



Metro Office of  
Family Safety

Where Hope and Healing Begin



ANNUAL REPORT  
Domestic Violence  
Homicide in Nashville

20  
22

Domestic Abuse Death Review Team | Nashville – Davidson County, TN



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The events and incidents described within this report are derived from the following sources: The Metro Nashville Police Department homicide report relating to the homicide in question and additional reports from the police, witness interviews, and other Nashville organizations related to the victim and/or perpetrator. Some of these details and descriptions are the opinions of those witnesses or third parties and do not necessarily reflect the opinions of the Domestic Abuse Death Review Team, the Metro Nashville Office of Family Safety, or the City of Nashville.

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# Metro Office of Family Safety

*Where Hope and Healing Begin*

**Nashville – Davidson County, TN**

**2022 Annual Report**

**Prepared for**

The Honorable Mayor O’Connell,  
The Davidson County Metro Council,  
& The Metropolitan Government Office of Family Safety Advisory  
Committee

**Prepared by**

Diane Lance, Director of Metro Nashville Office of Family Safety  
Becky Owens Bullard, Deputy Director of Programs  
Heather Herrmann, Director of Education  
Clare Ryan, High-Risk Data Analyst  
of the Metropolitan Government of Nashville – Davidson County Office  
of Family Safety

**“When traumatic events are of human design, those who bear witness are caught in the conflict between victim and perpetrator. All the perpetrator asks is that the bystander do nothing. They appeal to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement and remembering.”**

**— Judith Lewis Herman**

## **DEDICATION**

This report is dedicated to the twenty 2022 victims of domestic violence homicide in Nashville and those who mourn their tragic loss of life. These individuals were family members, neighbors, and friends of our community. We will continue to remember their experiences and learn lessons from their abuse histories that will help others. To those still living in fear, we hope to introduce you to a supportive community dedicated to helping survivors each day.

**You are not alone.**



## ACKNOWLEDGMENTS

The Nashville Domestic Abuse Death Review Team (DADRT or Team) would like to thank Nashville's Mayor Freddie O'Connell and Metro's Council members for their support of the Team's work in examining domestic violence fatalities. The Team would also like to express its gratitude to the Metro Government Office of Family Safety's (OFS) Advisory Committee for its guidance and support.

We are incredibly grateful for the many Team members who dedicated time out of their busy schedules to thoughtfully review the selected 2022 case. The dedication and expertise that DADRT members bring to each meeting are invaluable in identifying the gaps in domestic violence homicide prevention.

Finally, we would like to express our sincere gratitude to all individuals who volunteered their time identifying and providing insight into warning signs and possible points of intervention. We are especially grateful to those family and friends who suffered a painful loss but were willing to share their loved one's story with the Team to help us better serve future victims of domestic violence.

Our Team hopes that this report will lead to a better understanding of domestic violence in our community, the strengths and weaknesses in our response systems, and the steps that we must take in the future to improve victim safety and offender accountability.

# LETTER TO THE MAYOR

Dear Mayor O'Connell,

The Nashville-Davidson County Domestic Abuse Death Review Team (DADRT) would like to share our 2022 annual report. DADRT is managed by the Metro Office of Family Safety (OFS) and meets at Nashville's Family Safety Center (FSC) with partners from criminal justice and victim services agencies.

Under the authority of Executive Order 022 (2016) and following National Fatality Review best practices, the Team performed an in-depth review of a domestic violence murder-suicide. In this case, a man with a documented history of strangulation and threats with a firearm shot his estranged wife and her mother before taking his own life. The perpetrator had been arrested on two felony domestic violence charges approximately a month before the murder-suicide and should not have been in possession of a firearm according to his bond conditions.

The findings and recommendations presented in this report also reflect data collected, and issues analyzed, from the totality of all domestic violence homicides that happened in Nashville during 2022. The Team hopes that this report will highlight areas of potential improvement in Nashville's domestic violence response and prevention services. Ultimately, our goal is to identify ways to reduce domestic violence homicides in our community and make Nashville the safest city for women and families.

Sincerely,

Diane Lance

*Department Head, Office of Family Safety*

And All of Nashville's DADRT Team Members

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## EXECUTIVE SUMMARY

According to the Violence Policy Center's 25-year review of femicides in the United States, Tennessee has ranked in the top ten states in this statistic for 20 of the past 25 years<sup>1</sup>. In 2022, nearly 20% of Tennessee's domestic violence homicides occurred in Davidson County.

In 2022, the DADRT reviewed a homicide case in which the perpetrator murdered two women. The victims were the perpetrator's 31-year-old estranged wife (Victim 1) and his 60-year-old mother-in-law (Victim 2). The DADRT's research into this case revealed a history of escalating violence that ultimately culminated in her murder.

The Domestic Abuse Death Review Team identified four finding areas that may have contributed to Victim 1's level of risk or impacted the support that she and her family received before the murders:

1. **Firearm Dispossession:** The perpetrator had been arrested on two domestic violence felony charges and should not have had possession of a firearm according to his bond conditions and an order from a Circuit Court magistrate.
2. **Strangulation Awareness:** Victim 1 was strangled to unconsciousness by the perpetrator approximately a month before the murder-suicide. Strangulation is an extremely high-risk indicator for future homicide perpetration, strangulation awareness is vital to ensure that victim safety and offender risk are taken seriously.
3. **High-Risk Offender Accountability– GPS Monitoring:** There were several missed opportunities to focus on this perpetrator's accountability and risk level. Victim 1 answered "yes" to eight of eleven questions on the Lethality Assessment Protocol (LAP) administered by MNPD, indicating that she was at a very high lethality risk. High-Risk indicator evaluation and GPS monitoring could have been an excellent offender accountability tool in this case.
  - a. **See GPS Monitoring Highlight on p.24**
4. **Coercive Control & Isolation:** The perpetrator's controlling behavioral patterns isolated Victim 1 from what could have been a critical support network as the perpetrator's behavior became more and more abusive.

The Domestic Abuse Death Review Team has also chosen to highlight the many completed systems and process changes that have occurred in Nashville that were in whole or part inspired by this case. The victims encountered numerous and unnecessary barriers in their attempts to pursue safety and justice. As a result of this case, Nashville's law enforcement and emergency response systems have made numerous protocol changes to improve victim safety and offender accountability.

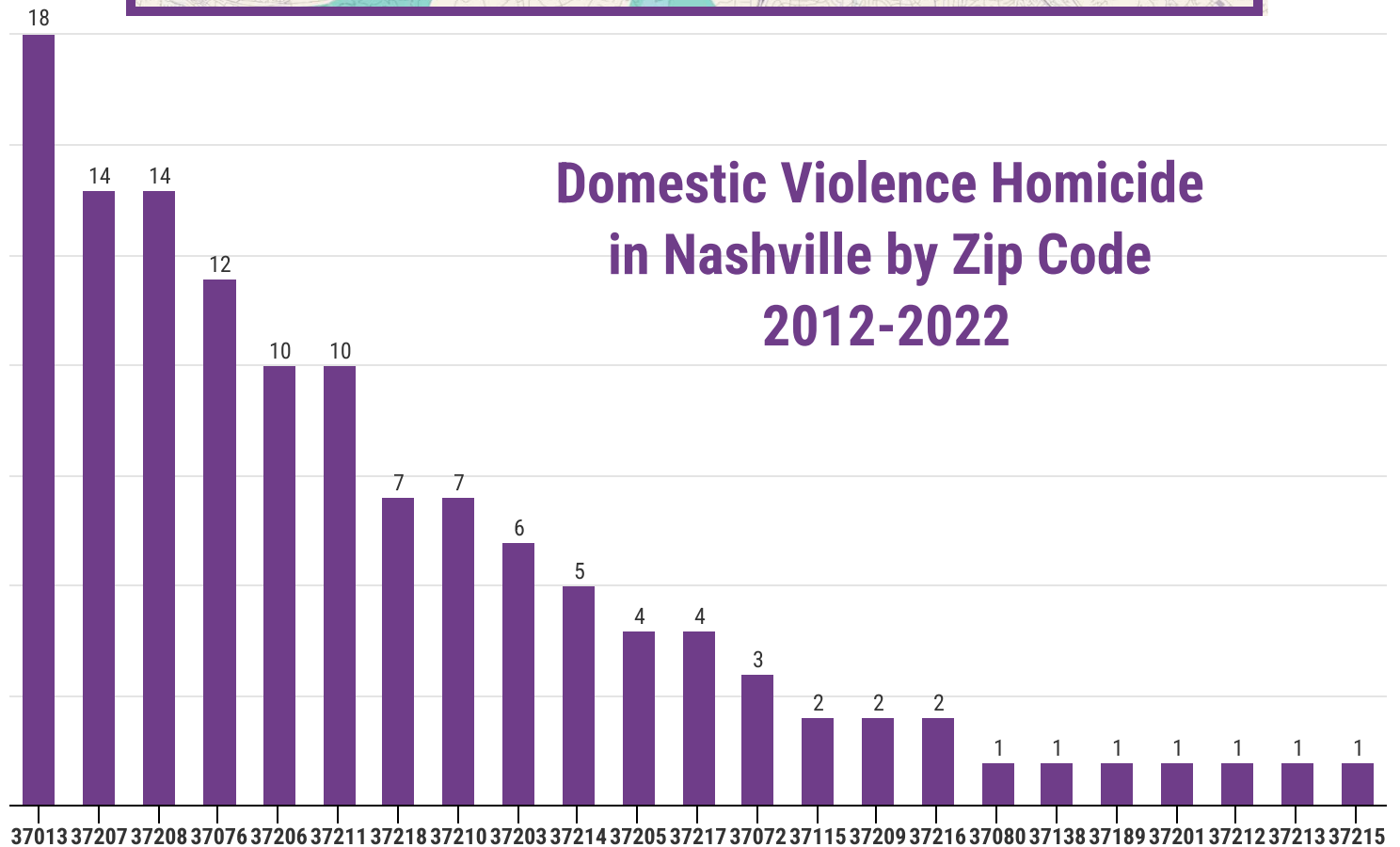
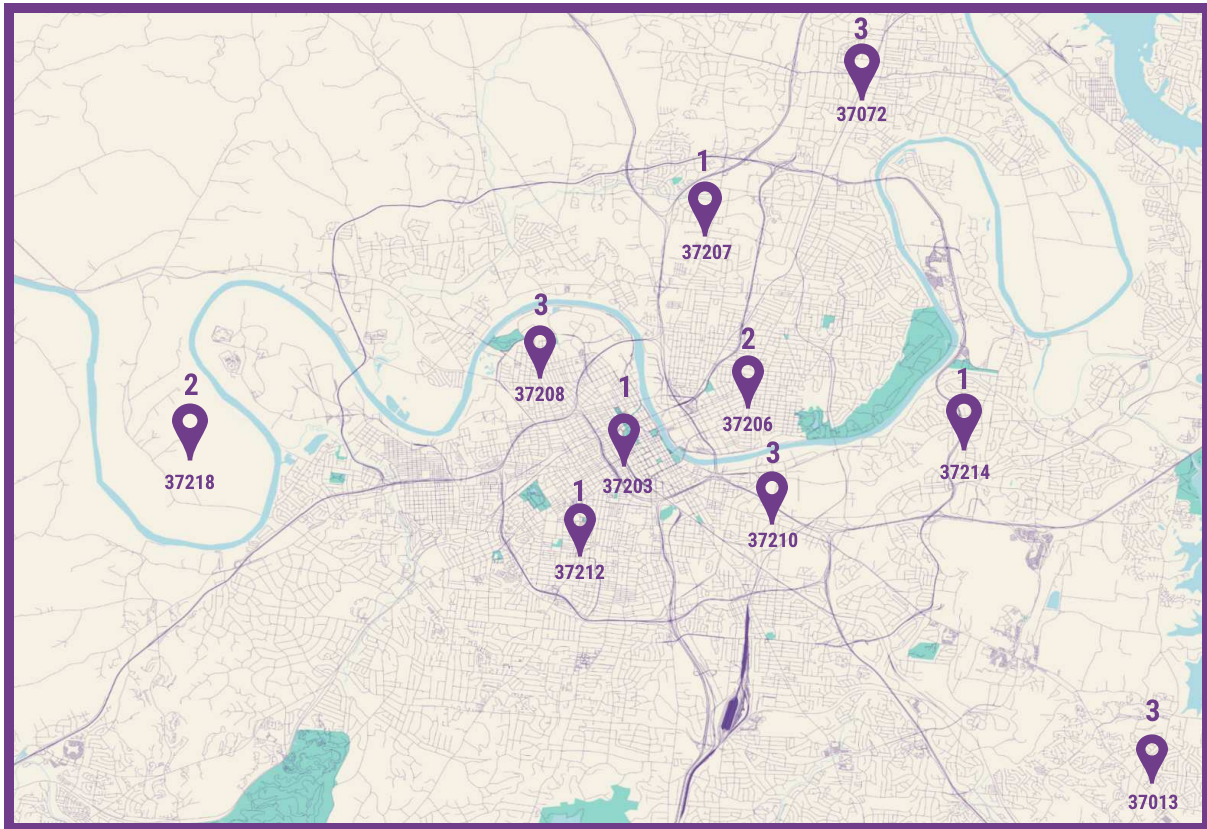
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<sup>1</sup> <https://vpc.org/press/new-vpc-study-analyzes-25-years-of-data-from-when-men-murder-women-for-domestic-violence-awareness-month-in-october/>



