

2022/23

Annual Report

ONE YEAR REVIEW | SEPT. 2022-SEPT. 2023

OFFICE OF SHELBY COUNTY
DISTRICT ATTORNEY GENERAL

STEVE MULROY

DA's Message

I took office September 2022 with a mandate to change practices from the last several decades. To say that this first year in office was challenging would be a stark understatement. In my first week, we saw the tragic Eliza Fletcher kidnapping/murder case; and the multi-hour "Facebook Live" shooting spree leading to charges against Ezekiel Kelly; both receiving national, even international, attention. That December saw a record number of Officer-Involved Shootings. The next month saw the Tyre Nichols case again put our office in the international spotlight. The months following saw continued rises in crime, particularly auto thefts and break-ins.

Yet silver linings emerge. We rose to the early challenges, which prepared us well for challenges to come. We took swift and decisive action in the Eliza Fletcher and Ezekiel Kelly cases, demanding the ultimate penalty. We created a new Justice Review Unit which, among other things, has given us an independent consideration of Officer-Involved Shootings, and a revolutionary new transparency policy providing quick public release of video footage. That quick release occurred in Tyre Nichols' case. But because we first brought charges against the officers involved (in record time), Memphis didn't burn—and neither did the other cities around the nation seeing massive protests. National commentators called our handling of the case a "blueprint" for the nation.

And the work continued, on both Crime and Reform. There are those who see those two goals as contradictory, when they're in fact complementary. Reform restores public confidence in the fairness of our system, which is understandably low after years of neglect. That renewed public confidence encourages the community to cooperate with law enforcement more—giving tips, reporting crimes, serving as witnesses. And it's that cooperation that's most important to flattening, and then lowering, the Crime curve.

It's not fairness versus safety. It's not even a balance between fairness and safety. It's fairness in service of safety.

We're working on both.



In the pages that follow, you'll read about new initiatives refocusing on violent crime; new partnerships with MPD on Cold Cases and Organized Retail Theft; new initiatives in Juvenile Court on Auto Thefts and Break-Ins; and ways we're working to move cases through the system faster. You'll also read about how we've become the most transparent, and racially diverse, DA's Office in Shelby County's history; how we're working with national experts on best practices to intervene meaningfully in defendant's lives so they don't repeat their crimes. And how recognizing that we have a crime crisis, I convened the key criminal justice decision-makers at a Public Safety Summit to come up with consensus priority strategies and much more.

We won't bend the curve on crime, or straighten out a broken system, overnight. But we will get there, with your help.

We'll work ceaselessly to do both. And there's more to come.

KEY HIGHLIGHTS

1 REFOCUS ON VIOLENT CRIME

CRIME

- **Nonfatal Shooting Policy:** Attempted Murder & Aggravated Assault cases can no longer be dismissed without the approval of the Deputy DA, who will check to make sure all criminal history checks, ballistic tests, redoubled efforts to get witness cooperation, etc., have been exhausted.
- **Aggravated Assault Policy:** Absent unusual circumstances, if a defendant points a gun at a person and pulls the trigger, regardless of what happens next, Straight Probation will not be a plea offer—there must be some jail time.
- **Deemphasize Certain Non-Public Safety Offenses:** Such as marijuana possession and being late on fines and fees, to better focus on violent crime.
- **"Fast Track" Violent Cases:** We'll identify all files involving Murder, Robbery, Carjacking, attempts to commit those crimes, and Aggravated Assault where a shot is fired. Prosecutors will have tighter deadlines to get those cases to a Preliminary Hearing, to get Indictments, and to ultimately dispose of the case. Prosecutors will also have to regularly consult with law enforcement, listen to jail calls, and check the defendant for possible crimes in other jurisdictions, as appropriate.

2 CREATION OF JUSTICE REVIEW UNIT

The Justice Review Unit (JRU) is an independent unit that does not work regularly with law enforcement or the rest of the office, housed physically separate and reports directly and solely to the DA. JRU looks for potential wrongful conviction and wrongful sentence cases. It also provides independent recommendations in Officer-Involved Fatality cases where the DA brings in the TBI for an independent investigation.

