



COMPTROLLER'S INVESTIGATIVE REPORT

Cannon County Sheriff's Department

January 11, 2021

Justin P. Wilson
Comptroller of the Treasury



DIVISION OF INVESTIGATIONS



JUSTIN P. WILSON
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January 11, 2021

Cannon County Executive and
Board of County Commissioners
Cannon County Courthouse
200 W. Main Street
Woodbury, TN 37190

Ladies and Gentlemen:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Cannon County Sheriff's Department, 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 16th Judicial District, certain state legislators, and various other interested parties. A copy of the report is available for public inspection in our Office and may be viewed at <http://www.comptroller.tn.gov/ia/>.

Sincerely,

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

Justin P. Wilson
Comptroller of the Treasury

JPW/MLC

INVESTIGATIVE REPORT

Cannon County Sheriff's Department

The Office of the Comptroller of the Treasury investigated allegations of malfeasance related to the Cannon County Sheriff's Department evidence room and case file maintenance. The Comptroller's Office initiated the investigation pursuant to a request from the 16th Judicial District Attorney General's Office. The results of the investigation were communicated with the Office of the 16th Judicial District Attorney General.

BACKGROUND

Cannon County Sheriff's Department (department) is based at the Cannon County Jail located in Woodbury, Tennessee. This facility houses individual case files and evidence obtained from investigations and/or arrests made within the county.

Due to space limitations at the jail, the department uses multiple locations within the jail facility to store evidence and case files. The primary evidence room is located within the jail, and the door to that evidence room is locked for security purposes.



Beginning July 8, 2019, Comptroller investigators reviewed records and evidence dating from February 28, 2002, through July 2, 2019. Investigators performed an inventory of evidence items stored in the primary evidence room and in other locations, including locker rooms and offices, within the facility. The department's manual evidence log contained 2,116 separate listings, with some listings comprising multiple items. Investigators compared listings within this log with the evidence actually in department custody. Investigators also compared evidence listings for select cases to evidence in department custody. Additionally, from September 2020 through December 2020, investigators performed extensive procedures related to the inventory of evidence at the jail.

In addition to the work related to evidence, Comptroller investigators attempted to account for all department case files for the period January 2019 through June 2019.

INTERNAL CONTROL AND COMPLIANCE DEFICIENCIES

Deficiency 1: Some physical evidence recorded in the evidence log was not in department custody

Comptroller investigators identified one missing firearm (.22 caliber revolver) and 49 other items of evidence that were listed as being in department custody but were not located anywhere in the facility. Included in these 49 items were drugs, drug paraphernalia, and miscellaneous other evidence that law enforcement collected from property seizures. Investigators were advised by department staff that they could not locate the firearm or any record of its disposition. Investigators were unable to determine if the firearm or any of the other evidence was improperly removed from department custody based on the unorganized condition of the evidence room (See Exhibit 1) and the lack of evidence log documentation.

Exhibit 1



Photo of Evidence Room Taken in July 2019

To strengthen internal controls over evidence, the department should maintain a comprehensive evidence log for all seized property. At a minimum, this log should include the following: date received, defendant/owner, case number, description, location, notation of individuals signing

evidence in and out, and disposition. Department staff should periodically reconcile the evidence log with the physical evidence in its custody.

Deficiency 2: Department staff failed to secure access to some evidence and failed to perform an annual inventory of the evidence room; and in some instances, failed to record the evidence in the evidence logs, record the evidence timely, properly identify the evidence, and properly dispose of the evidence

Our investigation determined the following deficiencies related to evidence:

- A. Department staff failed to secure access to some evidence at the facility. For example, investigators discovered that staff placed on the sheriff's desk evidence (shanks) that they had confiscated from a jail inmate. This evidence subsequently went missing, and a potential criminal case related to the evidence could not be pursued. Additionally, staff placed various evidence items in an unlocked trailer behind the facility. A staff member took some of the items from this trailer for personal use by a family member. This staff member's employment was subsequently terminated, and he was prosecuted.

The sheriff and the jail administrator purportedly had the only keys to the primary evidence room. However, investigators discovered a key ring inside an unlocked drawer in the office adjacent to the primary evidence room. Investigators tried keys from the ring on the door to the evidence room and discovered that more than one of the keys opened the evidence room. As a result, anyone with temporary possession of a key to the jail facility could potentially access the primary evidence room.