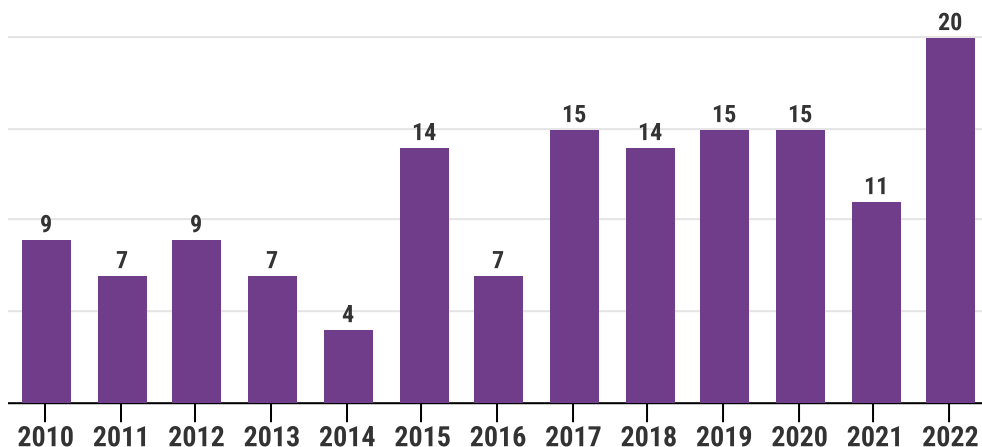
# Data & Statistics: Location

## Map of 2022 Nashville Homicides

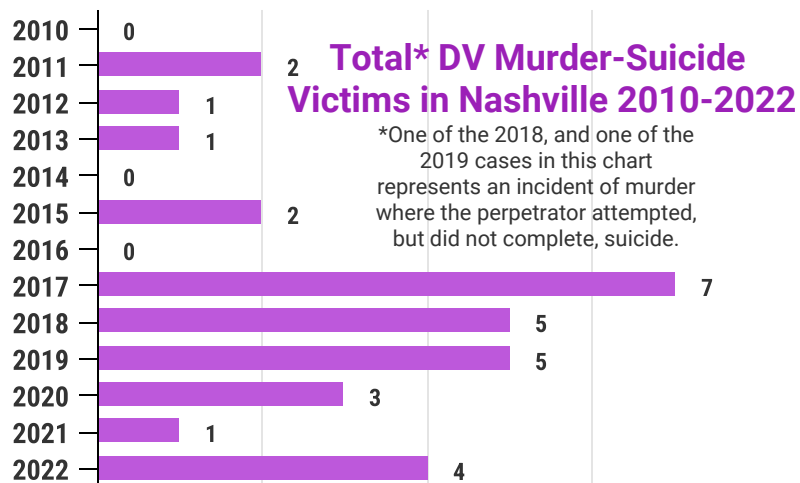
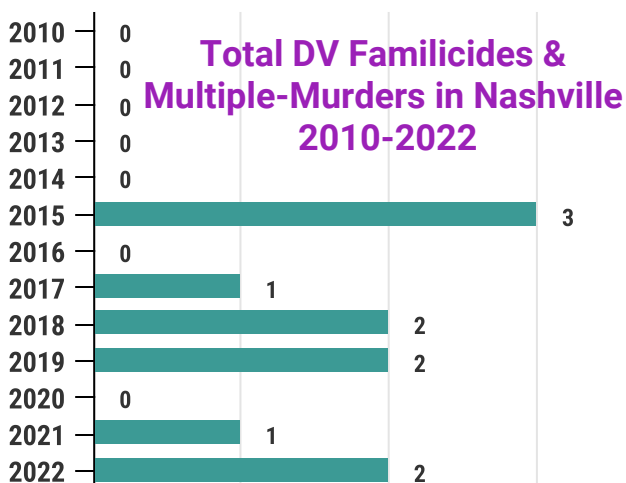


# Data & Statistics: Homicide Types & Rates

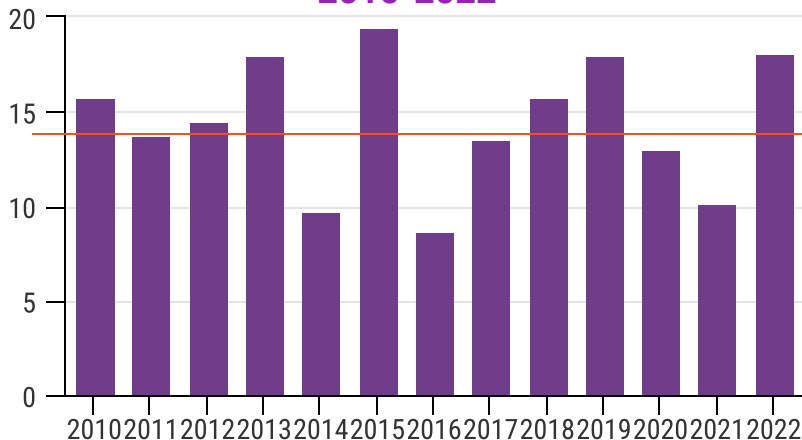
## Total Domestic Violence (DV) Homicides in Nashville 2010-2022



2022 saw the highest number of annual DV homicides since OFS began to track these numbers



## Percent of Nashville's Total Homicides that were Related to DV 2010-2022



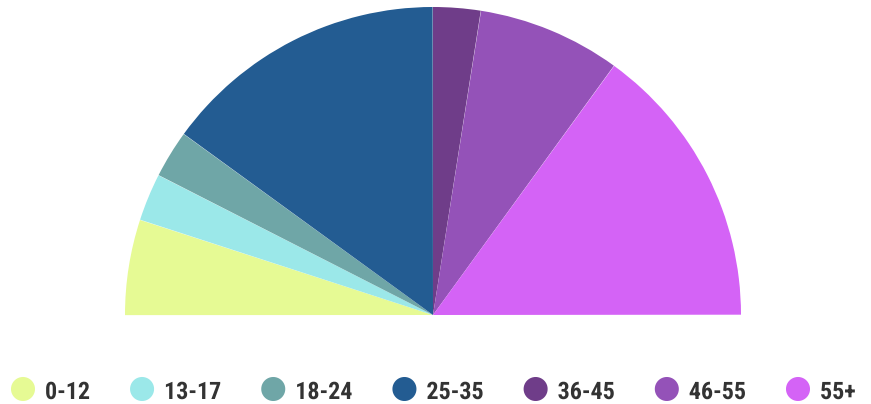
The red line in the chart represents the average percent of Nashville's homicides related to domestic violence (DV).