3 STAFF DIVERSITY + REORGANIZATION

The Office has hired over 85 new employees, including 40 new prosecutors. Among staff, persons of color increased 10 percent, from 30 percent to 40 percent. Among prosecutors, the increase was by a third, from 15 percent to 20 percent. The number of attorney supervisors of color has doubled.

Reorganization The Office has disbanded the Special Prosecution Unit, distributing all felony cases more evenly among Vertical Teams and various Criminal Courts. We've folded the Environmental Unit into the Economic Crimes Unit to make staff less top-heavy. We've distributed Murder and similarly challenging cases more evenly among all prosecutors, including those not assigned to Vertical Teams. The office has also created and filled two new positions: a Grants Coordinator and a Chief Data Officer.

ABOUT THE OFFICE

The Shelby County District Attorney's Office comprises approximately 120 prosecutors and 110 other professionals, including investigators, victim witness coordinators, and other administrators—all dedicated to the Office's mission of enhancing public safety, fostering restoration and prevention, and ensuring equal justice for all.

Each year, the Shelby County DA's Office investigates close to 90,000 cases to prosecute crime and assist victims--all while implementing crime prevention strategies to improve public safety and the quality of life in Shelby County. The Office also operates several innovative programs that focus on the engagement and improvement of the community.

The dedicated team at the Shelby County DA's Office tirelessly strives for justice and is wholeheartedly committed to contributing to a safer and more just Shelby County.

EXECUTIVE LEADERSHIP

Steve Mulroy | District Attorney
Paul Hagerman | Deputy District Attorney

Ernest Brooks | Associate Deputy DA
Jessica Indingaro | Chief Administrative Officer
Chris Lareau | First Deputy
Vishant Shah | Chief Data Officer
Gerald Skahn | Special Assistant of Post-Conviction
Erica Williams | Director of Communications and Public Affairs

Prosecutors

120

Other Professionals

110

ABOUT THE OFFICE: UNITS

Our office has 10 Vertical Teams, each of which prosecutes all cases coming through a particular General Sessions Court (for misdemeanor and pretrial matters) and a specific Criminal Court (for felony trials). In addition, we have six specialty units.

DOMESTIC VIOLENCE UNIT

Handles cases of domestic assault and homicide committed by intimate partners. Also works closely with the Shelby County Family Center and other victim providers.

CRIME STRATEGIES AND NARCOTICS PROSECUTION UNIT

Works to identify and prosecute crime drivers, files nuisance actions to eliminate criminal activity, and prosecutes all felony drug offenders.

Charged offenses include homicides, aggravated robberies, kidnappings, rapes, criminal-attempted murders and narcotics trafficking.

SPECIAL VICTIM'S UNIT (SVU)

Focuses on the needs of those who are among the most vulnerable in our community. SVU prosecutes all cases of rape, child sexual abuse, severe physical abuse of child victims, elder abuse and vulnerable adult abuse.

DUI UNIT

Prosecutes all driving-under-the-influence cases in the Criminal Courts. Through a united effort with local law enforcement, the unit seeks to reduce the number of DUI-related fatalities.

JUVENILE COURT UNIT

Prosecutes in Shelby County Juvenile Court all cases alleging that a child under 18 has committed a delinquent act. Also handle truancy dockets, involving parents and guardians of excessive school absences. Where necessary, prosecutors may also seek transfer from juvenile court to criminal court for prosecution as an adult.

ECONOMIC CRIMES UNIT

Prosecutes fraud, embezzlement, bribery, and related complex nonviolent crimes. Beginning fall 2023, ECU began handling all cases in Environmental Court, including urban blight code violations, animal cruelty, worker exploitation, and job misclassification.

