

DA says officer's allegations worrisome

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Internal probe affecting McNair case, he adds

Allegations that a Metro police officer wanted to escort home drunken Tennessee Titans players have raised questions of whether Metro officers broke any laws and have complicated the DUI case against Titans quarterback Steve McNair, Davidson County's top prosecutor said.

Not only is there now intense media scrutiny of the McNair case, said Davidson County District Attorney General Torry Johnson, but there is also concern over possible internal wrongdoing if the accusations made by Metro Officer Shawn Taylor are true.

Still, Taylor's statement has turned out to be "a lot more than some statement made around the coffee machine," launching the internal police investigation and scrutiny of police practices, Johnson said.

Asked what laws might have been broken, Johnson declined to say.

"It is just nothing but pure rumor and speculation at this point," Johnson said. "Once the police department has reviewed the matter, we will take a look at it for that purpose. But I think, at this time, we would be guessing about what may or may not be out there."

Taylor testified Wednesday at McNair's DUI hearing that another officer, Jeb Johnston, had instructed other Metro officers to contact him if they pulled over a Titans player for drunken driving. Taylor said Johnston wanted to escort the player home instead of taking him to jail. Johnston has denied the accusation through Metro Police spokesman Don Aaron. Police officials are conducting an internal investigation into whether their internal policies were violated.

Meanwhile, "we will wait to see what, if anything, the police turn up," the prosecutor said yesterday in a telephone interview. "It's complicated further because we have a case that we have to prosecute."

Police officers using their power to step in and allow lawbreakers to go free could be illegal.

In a case similar to what Taylor described, then-Sumner County Sheriff Richard Sutton was charged in 1994 with official misconduct and destroying evidence after he was accused of removing drugs from his daughter's car after she was pulled over and arrested for driving under



Officer Jeb Johnston

the influence in Hendersonville. Prosecutors suspended the charges after Sutton, who died in 2001, agreed not to seek re-election that year.

Destroying evidence is a Class C felony, and official misconduct is a Class E felony. Felons cannot work as police officers in Tennessee.

Johnston has said Taylor's accusations, which came in Davidson County General Sessions Court, are untrue. Lying under oath can be prosecuted as perjury, a Class A misdemeanor in Tennessee.

Reached yesterday by telephone, Johnston declined to comment. Taylor also has declined to comment.

David Raybin, a well-known Nashville defense attorney, said he thinks the police department is handling the matter properly by conducting an internal investigation. He said he doesn't see the case rising to the level of requiring close prosecutor scrutiny. "It's possible that one officer misunderstood what the other was saying," Raybin said. "That's always a possibility."

Raybin has not been hired to represent either officer but is retained as an attorney to represent the Nashville Chapter of the Fraternal Order of Police. Both Taylor and Johnston are members of the police union.

Johnson said he knows of no Metro police policies, either spoken or unspoken, that let officers take celebrities home, allowing them to avoid alcohol-related arrests. There may be isolated cases, though.

"When you boil it all down, in a perfect world no one should get any better treatment, or for that matter, any worse treatment," Johnson said. "Whether it's a celebrity, a sports figure, a political figure, or a high school friend of a police officer — everybody should be treated the same. Does it happen 100% of the time? Probably not."