# Data & Statistics: Victims

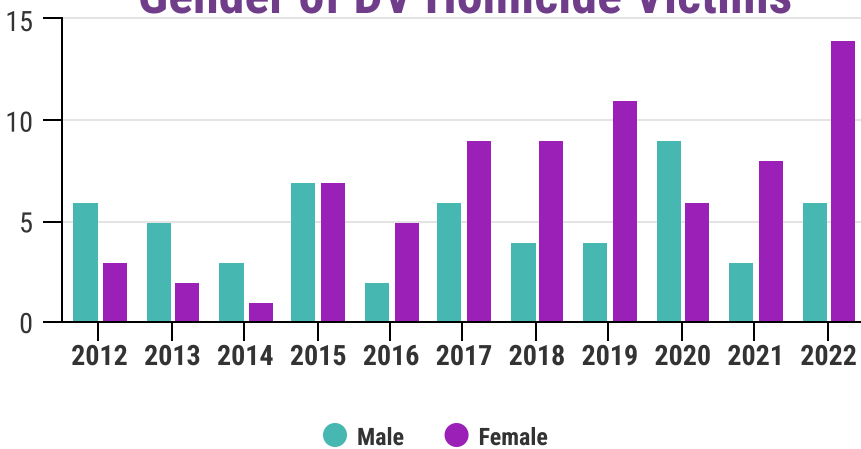
## Child Victims



## Victim Ages 2022



## Gender of DV Homicide Victims



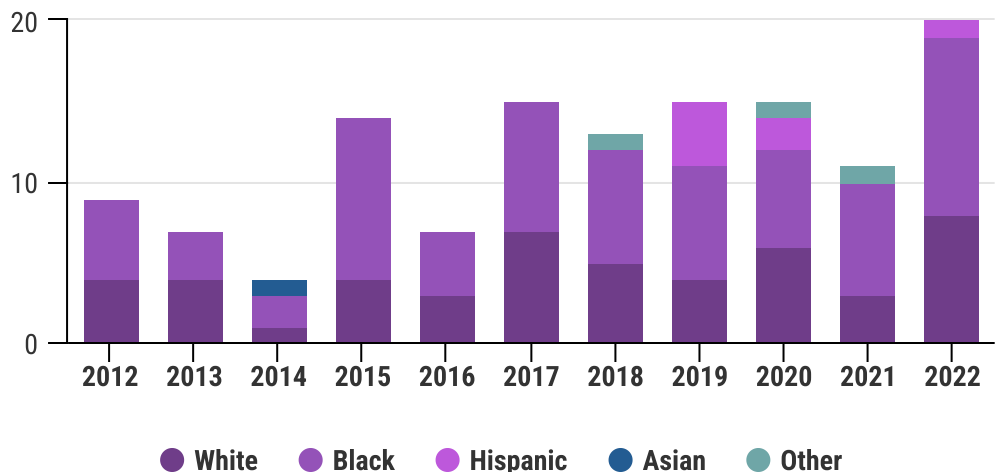
Women are far more likely to be killed by an intimate partner, while men are more likely to be victims of non-intimate domestic violence.

70% of the victims of domestic violence homicide in Nashville in 2022 were female.

## Victim Race

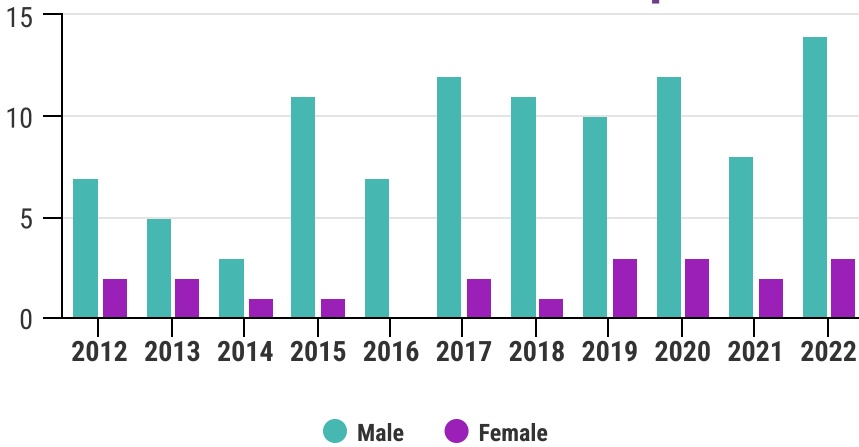
Despite making up only 28% of Nashville's population, black people account for over 50% of Nashville's DV homicide victims.

Black women are at a greater risk of DV homicide than any other population in Nashville.



# Data & Statistics: Perpetrators

## Gender of DV Homicide Perpetrators

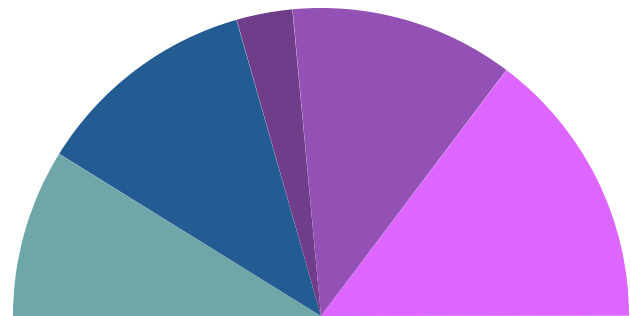


In Nashville, men perpetrate domestic violence homicides at far higher rates than women.

Men have perpetrated 78% of intimate partner homicide cases in Nashville since 2012 and 81% of overall DV homicides.

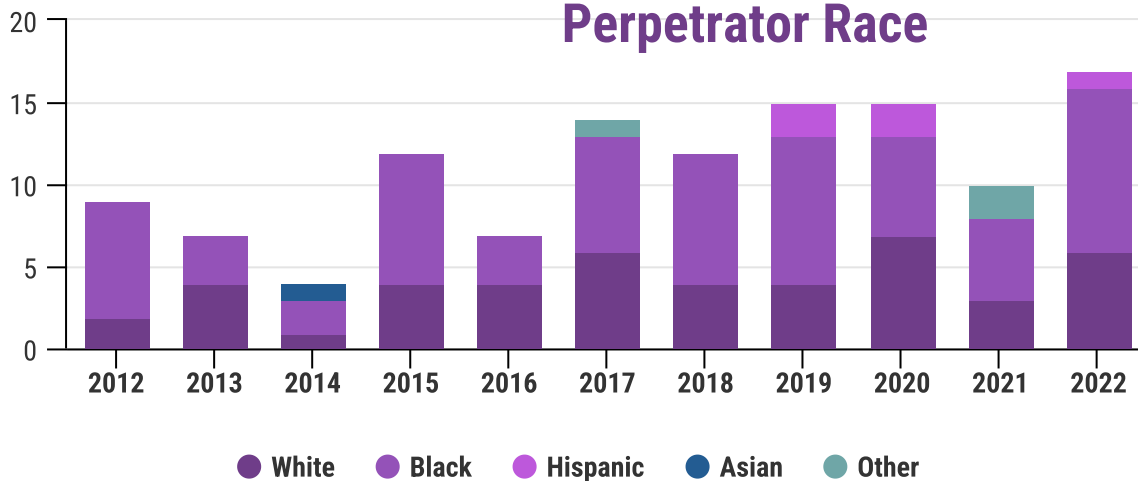
## Perpetrator Age 2022

In 2022, the average perpetrator age was 40.  
An unusually high percentage (29%) of perpetrators were over the age of 56.



0-12 13-17 18-24 25-35 36-45 46-55 56+

## Perpetrator Race

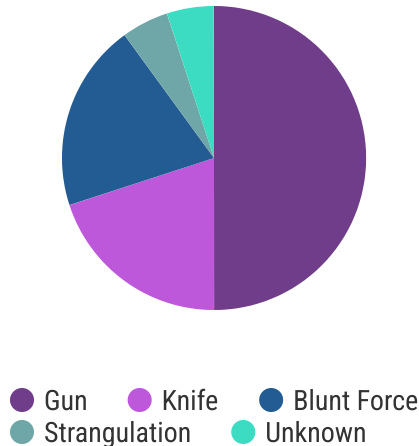


The majority of perpetrators commit homicide, and other forms of violence, against victims of their own race.

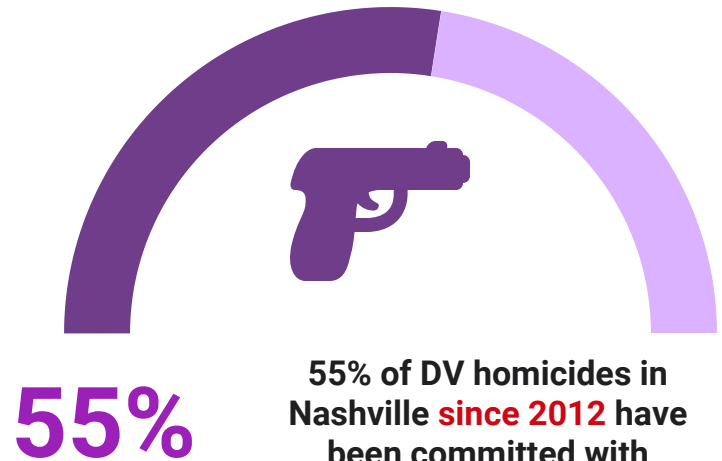


# Data & Statistics: Nashville DV Homicides

## Methods Used in 2022 DV Homicides



## Firearm Use



55% of DV homicides in Nashville since 2012 have been committed with firearms.

## OFS Firearms and Strangulation Flagging

Beginning on **June 24, 2019**, the Office of Family Safety began reviewing the criminal affidavits, LAPs, defendant case histories, and Order of Protection (OP) petitions of all defendants and respondents whose cases were being heard in Nashville's DV or OP Courts. Each case was screened for the use of strangulation and the possession or use of firearms against a victim.

### Of the 12,334 cases screened in 2022:

- 7,499, or 61%, were flagged for either strangulation or owning or having used a firearm.
- 6,000, or 49%, were flagged as owning or having used a firearm.
- 4,838, or 39%, were flagged as having strangled the current victim or a past victim.
- 3,369, or 27%, were flagged for both owning or having used a firearm and being stranglers.

## Outreach & Seeking Help

In 2022, only one of Nashville's intimate partner homicide victims had ever had contact with victim services agencies and only 22% had contact with law enforcement or the courts.



## The Case

The Domestic Abuse Death Review Team (DADRT) was honored to speak with several friends and family members of the victims in this case to inform the timeline and information below.

### Victim 1 & Perpetrator Meet – 14 Years Until Homicides

Victim 1 (V1) met the perpetrator at her job, where they both worked when V1 was in her teens. By this point, the perpetrator was already married with one child and another on the way.

### The Relationship Begins – 12 Years Until Homicides

Two years after marrying his first wife, and months after his second child was born, the perpetrator separated from his wife and a divorce was initiated. The perpetrator and V1 began dating a few months after this separation when V1 was in her late teens and the perpetrator was in his early-to-mid-twenties.

### The Marriage – 8 Years Until Homicides

A little over four years after their relationship began, V1 and the perpetrator married. The victim and perpetrator met approximately fourteen years before the homicide and were married for nearly eight years. V1 was described by a friend as an “old soul,” very smart and thoughtful, and a wonderful gift-giver. Loved ones shared that she enjoyed Star Wars and comic books and loved her two dogs and her work.

The DADRT was unable to reach and include any of the perpetrator’s family members in background interviews, so information about his life before marrying V1 is limited. He was said to have been close to both of his parents, particularly his mother. His upbringing was described as “not bad, but not very stable.”

### Isolation – 5 Years Until Homicides

The perpetrator worked in the entertainment technology industry up until the time of the homicide and was reportedly envious of V1’s intelligence and job in the medical field. The victim and perpetrator had a wide circle of friends. However, according to an interview with one of these friends, the group included the perpetrator in their social circle only because he was married to V1.