FAST FACTS

Case Volume	87,206
Felony	9,867
Misdemeanor	33,034
Traffic Cases	44,305

AVERAGE CASELOAD PER PROSECUTOR	498
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CHARGES FILED	120,257
Felony	47,184
Misdemeanor	73,073

SHELBY COUNTY JAIL AVERAGE POPULATION (ADP)	
2022 ADP	2,603
2023 ADP	2,360
Percentage Change	-8.9

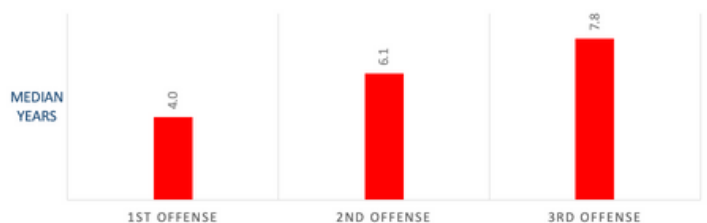
Major Violent Crime	%
Aggravated Assault	15.4
Robbery	3.6
Murder	3.1
Rape	1.2
Total	23.3

Major Property Crime	%
Theft	23.9
Burglary	8.1
Motor vehicle theft	7.7
Total	39.7

Violations	%
Narcotics	16.2
Firearms	5.7
Total	21.9

Domestic violence	11.5
Simple assault	3.6
Total	100.0

AGGRAVATED ASSAULT SENTENCING



NOTABLE CASES

The SCDAG's office handles approximately 87,000 cases each year. Each is a priority in our office as we seek justice for victims. However, in the past year there have been several cases that received local and national attention.

ELIZA FLETCHER

On September 2, 2022, beloved mom, wife, and teacher Eliza Fletcher was forcibly abducted during her morning run. Memphis united in its search to find her and then united in shock and grief when her body was found two days later behind a vacant house.

Cleotha Abston/Henderson is charged with her murder and kidnapping and is in custody with no bond. A death penalty notice has been filed, and the case is expected to go to trial in 2024.



TYRE NICHOLS

On January 7, 2023, Tyre Nichols was stopped by a few Memphis Police officers and subsequently chased and beaten. He died three days later. Memphis and the world watched the video of the horrific incident. The office took swift action and, within three weeks of the incident, indicted five Memphis Police Officers for Second Degree Murder, Aggravated Kidnapping, and Official Misconduct charges.

The office was recognized nationally for this and cited as providing the "blueprint" for such cases. This prosecution is proceeding, with several pretrial motions already having been litigated. The trial is expected in 2024.

"We have a precedent that has been set here in Memphis, and we intend to hold this blueprint for all America from this day forward."

-Ben Crump, Civil Rights Attorney | Attorney of Family of Tyre Nichols

NOTABLE CASES

EZEKIEL KELLY

Ezekiel Kelly is facing 28 charges encompassing three charges of first-degree murder, aggravated robbery, numerous counts of reckless endangerment, and a terrorism charge following a shooting spree in 2022.

In light of Kelly's extensive criminal record, which traces back to the age of 15, our office has declared their intention to seek the death penalty in this case.



JUSTICE REVIEW UNIT ARTIS WHITEHEAD



Prior to District Attorney Mulroy taking office, there was only one conviction review unit in Tennessee, created in 2016 in Davidson County (Nashville).

In 2023, the Shelby County DA's Office created the Justice Review Unit (JRU), Tennessee's second conviction review unit and the first to include wrongful sentences and convictions in its mandate. The JRU is an independent unit within the DA's Office-housed separately from the rest of the office.

The DA has also assigned the JRU the task of making independent recommendations regarding possible prosecution of law enforcement officers in Officer-Involved Fatality cases.

ARTIS WHITEHEAD

In 2003, Artis Whitehead was convicted of the daytime armed robbery of B.B. King's nightclub, with seven employees and patrons present. Whitehead received a 249-year sentence.

In 2007, the Tennessee Innocence Project took over Artis Whitehead's petition for post-conviction relief and filed a "coram nobis" petition alleging newly discovered evidence.

On September 26, 2023, JRU filed an Answer to the petitions, which agreed with some of the positions taken by the Tennessee Innocence Project regarding Mr. Whitehead's potential misidentification at trial. Only two of the seven employees present during the robbery identified Mr. Whitehead. One has since recanted that identification, and there are reasons for questioning the other, including witness testimony at trial indicating that the actual assailant was much shorter and lighter than Mr. Whitehead.

Further errors at trial included a conflict of interest by Mr. Whitehead's trial counsel, deviations from accepted police practices and procedures, and, indeed, newly discovered evidence involving an alleged anonymous tipster who was a paid police informant.

Taken together and seen through the lens of the evolving science of misidentification to which two expert witnesses testified, the State lost confidence in the verdict against Mr. Whitehead. We conceded this to the Court and did not oppose a new trial. The Court has since granted a new trial.