After our investigation, management implemented new security protocols related to physical access to the primary evidence room. However, investigators noted that the above-mentioned key ring was still located in the same area as before. Additionally, investigators noted that one of the keys on the ring still opened the evidence room. Management immediately removed the key from the ring and secured it.

To strengthen internal controls and security, the department should store evidence at a single secure location under the control of one person. This person should maintain the evidence log, control access to the evidence room, ensure that evidence is identified properly, and store the evidence in an organized manner.

- B. Department staff failed to record some items of evidence in the evidence log. Based on the dates recorded on evidence items, investigators determined that some of these items were in department custody prior to the first log entry on April 6, 2007. Investigators noted that the staff stored evidence throughout the facility, not just in the primary evidence room. With rare exceptions, none of the evidence stored in areas other than the primary evidence room were included in the evidence log. Records of items stored throughout the facility were limited to information recorded in case files.

Investigators prepared and reviewed a sample of department case files and determined that not all evidence that was indicated to have been collected was recorded on the evidence log. Due to the incomplete records related to case files and the evidence collected,

investigators were unable to determine whether all evidence recorded in department case files were accounted for and/or disposed of properly. Management should ensure that all evidence in department custody is included in the evidence log.

- C. Management did not ensure that the department staff recorded all evidence in a timely and thorough manner. In addition to the items mentioned previously that were located but not recorded in the evidence log, investigators noted that, on several occasions, it appeared that staff were logging evidence in batches. Log entries revealed that staff were often recording items only once a month. Management should ensure that staff record all evidence in the evidence log the day the evidence is received.
- D. Department staff failed to properly identify some evidence in department custody. Investigators were unable to identify the case number for 19 of 178 items located in the primary evidence room that were not listed in the evidence log. Fourteen of these items were firearms. Some of the items had notations of dates and descriptions, but no case numbers. Management should ensure that staff properly describe and identify all evidence by case number.
- E. Department staff failed to perform an annual inventory of all evidence in department custody. An annual inventory of evidence, conducted by personnel who are independent of maintaining the evidence room or the evidence log, could have identified missing items, as well as evidence no longer needed for prosecution. Management should ensure that an annual inventory of the evidence room is performed.
- F. Department staff did not dispose of some evidence that was seized and forfeited to the Sheriff's Department or some evidence held for a court clerk, which had been ordered to be disposed of by a criminal court. As a result, the department continued to store and safeguard some items, including drug evidence, for more than 10 years after the evidence could have been disposed. *Tennessee Code Annotated* provides specific guidance for the disposition of evidence depending upon the type of evidence and upon whose authority the evidence is to be disposed.

Investigators noted that the department maintained custody of two firearms that were listed in the evidence log as having been returned to the owner. Additionally, investigators determined by a review of case files, that the two items were logged and placed in the primary evidence room over nine months after they were notated in the evidence log as being returned. Sheriff's Department management, working with court clerks when applicable, should ensure that evidence qualifying for disposal is disposed of as provided by state laws.

Deficiency 3: The department staff failed to maintain a comprehensive case file listing and an accurate listing of incident reports

Department staff did not maintain a comprehensive listing of case files. Investigators attempted to create a comprehensive listing of case files by reviewing reports from the department's software database, reports the department kept on file for the Tennessee Incident Based Reporting System

(TIBRS), and data obtained from county dispatch for the period January 2019 through June 2019. However, not all incident reports resulted in the department opening case files, and not all case files stemmed from dispatched incidents. Additionally, staff were unable to provide an accurate listing of all incident reports. The department's reporting software allowed users to enter information into a form and print a paper copy without ever submitting the form to create an actual report into the software system. As a result, investigators were unable to compile even a partial case file listing that could be relied upon for verification. Management should ensure that staff maintain a comprehensive case file listing and an accurate listing of incident reports.

Sheriff's Department management indicated that they have corrected or intend to correct the above-noted deficiencies. While performing follow up procedures, investigators noted that management had made improvements related to storage space and organization within the evidence room (See **Exhibit 2**). Additionally, investigators noted that the department was in the process of implementing a centralized, computer-based inventory system and phasing out the need for and use of the manual evidence log.

Exhibit 2



Photo of Evidence Room Taken in September 2020