According to a friend of V1, she began to grow increasingly isolated from her friend group beginning about five years before the homicide. The perpetrator had extreme political beliefs that caused friction within the group, as well as very strict ideas around discriminatory gender roles. This combination contributed to the distance between V1 and her social supports. Over the years, V1 confided in a few people that the perpetrator was very controlling.

### Separation – 3 Months Until Homicides

The perpetrator and V1 separated less than three months before the homicides and V1 went to live with her mother, V2. V2 was a civic leader and colleagues described her as “a joy to work with.” She won people over with her warmth, passion, and great leadership.

V1 was also described as a private person who did not like to talk about her struggles, and many of her friends did not know that the relationship with her husband had turned abusive until the two separated. It is unknown whether there was a specific event that led to the separation or if tension within the relationship had been building to a point at which V1 could no longer bear it. In the aftermath of the events that would follow, V1 reported that she felt safer at her mother’s house, away from the perpetrator.



## Divorce – 39 Days Until Homicides

Six weeks prior to the murders, V1 filed for divorce; the perpetrator was served with the divorce papers 11 days later.



## Strangled – 36 Days Until Homicides

The day after her divorce filing, V1 returned to the marital home to collect some belongings and pick up the couple's shared dogs. When she arrived at the home, the perpetrator strangled V1 to unconsciousness in the presence of his mother, pointed a gun at her head, punched her in the face, put the gun in his own mouth, and threatened murder-suicide. During this incident, the perpetrator sent text messages from V1's phone to her friends and colleagues impersonating V1. In these messages, the perpetrator stated that V1 no longer wanted to associate with them and falsely asserted that she had been engaged in an inappropriate workplace relationship. After regaining consciousness, V1 was eventually able to escape and drove back to V2's house, outside Davidson County.



## Seeking Help – 36-35 Days Until Homicides

V1 and her family contacted police in her mother's county of residence. Police responded, taking photos and writing up an initial report. However, she was unable to proceed with the incident report and warrant due to the assault occurring in Davidson County. Following instructions from the Department of Emergency Communications (911), V1 and her family drove to the nearest Metro Police precinct, where they waited half an hour before being directed to a different Metro precinct. After another 90 minutes of travel and waiting, V1 was able to file a report with a Metro Police officer which necessitated telling her story for a second time. The family was then escorted to the Family Safety Center where V1 spent an additional hour and a half re-telling her story to police in order to obtain warrants. While warrants were being taken out, V1 met with an advocate from the Family Safety Center's after-hours service provider, AGAPE, in order to obtain a temporary Order of Protection (OP), telling her story for a fourth time. Emergency medical services were not called to assess V1 for injuries, despite the severe strangulation she endured. She suffered from pain for several days after the incident.

### Lethality Assessment

The Lethality Assessment Protocol (LAP) is an assessment for intimate partner violence victims and a tool for intimate partner homicide prevention. The Metro Nashville Police Department (MNPD) administers the LAP to the victim of any intimate partner physical assault to which MNPD responds. When a victim screens in as "high risk," they are connected to a crisis counselor with the YWCA.

V1 was administered a LAP by law enforcement in the course of making a report and obtaining warrants. She answered "yes" to the following eight, out of eleven, questions on the assessment:

1. Has he ever used a weapon against you or threatened you with a weapon?
2. Has he threatened to kill you or your children?
3. Do you think he might try to kill you?
4. Does he have a gun or can he/she get one easily?
5. Has he ever tried to choke you?
6. Is he violently or constantly jealous or does he/she control most of your daily activities?
7. Have you left him or separated after living together or being married?
8. Does he/she follow or spy on you or leave threatening messages?

These eight “yes” answers indicated that she was at an **extremely high risk** of being murdered or seriously harmed.



### Served OP – 11 Hours Later, 35 Days Until Homicides

The perpetrator was contacted by the Davidson County Sheriff’s Office regarding the Order of Protection (OP) against him. He drove to the Sheriff’s Department and was served with the Order but was not arrested or detained for his two outstanding warrants for felony aggravated assault and misdemeanor false imprisonment.



### Arrested & Released – 33 Days Until Homicides

Two days after the perpetrator was served with the OP, V1 was told that the perpetrator was at his mother’s house. To have the warrants served, V1 provided the police with his location, and the perpetrator was arrested. The perpetrator was released after six hours – instead of the mandated 12-hour hold for domestic violence suspects – and V1 was **not** notified of the release contrary to Tennessee law *TCA § 40-11-150h*. As part of his bond conditions, the perpetrator was prohibited from owning or possessing any firearms.



### Served – 28 Days Until Homicides

The perpetrator was served divorce papers five days after his release from jail. At this point, he began posting inflammatory statements to his social media continuing to baselessly accuse V1 of infidelity.



### High Risk Intervention Panel – 26 Days Until Homicides

Due to V1 screening in as very high-risk on the Police Lethality Assessment Protocol (LAP), the case was referred to OFS’ High-Risk Intervention Panel (HRIP), a team of multidisciplinary partners that meets weekly to review Nashville’s highest-risk victims who come in contact with law enforcement or victim service providers. The HRIP reviews each case to determine whether any additional safety provisions can be offered to victims or whether there are additional ways to hold high-risk offenders accountable. In this case, the panel decided to make sure that a victim service provider contacted V1 before her next court date. The panel also assigns lethality indicator flags to each case based on information in the incident report and the LAP; this case was flagged for firearms, strangulation, and extreme risk.

Based on V1’s communication with an HRIP member, the DA’s Office victim witness coordinator, the DADRT learned that while the perpetrator had never been diagnosed, V1 believed he had mental health and anger management issues. V1 also stated that the perpetrator “told her he was planning to kill her on Thursday” and he “felt betrayed.”



### Order of Protection Hearing – 21 Days Until Homicides

At the Order of Protection (OP) hearing, the OP case was continued to a new date 28 days in the future at the request of the perpetrator’s lawyer. The continuance request was granted on the condition that an order was filed to have the petitioner’s firearm returned to her, and the perpetrator agreed to complete a Firearms Declaration explaining how he dispossessed himself of any firearms he owned. The perpetrator did not comply with this court order or *TCA § 36-3-625* as he never filed an affidavit of firearms dispossession and no proof was ever presented that he had indeed dispossessed.





## **Outreach to the Victim – 17 Days Until Homicides**

Seventeen days before the homicide V1 received a call from the Family Safety Center following up on her experiences with the Order of Protection process, court, and offering additional resources. The victim indicated that no assistance was needed, she was working closely with her attorney and felt safe living in her mother's home away from the perpetrator. This phone call was conducted by a client services intern, as was the procedure at the time.

It is important to recognize that V1 took significant steps to secure her safety throughout this time. She separated from the perpetrator and sought safety with family in a different county, she reported the perpetrator's violence to police, sought an Order of Protection (OP), and cooperated with authorities throughout the process, even helping officers locate and serve warrants on the perpetrator. V1 also secured an attorney for her divorce and the OP.



## **Day of the Homicides**

One week before the rescheduled Order of Protection hearing, the perpetrator waited for V1 outside of her mother's (V2) house for several hours with firearms, zip ties, gasoline, and battery acid in his car. The victims did not realize he was there until V1 left the house to go to work. Upon spotting the perpetrator V1 ran back inside and locked the door. The victims called the police and retrieved firearms. The perpetrator eventually broke a window to get into the home and the mother and daughter fled across several neighboring properties. V2 attempted to hide but was fatally shot. V1 wounded the perpetrator with several shots from her firearm, but the perpetrator eventually fatally shot her as well. The perpetrator then posted a suicide note on social media, drove to his home neighborhood, and shot and killed himself. Neighbors, who had been on the phone with 911 during the shooting, discovered the bodies of mother and daughter.

## FINDINGS & RECOMMENDATIONS

Nashville's Domestic Abuse Death Review Team (DADRT) identified five Findings during their 2022 case review. The Findings address 1) Firearm Dispossession, 2) Strangulation Awareness, 3) High-Risk Offender Accountability, 4) Coercive Control and Isolation, and 5) Changes to System Response Protocols.

The Team has made specific recommendations to address each finding and remove associated barriers to victim safety. The recommendations are assigned to various agencies and organizations in Nashville, both within and outside the Metro government.

Color-coded labels identify what progress has already been made on each recommendation:

- **No Progress**
- **Some Progress**
- **On Target to Complete**
- **Complete or Active**

## FINDING: FIREARMS DISPOSSESSION

The perpetrator was out on bond for two domestic violence felonies and should not have possessed a firearm according to bond conditions and an order issued by a Circuit Court Magistrate in relation to an ex parte or temporary Order of Protection.

### CASE FACTS RELATED TO THIS FINDING

Six weeks before the murder-suicide, the perpetrator was arrested for strangling V1 and threatening her with a firearm. When he was arrested, a condition of his release on bond stated that “the defendant is prohibited from using or possessing a firearm or other weapon.” The perpetrator’s attorney told V1 and her attorney that the perpetrator would complete a firearms dispossession affidavit as part of the agreement to delay the Order of Protection hearing. This affidavit was never completed.

### THIS FINDING'S IMPACT ON NASHVILLE

**Over the past five years, at least 37% of DV homicide perpetrators who used firearms to kill their victims should not have possessed firearms at the time of the homicide.** In Tennessee, no one convicted of a domestic violence misdemeanor or any felony may legally possess firearms. Additionally, no one may legally possess firearms who has an Order of Protection granted against them or has bond conditions prohibiting firearms possession.

**CASE-SPECIFIC RECOMMENDATION:** Defendants whose bond conditions require them to dispossess themselves of firearms should follow the same legal pathways to dispossession as defendants convicted of felonies or domestic violence misdemeanors or who have a full Order of Protection granted against them.

- A firearms dispossession affidavit should be given upon release to defendants whose bond conditions prohibit them from possessing firearms. This form should be filled out immediately or mailed to the General Sessions Clerk within 48 hours.
- Firearms status hearings should be scheduled with these defendants to ensure that they have appropriately dispossessed and/or dispossession should be addressed at their bond initial appearance in General Sessions Court.

**ADDITIONAL RECOMMENDATION RELATED TO THE FINDING:** Metro courts, law enforcement, and prosecutors must follow the current laws on firearms dispossession to the fullest extent. Legislation is needed to close safety gaps in the current law.

- A comprehensive court process should be followed to ensure that perpetrators who are not allowed to possess a firearm complete and file the required firearm dispossession affidavit within the 48-hour legally allowed period.
- When there is a history of firearm possession and/or threats with a firearm, the courts, prosecutors, and law enforcement should pursue the truth of whether the perpetrator has a firearm rather than relying only on what the perpetrator says about their access to firearm(s) by examining all available evidence, such as LAPs, OPs, victim statements, family/friend statements, and criminal case details.