DA Mulroy has since decided not to re-try the case, citing significant doubt about the evidence of guilt.

POLICY INTO PRACTICE

Under DA Mulroy's leadership, the pursuit of safety in Shelby County has taken on a new dimension. Data-driven, smart solutions have been at the forefront of efforts to enhance public safety. Additionally, the office has implemented innovative strategies to prevent and address crime effectively, ensuring the well-being of Shelby County.

Trust and transparency have become hallmarks of DA Mulroy's tenure. The District Attorney's Office has made itself more accessible than ever before. We believe that trust can grow between the office and the community it serves by sharing information, engaging with the public, and providing clear insights into the workings of the justice system.

Community collaboration and engagement have been central to DA Mulroy's approach. The office has actively sought input from residents, community leaders, and stakeholders. This collaborative effort ensures that justice is not only done but also that it is a shared endeavor that enriches the lives of all Shelby County residents.



This annual report highlights the remarkable strides made under DA Mulroy's leadership, from fostering fairness in the criminal justice system to implementing smart safety solutions, building trust and transparency, and fostering community collaboration and engagement. DA Mulroy's vision for a just, safe, and united Shelby County continues to drive progress, setting a high standard for the years ahead.

PRIORITIES



SAFETY
+
SERVICE



TRUST
+
TRANSPARENCY



FAIRNESS



COMMUNITY
ENGAGEMENT
+
OUTREACH

A SAFER SHELBY COUNTY

We know that a small number of repeat violent offenders are responsible for a large percentage of our violent crimes. In our first year, we have adopted policies and practices designed to improve safety by refocusing on violent crime and increasing the speed at which cases are resolved.

1

AGGRAVATED ASSAULT POLICY

Absent unusual circumstances, if a defendant points a gun at a person and pulls the trigger, regardless of what happens next, straight probation will not be our plea bargain offer. They must serve prison time.

2

DEEMPHASIZE CERTAIN NONVIOLENT OFFENSES

Deemphasize prosecutions for marijuana possession and unpaid fines and fees, to better focus on violent crime.

3

FAST TRACK VIOLENT CASES

For 11 violent and violence-associated offenses, get tougher on bail; have tighter deadlines for resolving; and do more intense investigations.

4

OPERATION BROKEN BOTTLES

The DA's Office set up a task force to work on business "smash & grab" break-ins, partnering with MPD. Since its inception, the office has brought down an organized retail theft ring with 27 indictments and counting.

5

PUBLIC SAFETY SUMMIT

Spearheaded by DA Mulroy, this summit brought together City and County Mayor, MPD Chief, Sheriff, and many other officials to develop five Consensus Priority Strategies on Crime. See [website](#) for a list of the public safety summit priorities.

6

A FOCUS ON ANIMAL CRUELTY

Upon taking office, DA Mulroy hired retired judge (and animal welfare expert) Donna Fields as a prosecutor working solely on animal cruelty cases.

SAFETY + SERVICE: SUPPORTING VICTIMS

One of the District Attorney's Office's leading roles is to support crime victims. We do that in several ways, including assisting victims through the court process, informing them of their rights in the criminal justice system, and advocating for them through each step of a criminal case.

We have more than 25 Victim/Witness Coordinators (VWC) who are specially trained to assist victims of homicide, Hispanic victimization, sexual assault, elder abuse, domestic violence, and gangs. Most of our coordinators are certified with the Victim/Witness Advocate Credentialing Program.

Victim and witness coordinators play a crucial role in providing vital support and assistance to victims of crime and witnesses involved in legal proceedings. Their primary objective is to ensure that victims and witnesses are treated with compassion, respect, and sensitivity throughout the criminal justice process.

Since September 2022, VW coordinators have served more than 13,000 new victims while still offering support to victims in previous cases that precede 2022.

HIGHLIGHTS

Secured free parking for victims and witnesses.

Hired a new VWC to work in the new bail hearing room to contact victims regarding bail hearings.

Partnered with the Crime Victims and Rape Crisis Center to house an advocate in the courthouse to connect victims who appear in court to services.

Obtained grant to fund a National Crime Victims' Rights Week campaign.

