



CLAIBORNE COUNTY SHERIFF'S OFFICE

Comptroller's Investigative Report
February 8, 2019

Justin P. Wilson, Comptroller





JUSTIN P. WILSON
Comptroller

JASON E. MUMPOWER
Chief of Staff

February 8, 2019

Claiborne County Mayor and
Board of County Commissioners
1740 Main Street
Tazewell, Tennessee 37879

Ladies and Gentlemen:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Claiborne County Sheriff's Office, and the results are presented herein.

Copies of this report are being forwarded to Governor Bill Lee, the State Attorney General, the District Attorney General of the 8th Judicial District, the District Attorney General pro tem of the 13th Judicial District, certain state legislators, and various other interested parties. A copy is available for public inspection in our office and may be viewed at <http://www.comptroller.tn.gov/ia/>.

Sincerely,

A handwritten signature in black ink that reads "Justin P. Wilson".

Justin P. Wilson
Comptroller of the Treasury

JPW/MLC

INVESTIGATIVE REPORT

Claiborne County Sheriff's Office



In April 2018, the Comptroller's Office received allegations that inmates and Claiborne County sheriff's officers sold scrap metal to a private vendor for personal gain while on litter patrol. Comptroller investigators obtained sales records from the scrap metal vendor for the period July 1, 2016, through June 30, 2018.

A finding, as a result of our investigation, is presented below. We reviewed this finding with the district attorney general for the Eighth Judicial District and the district attorney general pro tem for the Thirteenth Judicial District.

RESULTS OF INVESTIGATION

Finding 1 INMATES AND SHERIFF'S LITTER PATROL OFFICERS SOLD SCRAP METAL FOR PERSONAL GAIN TOTALING AT LEAST \$23,763.18

Inmates and sheriff's litter patrol officers received cash from sales of scrap metal during the period July 1, 2016, through June 30, 2018, totaling at least \$23,763.18. Sheriff's litter patrol officers and inmates told investigators it was a long-established practice for the litter patrol to gather scrap metal from county convenience centers, road rights-of-way, and residents' property, and sell the

scrap metal to buy inmates on litter patrol lunches, snacks, drinks, and tobacco products. We could not locate and interview all prior inmates who worked on litter patrol about this practice; therefore, we could not verify the exact amount of cash that was received and how it was always used. The scrap metal vendor kept records of most litter patrol transactions, listing the names of the inmates and sheriff's litter patrol officers that received cash from the sales. After our review of these records, we determined cash transactions often occurred several times a week and ranged in amounts from \$2.10 to \$385.70. According to inmates and sheriff's officers interviewed, usually one inmate would collect cash from a sale and bring it to the litter patrol truck, where it was maintained and informally accounted for by officers. The following table represents total scrap metal purchases from inmates and sheriff's officers documented from available vendor sales records for the period reviewed:

Fiscal Year	Inmates	Sheriff's	
		Officers	Total
2016-2017	11,643.67	-	11,643.67
2017-2018	11,652.90	466.61	12,119.51
Total	23,296.57	466.61	23,763.18

Section 62-9-111, *Tennessee Code Annotated (TCA)*, requires payments for scrap metal sold by a governmental entity be made by check or money order to the governmental entity; mailed to the business address of the governmental entity; and the payee on the check must be in the name of the governmental entity. Although the scrap metal vendor consistently wrote checks payable to the county for scrap metal purchased from the county's landfill, the first check written to the county for purchases from the Sheriff's Office litter patrol was on September 11, 2018, for \$133.58. This practice began under the newly elected sheriff's administration that took office September 1, 2018. The scrap metal vendor told investigators that paying cash to the litter patrol seemed appropriate since the purchases were from the Sheriff's Office, and this practice had been established under the vendor's prior ownership.

Claiborne County does not have a formal policy on the handling of recyclable materials. Sound business practice dictates that written policies concerning the collection and sale of recyclable materials should be adopted. The lack of management oversight in the Sheriff's Office, the lack of a formal recyclable materials policy, and the failure to follow state law, has resulted in lost revenue for the county. The Sheriff's Office is currently depositing checks from the sale of scrap metal with the county trustee.