- Upon a criminal conviction or granting of an Order of Protection, courts should inform all defendants/respondents that they are no longer allowed to possess a firearm, notify them of the consequences of not dispossessing, and question them under oath about whether they own a firearm. The courts should also inform them of their options for dispossession by utilizing the OFS-created informational brochure for respondents/defendants on firearms dispossession.
- The option for perpetrators to dispossess their firearm to a third party (e.g., family member or friend) poses the risk that the firearm will be returned to the perpetrator and should be removed from the law.
  - If the third-party option for dispossession cannot be removed legislatively, courts should require the respondent/defendant to return to court with their proof of dispossession, including the third party. The courts should require the third party to swear under oath, either in person or via affidavit, that they are in receipt of the firearm(s) and that they are legally allowed to possess it. This would ensure that the third party is aware of the legal consequences of returning that firearm.
- One barrier to dispossession could be simply not having someone to dispossess to.
  - A clear process for dispossession to a certified firearm dealer or law enforcement needs to be created.
    - A clear process for procedures for storage, disposal, or return needs to be created.
    - Courts must make perpetrators aware of these dispossession options.
- Follow-up, such as a firearms status hearing, is needed so courts can identify when offenders fail to comply with dispossession laws. Victims should also be allowed to provide the courts with their knowledge of the perpetrator's firearm possession and access.
- Nashville-Davidson County should adopt and implement a model dispossession procedure and evaluate the procedure in preparation for state-wide roll-out.
- Appropriate funding should be provided for a designated court staff person responsible for identifying firearms cases, processing dispossession paperwork, facilitating return dockets, retrieving illegal firearms, and other tasks outlined above.

#### **PROGRESS:**

- Metro's Office of Family Safety (OFS) sends out a biweekly memo highlighting criminal and Order of Protection cases in which firearms dispossession forms were not completed or submitted promptly. Since 2022 when OFS began this process, compliance with filing these forms has improved.
- OFS continues to dedicate significant staff time to the daily flagging of every OP respondent and DV criminal defendant for firearms evidence. This information is passed on to police, prosecutors, probation, attorneys, and advocates in the hope they will utilize this evidence to counter respondents/defendants who are not truthful about their firearms ownership, investigate, and seize unlawful firearms.
- OFS Client Services staff continues to support clients who wish to identify the illegal firearms their abuser possesses through a Firearms Identification Form that is provided to prosecutors and law enforcement with the client's consent.



- The Attorney General's office has worked in conjunction with MNPD and the ATF and receives OFS flagging information to investigate and prosecute cases of domestic violence offenders who are found to have firearms.
- At the beginning of 2020, Nashville General Sessions Judges began to make plans to conduct compliance hearings to ensure firearms dispossession for DV misdemeanor offenders and those with full OPs against them. These plans were interrupted by COVID-19.
  - In 2022, Nashville General Sessions Judges agreed again to begin firearms dispossession status dockets. These dockets were expected to begin in February of 2022; however, they are very rarely scheduled with cases to confirm dispossession in General Sessions Court.
- Circuit Court began regular weekly dispossession return dockets at the beginning of 2023 for OPs.

## FINDING: STRANGULATION AWARENESS

The perpetrator in this case strangled V1 six weeks before the homicides. Strangulation is one of the elements in abusive relationships most strongly correlated with intimate partner homicide.

### CASE FACTS RELATED TO THIS FINDING

Six weeks before the murder, V1 went to the perpetrator's home to retrieve some belongings. The perpetrator threatened V1 with a firearm and strangled her to unconsciousness. The perpetrator's bond amount was \$30,000 for two felony charges, despite Tennessee's criminal code allowing for a maximum total bond of \$100,000 for these types of offenses<sup>2</sup>.

### THIS FINDING'S IMPACT ON NASHVILLE

Strangulation is one of the most lethal forms of domestic violence. A victim who has been strangled by an intimate partner is 7.5 times more likely to be murdered than a victim who has never been strangled<sup>3</sup>. The Lethality Assessment Protocol administered by MNPd to victims of domestic violence asks whether a victim has ever been choked or strangled by their abuser. In 2022, **56% of victims who answered the LAP indicated that their intimate partner had strangled them**. That number is borne out in OFS statistics as well; 52% of clients who answered the Danger Assessment in 2022 had a history of strangulation. Of those, 57% said that they had been strangled to unconsciousness. Strangulation perpetrators often avoid criminal consequences; **in 2022, 52.2% of strangulation charges were dismissed at the general sessions level**, a significant increase in dismissal percentage since 2018.

**CASE-SPECIFIC RECOMMENDATION:** The presence of strangulation in a criminal affidavit should, because of its high risk of lethality, always generate the highest-allowable bond amount upon the initial setting of the bond by judicial commissioners. Per TCA § 40-11-105 "the magistrate shall consider" several factors when determining bail, including "the defendant's prior criminal record and the likelihood that because of that record the defendant will pose a risk of danger to the community." Additionally, TCA § 40-11-150 adds that "**in addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for domestic abuse or is a respondent (the person alleged to have abused, stalked or sexually assaulted another) in an Order of Protection the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is a threat to the alleged victim or a threat to public safety.**"

**CASE-SPECIFIC RECOMMENDATION:** Because stranglers pose a substantial likelihood of serious harm to others, law enforcement arresting a defendant on a strangulation offense should use their discretion and make a statutorily permissible – per TCA § 40-11-150(l) – "recommendation to the community mental health crisis response service that the defendant be evaluated by a member of such service<sup>4</sup>."

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<sup>2</sup> TCA § 40-11-105

<sup>3</sup> Glass et al. (2008). Non-fatal strangulation is an important risk factor for homicide of women. The Journal of Emergency Medicine, 35(3), 329-335.

<sup>4</sup> <https://law.justia.com/codes/tennessee/2021/title-40/chapter-11/part-1/section-40-11-150/>

**ADDITIONAL RECOMMENDATION RELATED TO THIS FINDING:** Tennessee's courts, prosecutors, and law enforcement agencies should be required to receive in-depth training on strangulation and to consider the lethality of strangulation in charging and sentencing decisions, particularly following the legal standard of strangulation as a felony offense (TCA § 39-13-102) and new statutory enhancing factors to that felony offense when the victim loses consciousness and when the victim is pregnant. Additionally, prosecutors and law enforcement should utilize evidence-based prosecution as a central component to investigating and prosecuting all strangulation cases.

- Tennessee's court personnel, prosecutors (sessions and trial level), and all law enforcement staff should receive two-hour strangulation training from credentialed strangulation trainers such as staff from Metro's Office of Family Safety or another certified trainer that includes lethality risk, charging decisions, evidence collection and presentation, and best practices including strangulation flagging and screening. These trainings should also include information on different presentations of asphyxia including smothering and attempted drowning as well as staged death cases using asphyxia.
- The MNPD & District Attorney's Office should utilize evidenced-based investigation and prosecution strategies in all strangulation cases, including detailed use of photos from multiple injury stages, documentation of defensive injuries on the defendant, use of victim voice recording to demonstrate voice change from strangulation, use of evidence of soiled clothing, use of EMS medical documentation, use of forensic exam documentation, use of jail calls, use of expert testimony from medical professionals and IPV victim behavior experts, etc.
- The District Attorney's Office should consistently screen all victims of abuse for strangulation, both in the presenting charge and in any previous abusive incidents during their first contact with the victim.
  - The District Attorney's Office currently uses a strangulation supplement to assess strangulation victims. Utilizing the five-question danger assessment or reviewing OFS Flagging data or any LAP history could also assist in identifying any history of strangulation beyond the presenting case.
- MNPD officers should consistently screen all victims of abuse for strangulation, both in the presenting incident and in any previous abuse incidents via the LAP. When a victim discloses strangulation, MNPD should document any signs or symptoms of strangulation in the domestic violence strangulation supplemental section of the Incident Report.
- MNPD should work with forensic nurses to create a process to collect DNA of the neck and medical forensic documentation of injuries for strangulation case investigations.

**ADDITIONAL RECOMMENDATION RELATED TO THIS FINDING:** All interpersonal violence service providers should receive regular training on strangulation and will implement best practices in strangulation assessment and response.

- Interpersonal violence service providers should screen all clients routinely for a history of strangulation in their relationship using the Danger Assessment or another evidence-based tool.
- Service providers should strongly encourage victims who have experienced recent strangulation to seek immediate medical attention and provide them with information on the impact of strangulation on their health.
- Service providers should provide clients with information on the lethality of strangulation.

- Service providers should receive two-hour credentialed strangulation training from OFS strangulation experts or another certified trainer that includes lethality risk and understanding the impact of strangulation.

**ADDITIONAL RECOMMENDATION RELATED TO THIS FINDING:** Medical facilities are a crucial connection point to services for many victims of domestic violence. Medical providers, particularly emergency, primary care, OB/GYN providers, and medical social workers should receive regular training on strangulation. Additionally, medical forensic exams should be available to strangulation victims at multiple medical locations in Nashville.

- When providers receive an abuse disclosure from a patient, they should privately ask questions about strangulation.
- *If the patient is currently or has previously experienced strangulation:*
  - Providers should consider ordering a CTA exam of the patient, which requires sending them to the hospital if they are at an outpatient facility.
  - Providers should request permission from the patient to share the result of the CTA exam with police and the District Attorney's Office for prosecution.
- Providers should encourage all patients with a history of strangulation to visit the Family Safety Center and provide them with educational materials.
- Medical providers should ensure they have onsite materials on domestic violence and strangulation available to patients.
- Forensic nurses should be trained in strangulation forensic exams and provide these to clients who disclose strangulation.

#### **PROGRESS:**

- Metro's Office of Family Safety (OFS) has invested significantly in training for staff and partners on strangulation and its lethality, including having 3 certified experts on staff.
- Metro's Office of Family Safety (OFS) has conducted training with medical professionals across Nashville to assist them in identifying the signs and symptoms of strangulation.
- OFS has created a pocket card to assist patrol officers in screening victims for strangulation history and recognizing the signs and symptoms of strangulation.
- OFS continues to conduct daily flagging of all domestic violence criminal court and Order of Protection cases to identify defendants with a history of strangulation. This information is shared with partners including the District Attorney's Office, MNP, General Sessions Probation, the U.S. Attorney's Office, and the Legal Aid Society.
- Nashville's Department of Emergency Communications utilizes a strangulation protocol to assess for strangulation when answering 911 calls from domestic violence victims. The 911 dispatcher is then able to communicate this information to responding officers and medical personnel. These protocols were updated by the DEC in collaboration with OFS as a result of this case to make sure that victims who have left the scene go to the Family Safety Center and not multiple police precincts to receive services and that victims are asked more in-depth questions about high-risk indicators such as strangulation during these calls.
- OFS has hosted two Strangulation Summits in 2021 & 2022, featuring speakers from Nashville's DEC, law enforcement, EMS, victim services, prosecutors, and hospitals. In 2022, this summit trained over 150 attendees across 10 states.