Hosted 12th annual Season of Remembrance event for families of homicide victims during the holiday season.



COMMUNITY OUTREACH

Our office has a community engagement team consisting of our community affairs director, Environmental Court staff, expungement attorney, and two prosecutors assigned full-time to select precincts in Shelby County. The Community Engagement Unit organizes several events throughout the year to connect our office with the public.



RESTORATION SUNDAY

Our office along with several other Shelby County offices, gather to host quarterly clinics that handle child support issues, restore driver's licenses, offer education opportunities, job recruitment and possibly expunge minor convictions related to Shelby County. Restoration Saturday affects thousands of Shelby County residents each year.

EXPUNGEMENT CLINICS

Expungement is the legal process through which an individual's criminal record is sealed or erased, effectively giving them a clean slate. This process is crucial for those who have made mistakes in the past but are committed to turning their lives around. A criminal record can be a significant barrier to employment, housing, education, and various other opportunities, making it difficult for individuals to reintegrate into society.

This year, our office hosted six expungement clinics and resource fairs assisting more than 1200 Shelby County residents.

CLERGY LUNCHEONS

Our office partners with local churches to host a quarterly Minister's Luncheon where clergy and law enforcement officials can get together to speak about community initiatives and crime prevention.

DA'S ADVISORY COUNCIL

In the fall of 2023, DA Mulroy launched the DA's Advisory Council (DAAC), which was established to foster a more robust and collaborative relationship between the DA's Office and its diverse communities. By bringing together business and community leaders, the DAAC can create a platform of meaningful dialogue, collaboration, and understanding.



TRUST AND TRANSPARENCY

DATA COLLECTION

The criminal justice system depends on the public trusting the work that we do. Without it, the community won't cooperate with law enforcement, and the criminal justice system suffers. DA Mulroy's commitment to gaining and keeping the public's trust is exemplified through our ongoing pledge to be transparent and accountable.

By collecting and analyzing data on how our office uses its prosecutorial discretion, we can be more efficient and effective in everything from staffing to evaluating employee performance and improving case strategies. Publishing that data allows the community to see how we're doing on fairness and effectiveness, restoring public trust and holding us accountable.



In May, the office entered into a Memorandum of Understanding (MOU) with Justice Innovation Lab (JIL) to enhance data transparency in the office. JIL comprises former prosecutors and data analysis experts with significant experience working with prosecutors nationally on data-driven prosecution.

JIL started reviewing and analyzing the office's case management data for data quality and integrity. In addition, JIL trained ADAs and support staff on data-driven decision making. JIL's technical assistance will increase data transparency and accountability, including a public-facing Data Dashboard on our website, which we expect in 2024.

CHIEF DATA OFFICER

Hiring of a Chief Data Officer, a first for the Shelby County DA's Office.

The CDO is responsible for:

- Creating a data culture
- Promoting a self-service data analysis
- Developing data operations
- Improving data quality

COMMUNITY TOWN HALLS

In January 2022, the DA launched the "DA's Town Hall" series to help strengthen the relationship between the office and the community. These town halls are instrumental in fostering transparency, accountability, and mutual understanding.

The stops consist of areas in various locations throughout Shelby County, including Frayser, Germantown, and Whitehaven.

BI-WEEKLY PRESS CONFERENCES

In April 2023, our office began holding press conferences every other week, inviting all media outlets to attend.

The DA is the only Shelby County official to hold regular press conferences. All local media outlets, including print, digital, television, and radio, are represented at the press conferences—allowing us to reach the diverse residents of Shelby County.

FAIRNESS: A MORE JUST SHELBY COUNTY

THE NEED FOR REFORM

While public safety has been the the District Attorney's Office priority, another focus has been placed on ensuring fairness within the criminal justice system. This strategic focus has emerged from a growing recognition that equity and justice are essential pillars of our work.

By prioritizing fairness, the District Attorney aims to rectify historical disparities and biases that have disproportionately affected marginalized communities in Shelby County.

ADDRESSING THE ISSUES

Our commitment extends to fostering transparency in prosecutorial decisions, advocating for unbiased policing practices, and working toward restorative justice solutions. By addressing systemic inequalities and promoting a fairer criminal justice system, our office seeks to rebuild trust within the community, enhance public safety, and uphold the fundamental principles of justice for all residents of Shelby County.

