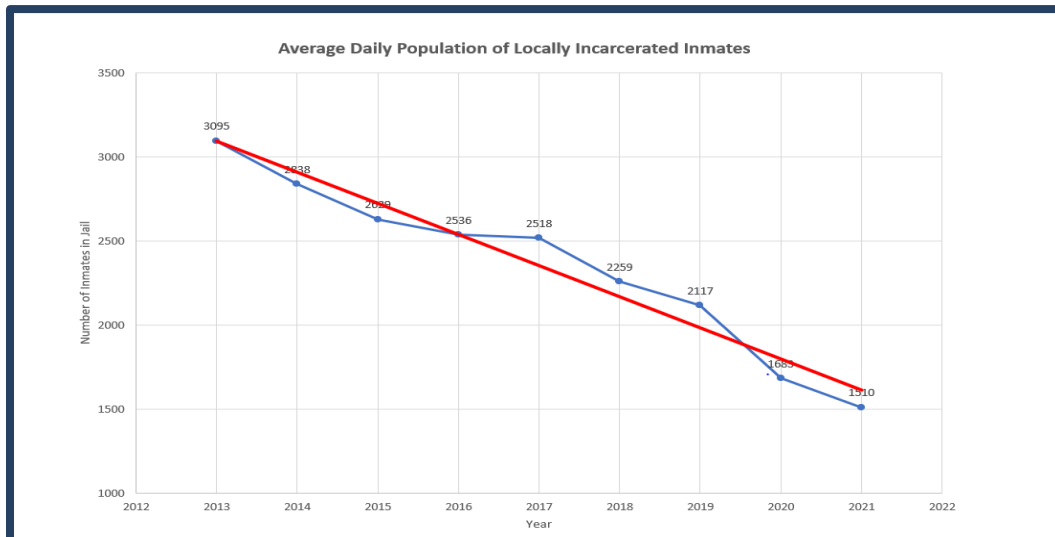
An example of a document sent via a government email account by one of the office employees. The QR code directs the reader to the District Attorney General's reelection campaign website.

Exhibit 18



An example of the office employee using his government email account to send campaign-related material to the District Attorney General's reelection campaign.

Exhibit 19



A chart, emailed by an office employee using his government email account, was sent to the District Attorney General's reelection campaign. The same chart was later posted to the District Attorney General's reelection campaign social media website.

4. INVESTIGATORS QUESTION A DOCUMENT PROVIDED BY THE DISTRICT ATTORNEY GENERAL AS A GENUINE GOVERNMENT RECORD OF THE OFFICE

Investigators question a document provided by the District Attorney General as a genuine government record of the office after an investigation was initiated. Investigators determined that campaign-related signs and banners were displayed during an event held in a government building. However, the District Attorney General stated, in part, that the banners were not campaign in nature and were the office's property. The District Attorney General also stated and provided a written statement that a local sign company donated five banners to the office **(Refer to Exhibit 20 and Exhibit 21)**.

Exhibit 20

Item #3: [REDACTED]
[REDACTED] The Office has additionally
provided a document evidencing the donation of five banners by [REDACTED] Signs in December
2021.

The District Attorney General provided investigators with a written statement indicating the banners were donated to the office by a local sign company.

Exhibit 21



The District Attorney General provided investigators with this document indicating the signs were donated and were the property of the office asserting this document was presented as a genuine government record.

Investigators reviewed the documents from the local sign company related to the District Attorney General's purchases and donations. When investigators interviewed the owner of the local sign company, he stated to investigators in part, that he is unaware of anything being donated to the District Attorney General's Office. The District Attorney General presented investigators with a document indicating that the signs and banners were donated to the office; however, investigators found evidence indicating that signs and banners of similar dimension, size, and bearing the same logo were property of the District Attorney General's reelection campaign. Evidence shows this material was frequently used for campaign purposes. Therefore, investigators question the document presented as a genuine government record of the office (**Refer to Exhibit 21**).

The District Attorney General's role represents a vital function that fulfills a key element within the prosecutorial system. To effectively serve this vital function, individuals elected to the position must act with high integrity and high ethical standards while conducting day-to-day business or managing the office's affairs with all stakeholders, whether it be the office employees or outside personnel. Recording conversations of adverse counsel, office and

business personnel, visitors, and others without their consent and knowledge and utilizing government property and personnel to implement questionable practices of personnel whose family members support political opponents could undermine public trust and independence. Using government resources to promote and benefit the reelection campaign creates the appearance that the District Attorney General is receiving undue benefits he is not otherwise entitled to receive. Such practices could be viewed as an unauthorized exercise of official power and bring into question the District Attorney General's integrity and confidence in fulfilling his duties and responsibilities of the office.