- OFS has drafted a city-wide protocol outlining how first responders, victim service providers, medical providers, and the court system should respond to strangulation cases.
- Metro Nashville Council signed a proclamation in 2023 designating the second Tuesday in May as Strangulation Awareness Day in Nashville.
- Vanderbilt Medical Center has added a question about strangulation question to its intake procedures at all facilities and has trained its forensic nurses to begin strangulation forensic exams on patients.
- OFS has developed a training on strangulation that will be implemented at MNPD roll-call training.
- Nashville's Office of Family Safety, District Attorney's Office, and Police Department advocated for a state law implementing increased criminal penalties and bond considerations for strangulation perpetrators and this law went into effect in 2023.
- OFS has provided American Rescue Plan funds to after-hours contracted advocates at the FSC to ensure Order of Protection coverage at peak times.

## FINDING: HIGH-RISK OFFENDER ACCOUNTABILITY

There were several missed opportunities to examine this perpetrator's risk level and increase his accountability during his interactions with the criminal justice system.

### CASE FACTS RELATED TO THIS FINDING

V1, V2, and another family member had to drive across county lines and to several different precincts to file criminal warrants regarding V1's strangulation by the perpetrator. V1 scored an eight out of eleven on the Lethality Assessment Protocol administered by MNPD when she made an incident report following the perpetrator strangling her and threatening her with a gun. This indicated that she was at a very high risk for lethality; however, her LAP score was not considered by judicial commissioners when they determined bond and release conditions for the perpetrator. The perpetrator was able to bond out immediately and was not required to wear GPS monitoring, which could have alerted the victims and law enforcement to his presence outside of V2's home on the day of the homicides. A family member of the victims stated, **"Whenever you have an offender hunting a victim, GPS is one of the only things that could save them.** I truly believe that they would still be here [had the defendant been required to wear a GPS monitor]." The Order of Protection hearing was continued for nearly a month at the request of the perpetrator, meaning that he was not subject to the stricter conditions of a full Order of Protection during that time. The perpetrator also failed to meet the conditions of this continuation.

### THIS FINDING'S IMPACT ON NASHVILLE

Lethality assessments and previous violent criminal histories are not routinely considered when determining bond amounts and conditions of release for domestic violence offenders. OFS' High-Risk Intervention Panel regularly encounters cases in which offenders who have been arrested multiple times for previous violent offenses against the same victim are granted extremely low bonds and may not even be required to stay away from their victim(s) as a condition of their release. This decreases victims' trust in criminal justice systems and may make them less likely to ask for help after subsequent assaults. Additionally, magistrates are required by law to consider before setting bond amounts whether the defendant is a threat to the alleged victim and a threat to public safety through TCA 40-11-150.

**CASE-SPECIFIC RECOMMENDATION:** Judicial commissioners, judges, and the District Attorney's Office should review an offender's LAP history when determining bond amounts and conditions of release.

- When warrants are filed at Night Court, judicial commissioners should request to view the LAP for the associated incident report before determining bond amounts and conditions of release in accordance with TCA 40-11-150, which requires a determination of threat to the alleged victim.<sup>5</sup>
- LAP data should be considered by judges during sentencing and in bond hearings to determine the offender's level of risk.

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<sup>5</sup> <https://law.justia.com/codes/tennessee/2010/title-40/chapter-11/part-1/40-11-150>



- LAP data & OFS' High-Risk strangulation and firearms flagging should be considered by the District Attorney's Office to assist them in determining an offender's level of risk when considering plea bargains and case dismissals.

**CASE-SPECIFIC RECOMMENDATION:** High-risk cases – as determined by LAP data and circumstances of criminal offenses – should be heard on a separate “rocket docket” to reduce the time between arrest and disposition. The time from arrest to resolution for cases where the defendant is on bond was 174.3 days for General Sessions and 362.4 days for Criminal Court. This extreme delay places victims in imminent danger as the offender can escalate at a rate faster than the criminal justice system responds to their high-risk criminal behavior.

- High-risk fast-track dockets should exist in both General Sessions and Criminal Court to ensure case continuity.
- These dockets have a specialized focus on the highest-risk domestic violence offenders and reduce the potential damage of delay to formal offender accountability and victim safety.
- These dockets should be handled only by judges who are highly trained in interpersonal violence and its intersections, and understand risk and lethality.

**Recommendation Highlight- GPS Monitoring for High-Risk Defendants:** GPS monitoring should be requested by ADAs and judges on these high-risk defendants. The cost burden of this additional monitoring would be low given the fast-track nature of these dockets.

For more on GPS Monitoring see page 24

**CASE-SPECIFIC RECOMMENDATION:** Consider denying continuances and fast-tracking high-risk criminal and Order of Protection cases.

- The first appearance docket for bond cases in General Sessions should be eliminated. These dockets only serve to tell defendants to find an attorney and cause extreme delays in court. The first trial setting still sees multiple defendants without attorneys who then still have their cases continued. Defendants should be told upon release to secure an attorney or make an appointment with the Public Defender's Office within two weeks; a court date should not be set solely to provide this information to defendants.
- Ex parte Orders of Protection do not have the same requirements around firearms that full Orders of Protection do. When Order of Protection hearings are continued for months, high-risk respondents are not required to dispossess themselves of their firearms, leaving petitioners at a high level of risk much longer than necessary. Per TCA § 36-3-605 “within fifteen (15) days of service of [an ex parte order of protection] on the respondent under this part, a hearing **must be held.**”

**CASE-SPECIFIC RECOMMENDATION:** Law enforcement officials in Davidson County as well as neighboring counties should develop procedures whereby high-risk victims may file reports remotely. “Domestic violence doesn't happen within borders; this case alone stretched across three counties,” a family member of the victims said.

- Victims who have fled to another county should not be required to return to the county in which an assault occurred to file criminal warrants. Law enforcement officials in the county to which the victim has fled should utilize videoconferencing to communicate with law enforcement in the county in which an assault occurred to assist in filing warrants.

## FINDING: COERCIVE CONTROL & ISOLATION

The perpetrator in this case subscribed to extreme political beliefs and strict ideas about gender roles that served to isolate V1 from her support systems.

### CASE FACTS RELATED TO THIS FINDING

V1 had a large group of friends with whom she socialized regularly. In the years before her murder, the perpetrator began expressing extreme political beliefs, which manifested in strict ideas about discriminatory gender roles and jealousy over V1's professional success. V1 confided in several friends that she found the perpetrator very controlling. The perpetrator prevented V1 from socializing regularly with her friends, which may have prevented her from disclosing the perpetrator's abuse to them. The perpetrator also frequently made disparaging comments about V1's career advancement and would have preferred that she stay at home and become financially dependent on him. These controlling behavioral patterns isolated V1 from what could have been a critical support network as the perpetrator's behavior became more and more abusive.

### THIS FINDING'S IMPACT ON NASHVILLE

These kinds of controlling behaviors rooted in male privilege and strict ideas of gender roles can be found on the Power & Control Wheel, a teaching tool that lists many categories of commonly observed controlling behaviors present in violent relationships<sup>6</sup>. In 2022, 60% of OFS clients who answered the question on the Danger Assessment regarding controlling behaviors indicated that their partner had at some point controlled their actions. These clients indicated that their abusers prevented them from seeing their families and friends, took car keys so they could not leave the house, always required them to report their whereabouts, and even followed them to the bathroom to keep an eye on them. In addition, 73% of OFS clients reported that their abusers were violently or constantly jealous of them, which often manifested in clients not being allowed to socialize with friends. 73% of victims who answered the LAP also indicated that they had experienced very jealous or controlling behavior by an abuser. There is a growing body of research on how coercive control is a predictor of future violence<sup>7</sup>; these behavioral patterns must be taken seriously and recognized as significant risk factors for intimate partner homicides.

**CASE-SPECIFIC RECOMMENDATION:** When working with victims, law enforcement and the courts should recognize controlling behaviors as a significant risk factor for intimate partner homicide.

- When reviewing Order of Protection narratives, magistrates, commissioners, judges, and special masters should take patterns of controlling behavior into account when determining the level of risk present in an abusive situation.
- Law enforcement should refer victims to victim service providers if victims mention a pattern of extremely controlling behavior, even in the absence of any physical abuse.

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<sup>6</sup> <https://www.theduluthmodel.org/wheels/faqs-about-the-wheels/>

<sup>7</sup> Stark, E., & Hester, M. (2019). Coercive Control: Update and Review. *Violence Against Women*, 25(1), 81–104. <https://doi.org/10.1177/1077801218816191>

**CASE-SPECIFIC RECOMMENDATION:** Victim service providers should ensure that clients receive specific safety planning around coercive control.

- If a victim is not yet ready or able to leave an abusive relationship, victim service providers should work with victims to identify a support network for regular check-ins.
- Victim service providers should encourage victims to establish code words with their support networks to indicate if immediate help is needed.
- Victim service providers should support victims in practicing conversations with their support networks to ensure that the victim does not lose touch entirely, even if the victim is still in an abusive relationship.
- When safety planning with victims using the Power & Control Wheel, victim service providers should emphasize gender-based control tactics as significant risk factors for future violence.

**ADDITIONAL RECOMMENDATION RELATED TO THIS FINDING:** Victim service providers should require staff to attend training on recognizing signs of coercive control, including ways in which these behavioral patterns are often connected to rigid or misogynistic views on gender roles.

**ADDITIONAL RECOMMENDATION RELATED TO THIS FINDING:** Community outreach efforts should include information on coercive control, especially how it is used to isolate victims from support systems.