Addressing the underlying issues causing defendants to offend—substance abuse, mental health issues, education, joblessness---helps prevent recidivism (repeat offenses) and promotes public safety.

When appropriate, our office refers people to various diversion programs and services to promote accountability and reduce the likelihood of future offenses.



RESTORATIVE JUSTICE

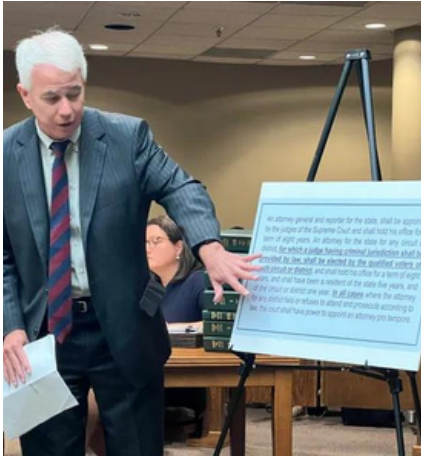
DA'S COMMUNITY JUSTICE PROGRAM

The Community Justice Program (CJP) is a grassroots alternative to traditional prosecution aimed at restoring victims and communities impacted by crime. Its mission is to unite the victim, the responsible party, and the community so that all parties can work together to make the victim whole, curb future offenses, and give the community a larger role in the criminal justice process.

Cases are referred to the CJP by prosecutors who would otherwise handle the cases in court. If the participant completes the requirements ordered by the CJP, the case will be returned to prosecutors, who will then dismiss the case and help get the criminal charge expunged. The program has expanded by adding two additional community justice advocates responsible for providing services for the CJP.

In addition, the CJP is partnering with the American Prosecution Association to pioneer a cutting-edge restorative justice program focusing on shoplifting cases, assisted by a \$50,000 grant from the APA.

LEGISLATIVE EFFORTS



DA Mulroy argues the constitutional challenge to the new capital post-conviction law.

POST-CONVICTION JURISDICTION

Another recent legislative change attempted to remove jurisdiction from certain post-conviction proceedings from locally-elected DA's statewide. Even though those cases are conducted in the local trial courts, the legislature attempted to appoint the unelected Nashville-based Attorney General as the representative of the State of Tennessee. In Shelby County Criminal Court DA Mulroy personally argued the Motion to Disqualify the Attorney General on the basis that the new statute was unconstitutional. Not only was the legislature's process to pass the law less than transparent, but it violated the Constitution since people have the right to be prosecuted in a court with a locally-elected judge by a locally-elected prosecutor.

DA Mulroy was successful in the trial court before Judge Paula Skahan, and looks forward to continuing to represent the people of Shelby County as this case moves into the appellate courts.

FRIENDS OF GEORGE'S

DA's are required to enforce the criminal laws as passed by the state legislature. While they have discretion on how to deploy resources, they are not permitted to just ignore categories of crimes. The state legislature passed a new law that criminalized drag performances, and require DA Mulroy to prosecute people arrested for those new crimes. DA Mulroy was sued by Friends of George's, a local production company renowned for its humorous stage shows including performers in drag in order to try to prevent the law from going into effect. Representing DA Mulroy, the Attorney General argued strongly in favor of the need for the law and its constitutionality, but United States District Thomas L. Parker nonetheless entered orders to prevent DA Mulroy from enforcing this unconstitutional law. DA Mulroy was glad that he "lost" this case.

BLENDED SENTENCING

Working with the Crime Commission and key legislators like Sens. Raumes Akbari (D-Memphis) and Brent Taylor (R-Germantown), DA Mulroy supported a "blended sentencing" bill in the 2023 General Assembly. "Blended sentencing" would allow serious juvenile offenders to be detained or supervised on probation past the age of 19 (where Juvenile Court jurisdiction currently ends) through age 24. Sponsored by Sen. Taylor, the bill passed the Senate unanimously. It currently awaits action by the House.

PARTNERSHIPS + COLLABORATIONS

Vera Institute

WREN Collective

Justice Inovation Lab

Fair and Just Prosecution

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