# Victim Safety & Offender Accountability Highlight:

## GPS Monitoring for High-Risk Defendants



### Need

A family member of the victims in this case stated, “whenever you have an offender hunting a victim, GPS is one of the only things that could save them. I truly believe that they would still be here [had the defendant been required to wear a GPS monitor].” The pretrial period, or the time between when an abuser has been charged with a crime and is released pending trial, is one of the most dangerous periods for victims of DV.<sup>1</sup>

To improve victim safety, pretrial GPS monitoring can be used as a condition of release for offenders. Primarily used to improve victim safety and reduce recidivism while the defendant is awaiting trial, GPS monitoring as a condition of release can also help ensure that a defendant will appear in court and not violate other court orders.<sup>2</sup>

### Effectiveness

Studies have shown that offenders assigned to pretrial GPS monitoring programs had a decreased probability of DV-related arrest and were less likely to be arrested for any kind of criminal offense in the year following their initial crime.<sup>3</sup> Offenders on bond with GPS monitoring are more compliant with their bond conditions. Long term these offenders are “significantly less likely to be arrested for a subsequent domestic violence crime.”<sup>4</sup> Offenders with pretrial GPS monitoring were 95 percent less likely to commit a new crime and exhibited higher compliance with orders of protection. Overall, there is less violence, fewer murders, and lower incarceration rates with GPS monitoring.<sup>5,6</sup>

### Legal Mandate

According to TCA § 40-11-150 in deciding the amount of bail required for the release of a defendant who is arrested for domestic abuse or is a respondent (the person alleged to have abused, stalked, or sexually assaulted another) in an Order of Protection the magistrate **shall review** the facts of the arrest and detention of the defendant and determine whether the defendant is a **threat to the alleged victim or a threat to public safety**. Before release the magistrate “**shall impose one (1) or more conditions of release or bail on the defendant to protect the alleged victim of any such offense and to ensure the appearance of the defendant at a subsequent court proceeding.**” Included in those possible conditions of release is **an order requiring the defendant to carry or wear a global positioning monitoring system device.**<sup>7</sup>

### Funding and Prioritization

Much of the funding for GPS monitoring comes through grants, local revenue, and the state’s Electronic Monitoring Indigency Fund (EMIF). Tennessee’s current EMIF fund covers 50% of the cost of pretrial GPS monitoring, the other 50% is covered by local governments. GPS monitoring is most effective as part of a larger coordinated system. To determine whether GPS monitoring as a condition of release is the best option, and to prioritize these funds, research suggests that high-risk cases and certain types of offenses, such as threats with a firearm and strangulation, are more critical to monitor.<sup>8</sup>

<sup>1</sup> *Strengthening The Guard: The Use Of GPS Surveillance To Enforce Domestic Violence Protection Orders*, Rhodes, 2013, Tennessee Journal of Race, gender, and Social Justice

<sup>2</sup> *Improving Victim Safety with Global Positioning System (GPS) Monitoring as a Condition of Release for Defendants Accused of Domestic Violence*, Report of the Tennessee Advisory Commission on Intergovernmental Relations, 2020

<sup>3</sup> *GPS Monitoring Technologies and Domestic Violence: An Evaluation Study*, Erez et al, 2012, National Institute of Justice (NIJ)

<sup>4</sup> *Strengthening The Guard: The Use Of GPS Surveillance To Enforce Domestic Violence Protection Orders*

<sup>5</sup> *Under Surveillance: An Empirical Test Of The Effectiveness And Consequences Of Electronic Monitoring*, Pagett et al, 2006, Journal of Criminology and Public Policy

<sup>6</sup> *A Quantitative and Qualitative Assessment of Electronic Monitoring*, Bales et al, 2010, The Florida State University College of Criminology and Criminal Justice Center for Criminology and Public Policy Research

<sup>7</sup> Tenn. Code Ann. § 40-11-150 (b) (6)

<sup>8</sup> *Improving Victim Safety with Global Positioning System (GPS) Monitoring as a Condition of Release for Defendants Accused of Domestic Violence*



## Systems Change Based on This Case

This homicide case has already led to several improvements in Nashville's response to serious domestic violence offenses.

### BREAKDOWNS IN THE SYSTEM

When V1 was strangled and threatened with a firearm six weeks before her murder, it took several hours for her to contact law enforcement to file a report due to the systemic inability to make reports across county lines and misdirection by 911 dispatch. She, V2, and another family member drove to two different police precincts and told her story to multiple officers before being escorted to the Family Safety Center.

V1 was then able to file charges and apply for a temporary Order of Protection but was not administered a five-question Danger Assessment by the advocate employed by the Office of Family Safety's contracted after-hours agency, AGAPE. When the perpetrator went to the Sheriff's Department a day later to be served with the Order of Protection, he was not arrested despite having two active felony warrants. When the perpetrator was eventually arrested, he was mistakenly released by Davidson County correctional officers after less than six hours. Domestic violence offenders are mandated by law to be held for twelve hours to allow the victim time to plan for their safety<sup>8</sup>. V1 was not notified of the offender's arrest or release.

Seventeen days before the homicide V1 received a call from the FSC following up on her experiences with the Order of Protection process, court, and offering additional resources. The victim indicated that no assistance was needed, she was working closely with her attorney and felt safe living in her mother's home away from the perpetrator. This phone call was conducted by a client services intern, as was the procedure at the time.

### REPAIRING & REBUILDING

Several policy changes within Nashville's system response protocols were enacted, in whole or in part, as a response to the failings in this case:

#### Emergency Response Systems

- 911 dispatchers now instruct victims leaving the scene of a domestic violence incident to go straight to the Family Safety Center where they can speak to law enforcement in a safe, calm environment.
- Domestic violence incidents have been recategorized as a higher priority for 911 dispatchers to facilitate a quicker police response time.

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<sup>8</sup> TCA § 40-11-150h states: "Any offender arrested for...any criminal offense defined in title 39, chapter 13, in which the alleged victim is a victim as defined in § 36-3-601, **shall not be released within 12 (12) hours of the time of arrest.** The magistrate or other official duly authorized to release the offender may, however, release the offender in less than twelve (12) hours if the official finds that the offender is not a threat to the alleged victim" and "If the offender is released prior to the conclusion of the twelve-hour period, the official **shall** make all reasonable efforts to directly contact the victim and inform the victim that the person charged with the offense will be released prior to the conclusion of the twelve-hour period."

- OFS assisted Nashville’s Department of Emergency Communications in updating their strangulation protocol to assess for strangulation when answering 911 calls from domestic violence victims. The 911 dispatcher is then able to communicate this information to responding officers and medical personnel.
- OFS has drafted a city-wide protocol outlining how first responders, victim service providers, medical providers, and the court system should respond to strangulation cases.



### Law Enforcement & Prosecution Response

- When the Sheriff’s Department serves Orders of Protection to respondents with outstanding warrants, they are required to call police to accompany them so that the respondent can be taken into custody. If there are no patrol officers available, a Domestic Violence Division detective will accompany the sheriff’s deputy.
- Victim notification procedures at Nashville’s correctional facilities have been streamlined and a safety net is now in place to ensure that notifications are done in each case.
- Patrol officers and employees at Nashville’s correctional facilities have received updated training on victim notification procedures, and this training is provided to new staff on a recurring basis.



### Advocacy Response

- AGAPE after-hours advocates now conduct the 5-question Danger Assessment and safety plan with the client based on their answers.
- Follow-up calls for after-hours AGAPE Order of Protection clients are now conducted by client services staff with the Office of Family Safety.
- Metro’s Office of Family Safety (OFS) sends out a biweekly memo highlighting criminal and Order of Protection cases in which firearms dispossession forms were not completed or submitted promptly; compliance with filing these forms has improved.
- OFS has provided American Rescue Plan funds to AGAPE after-hours advocates at the FSC to ensure Order of Protection coverage at peak times.
- OFS Client Services staff continues to support clients who wish to identify the illegal firearms their abuser possesses through a Firearms Identification Form that is provided to prosecutors and law enforcement with the client’s consent.



### Macro Response

- Metro Nashville Council has signed a proclamation designating the second Tuesday in May as Strangulation Awareness Day in Nashville.
- Nashville’s Office of Family Safety, District Attorney’s Office, and Police Department advocated for a state law that passed and went into effect in 2023 which implemented increased criminal penalties and bond considerations for strangulation perpetrators.



On the following pages, you will find the collected recommendations listed in the previous findings. Each recommendation has a **suggested "Entity for Implementation."** Each Entity for Implementation is encouraged to see the pages associated with their recommendations for more implementation details. Each Entity for Implementation has been color-coded\* as follows:

**Overall No Progress on Recommendations**

**Overall Some Progress on Recommendations**

**Overall on Target to Complete Recommendations**

**Overall Recommendations are Complete or Active (Such as Training Programs)**

\*This color code is not intended to "grade" a particular agency but merely to show progress toward implementation.

## Entity for Implementation – Metro Office of Family Safety (OFS)

### 1) Strangulation Awareness:

- a) Provide ongoing training to staff and partners on screening for and responding to strangulation.
  - (1) For a full list of recommendations related to this finding, see page 15.

### 2) Coercive Control & Isolation:

- a) Ensure that victims receive specific safety planning around coercive control.
- b) Outreach efforts should emphasize behaviors involving coercive control and how these behaviors put victims at an increased risk of homicide.
  - (1) For a full list of recommendations related to this finding, see page 22.

## Entity for Implementation – Metro Nashville Courts

### 1) Firearm Dispossession:

- a) Ensure current laws on firearms dispossession are followed to the fullest extent. Implement new policies or legislation to close safety gaps in current dispossession processes.
- b) Ensure all respondents/defendants are asked under oath if they possess firearms and instructed to sign a firearms affidavit of dispossession or dispossess after 48 hours.
- c) Require respondents/defendants to attend compliance hearings with proof of firearm dispossession – including the third party – and hold offenders accountable for perjury and failure to dispossess.
- d) Ensure that defendants who are prohibited from possessing firearms by their bond conditions fill out and/or mail in firearms dispossession affidavits upon their release and are scheduled for firearms status hearings.
  - (1) For a full list of recommendations related to this finding, see page 12.

### 2) Strangulation Awareness:

- a) Judicial commissioners should set the highest allowable initial bonds for strangulation cases due to their increased risk of lethality.
- b) Tennessee’s courts, prosecutors, and law enforcement agencies must consistently treat the use of strangulation in domestic violence cases as a felony offense according to TCA § 39-13-102.
- c) Court personnel should receive regular training on strangulation.
  - (1) For a full list of recommendations related to this finding, see page 15.

### 3) High-Risk Offender Accountability:

- a) Judicial commissioners, judges, and the District Attorney’s Office should review an offender’s LAP history when determining bond amounts and conditions of release.
- b) High-risk cases – as determined by LAP data and circumstances of criminal offenses – should be heard on a separate “rocket docket” to reduce the time between arrest and disposition.
- c) Consider not continuing or setting high-risk criminal and Order of Protection cases months out.
- d) Consider the use of GPS monitoring for the highest-risk perpetrators, particularly those who have histories of strangulation and threats with firearms.
  - (1) For a full list of recommendations related to this finding, see page 19.

### 4) Coercive Control & Isolation

- a) When reviewing Order of Protection narratives, magistrates, judges, and special masters should take patterns of controlling behavior into account when determining the level of risk present in an abusive situation.

(1) For a full list of recommendations related to this finding, see page 22.

### **Entity for Implementation – Metro Nashville District Attorney’s Office**

#### **1) Firearms Dispossession:**

- a) Ensure current laws on criminal case firearms dispossession are followed to the fullest extent. Implement new policies or legislation to close safety gaps in current dispossession processes.
- b) Present flagged firearms indicators to the court when respondents/defendants claim no firearms during court proceedings.
- c) Work with police to take out search warrants when evidence indicates firearms were not dispossessed.
- d) Charge respondents/defendants with violations of court orders when affidavits of dispossession are not turned in.

(1) For a full list of recommendations related to this finding, see page 12.

#### **2) Strangulation Awareness:**

- a) Ensure that all strangulations are charged and prosecuted as felonies, according to TCA § 39-13-102.
- b) All prosecutors at the General Sessions and Trial Court level receive two-hour credentialed strangulation training that includes lethality risk, charging decisions, evidence collection and presentation, and best practices including strangulation flagging and screening.
- c) The District Attorney’s Office will screen all victims for strangulation, both in the presenting charge and in any previous abusive incidents during their first contact with the victim.

(1) For a full list of recommendations related to this finding, see page 15.

#### **3) High-Risk Offender Accountability:**

- a) District Attorney’s Office staff should have LAP data made available to them and should review any LAP history before considering plea bargains and case dismissals
- b) ADAs should request GPS monitoring for defendants on high-risk “rocket dockets,” particularly those with histories of firearm use and strangulation.

(1) For a full list of recommendations related to this finding, see page 19.

#### **4) Coercive Control & Isolation**

- a) Ensure that any history of controlling behavior is noted and presented in criminal court proceedings.

(1) For a full list of recommendations related to this finding, see page 22.

### **Entity for Implementation – Metro Nashville Police Department**

#### **1) Firearms Dispossession:**

- a) Ensure current laws on firearms dispossession are fully followed. Implement new policies or legislation to close safety gaps in current dispossession processes.
- b) Have patrol officers ask every intimate partner violence victim if they would consent to a search of the home for any firearms the defendant may have to remove the firearm pursuant to TCA § 36-3-620(a)2.
- c) Work with prosecutors to take out search warrants when evidence indicates firearms were not dispossessed.

- d) Create a clear process for dispossession of a firearm to law enforcement.  
(1) For a full list of recommendations related to this finding, see page 22

**2) Strangulation Awareness:**

- a) Provide training to officers on screening victims for a history of strangulation, including atypical presentations.
- b) Ensure that all strangulations are charged as felonies, according to TCA § 39-13-102.
- c) Recommend that strangulation perpetrators receive an evaluation by crisis mental health response teams to determine their immediate threat to others.
- d) Ensure that any signs and symptoms of strangulation are documented on Incident Reports.  
(1) For a full list of recommendations related to this finding, see page 15.

**3) High-Risk Offender Accountability:**

- a) Develop a cooperative inter-county system whereby high-risk victims can make police reports and swear out criminal affidavits in the Davidson County criminal system if they have fled to another county for safety.  
(1) For a full list of recommendations related to this finding, see page 19.

**4) Coercive Control & Isolation**

- a) Document any history of coercive control and refer victims to victim service providers even in the absence of physical violence.  
(1) For a full list of recommendations related to this finding, see page 22.

**Entity for Implementation – Nashville Victim Service Providers**

**1) Strangulation Awareness:**

- a) Provide regular training to staff on screening for and responding to a history of strangulation.  
(1) For a full list of recommendations related to this finding, see page 15.

**2) Coercive Control & Isolation**

- a) Victim service providers should ensure that clients receive specific safety planning around coercive control.
- b) Victim service providers should require staff to attend training on recognizing signs of coercive control, including ways in which these behavioral patterns are often connected to rigid or misogynistic views on gender roles.
- c) Community outreach efforts should include information on coercive control, especially how it is used to isolate victims from support systems.  
(1) For a full list of recommendations related to this finding, see page 22.

**Entity for Implementation – Nashville Medical Providers**

**1) Strangulation Awareness:**

- a) Medical providers, particularly emergency, primary care, OB/GYN providers, and medical social workers should receive regular training on strangulation.
- b) Medical providers should refer victims with a history of strangulation to appropriate victim service providers and should have materials on strangulation and domestic violence available for victims being treated in medical facilities.  
(1) For a full list of recommendations related to this finding, see page 15.

## CONCLUSION

The findings and recommendations from this report highlight areas for continued growth and improvement in Nashville's domestic violence prevention services and response that can be addressed within our government, non-profit, and for-profit sectors. The Metro Nashville Office of Family Safety (OFS) and the Domestic Abuse Death Review Team (DADRT) are committed to working on the recommendations and implementation plan from this review in conjunction with our partner agencies.

The DADRT will continue to review each domestic violence homicide in Nashville Davidson County and conduct its annual in-depth case review to glean further information on how to improve our work. The OFS will work with partner agencies to implement the report recommendations that we hope will provide solutions to identified gaps and increase community awareness. The OFS Statewide Fatality Review Coordinator will continue to develop domestic violence fatality review teams throughout the state and facilitate Tennessee's statewide death review team meetings. This statewide team will amplify the impact of Nashville and other jurisdictions' recommendations throughout the state.

The DADRT and Metro Nashville Office of Family Safety (OFS) are incredibly grateful for the support we have received from Metro Nashville-Davidson County Government, the Mayor, the Metropolitan Council, our Advisory Council, our state and federal funders, and our committed partner members for the support they have contributed to this report. Above all, we are grateful to the survivors of domestic violence homicide who shared their experiences and insight with our Team and helped form these recommendations.

# APPENDICES

36-3-624. Death review teams established — Protocol — Composition of teams — Disclosure of communications — Authority to subpoena.

**(a)** A county may establish an interagency domestic abuse death review team to assist local agencies in identifying and reviewing domestic abuse deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic abuse cases.

**(b)** For purposes of this section, “domestic abuse” has the meaning set forth in § 36-3-601.

**(c)** A county may develop a protocol that may be used as a guideline to assist coroners and other persons who perform autopsies on domestic abuse victims in the identification of domestic abuse, in the determination of whether domestic abuse contributed to death or whether domestic abuse had occurred prior to death but was not the actual cause of death, and in the proper written reporting procedures for domestic abuse, including the designation of the cause and mode of death.

**(d)** County domestic abuse death review teams may be comprised of, but not limited to, the following:

- (1)** Experts in the field of forensic pathology;
- (2)** Medical personnel with expertise in domestic violence abuse;
- (3)** Coroners and medical examiners;
- (4)** Criminologists;
- (5)** District attorneys general and city attorneys;
- (6)** Domestic abuse shelter staff;
- (7)** Legal aid attorneys who represent victims of abuse;
- (8)** A representative of the local bar association;
- (9)** Law enforcement personnel;
- (10)** Representatives of local agencies that are involved with domestic abuse reporting;
- (11)** County health department staff who deal with domestic abuse victims' health issues;
- (12)** Representatives of local child abuse agencies; and
- (13)** Local professional associations of persons described in subdivisions (d)(1)-(10), inclusive.

**(e)** An oral or written communication or a document shared within or produced by a domestic abuse death review team related to a domestic abuse death is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a domestic abuse death review team is confidential and not subject to disclosure or discoverable by a third party. Notwithstanding the foregoing, recommendations of a domestic abuse death review team upon the completion of a review may be disclosed at the discretion of a majority of the members of a domestic abuse death review team.

**(f)** To complete a review of a domestic abuse death, whether confirmed or suspected, each domestic abuse death review team shall have access to and subpoena power to obtain all records of any nature maintained by any public or private entity that pertain to a death being investigated by the team. Such records include, but are not limited to, police investigations and reports, medical examiner investigative data and reports, and social service agency reports, as well as medical records maintained by a private health care provider or health care agency. Any entity or individual providing such information to the local team shall not be held liable for providing the information.

## Domestic Abuse Death Review Team Mission, Responsibility & Authority

### Team Mission

In accordance with Executive Order No. 023<sup>9</sup> authorized by Tennessee Code Annotated §36-3-624, the Metropolitan Government of Nashville-Davidson County created the Domestic Abuse Death Review Team or DADRT to “establish an interagency domestic abuse death review team to identify and review domestic abuse deaths, including homicides and suicides, and to facilitate communication among the various agencies involved in domestic abuse cases in order to recommend improvements in the system of services to domestic abuse victims and their families, and to provide accurate information related to domestic abuse issues to the community.” Metro Government's Office of Family Safety is tasked with leading this team.

### Responsibility and Authority of the Team

It shall be the responsibility of the Team to identify, review, and analyze fatal or near fatal incidents of domestic violence to better understand the dynamics of these fatalities or near fatalities and to facilitate communication among the various agencies involved in domestic abuse cases. It shall also be the responsibility of the Team to conduct an in-depth review of a minimum of one domestic violence fatal or near-fatal incident(s) per year. Selected cases must be considered “closed cases” by both the Police Department and the District Attorney’s Office. A minimum period of six months must have elapsed from the time of death in order to interview family members and other close associations of the victim and/or perpetrator.

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<sup>9</sup> <https://www.nashville.gov/departments/metro-clerk/legal-resources/executive-orders/mayor-john-cooper/jc023>



If you have any questions about the report, please contact Heather Herrmann ([HeatherAHerrmann@jishnashville.gov](mailto:HeatherAHerrmann@jishnashville.gov)), Director of Education and Strategic Initiatives or Clare Ryan ([ClareKRyan@jishnashville.gov](mailto:ClareKRyan@jishnashville.gov)), High-Risk Data Analyst at the Metropolitan Government of Nashville-Davidson County Office of Family Safety.

## 2022 MEMBERS OF THE DOMESTIC ABUSE DEATH REVIEW TEAM (DADRT)

Daffany Baker – YWCA

Diane Lance - Office of Family Safety

Rita Brockman-Baker – MNP

Kevin Lovell – Captain, Metro Police DV Unit

Becky Bullard - Office of Family Safety

Melanie Lutenbacher - Vanderbilt University School of Nursing

Allison Cantway – Office of Family Safety

Peter MacDonald – Citizen

Ashley Cathey - Office of Family Safety

Megan Lopez – Office of Family Safety

Ronald Dowdy – District Attorney’s Office

Kim Page – MNP-FIP

Nichelle Foster - Metro Public Health Department

Clare Ryan – Office of Family Safety

Cathy Gurley - You Have The Power

Taylor Terry – AGAPE/Morning Star Sanctuary

Heather Herrmann – Office of Family Safety

Rebecca Toca – Legal Aid Society

Christina Johnson – District Attorney’s Office

Susan Tucker-Smith – District Attorney's Office

Kyla Joseph – Metro Social Services

Susan Kay – Citizen

Additional individuals may be invited to attend DADRT Meetings when they had involvement working with any of the parties in the case being reviewed.



Metro Office of  
Family Safety

*Where Hope and Healing Begin*