



**HOUSTON COUNTY SHERIFF'S OFFICE
PROPERTY AND EVIDENCE ROOM**

Comptroller's Investigative Report
September 25, 2017

Justin P. Wilson, Comptroller





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Comptroller

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Jason E. Mumpower
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September 25, 2017

Kevin Sugg, Sheriff
Houston County Sheriff's Office
3330 Highway 149
Erin, TN 37061

Dear Sheriff Sugg:

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

Copies of this report are being forwarded to Governor Bill Haslam, the State Attorney General, the District Attorney General, 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,

Justin P. Wilson
Comptroller of the Treasury

JPW/RAD

INVESTIGATIVE REPORT

Houston County Sheriff's Office Property and Evidence Room

The Office of the Comptroller of the Treasury investigated allegations of malfeasance related to the Houston County Sheriff's Office property and evidence room. The sheriff had identified discrepancies related to items recorded as held in the department's property and evidence room and notified the Comptroller's Office.

INVESTIGATIVE RESULTS

Comptroller investigators performed an inventory of selected items held in the Houston County Sheriff's property and evidence room, including seized drugs, cash, and weapons, as well as other legal property with a commercial or marketable value. Investigators compared the department's computer inventory log to the evidence and property actually in department custody. Investigators determined that the computer inventory log was an unreliable and incomplete record of the department's property and evidence. Comptroller investigators found the following discrepancies and weaknesses in the documentation and handling process surrounding property and evidence:

- **Property and evidence included on the inventory log was not in department custody**

Comptroller investigators identified 23 items of drug evidence and 3 items of other property listed as being in department custody that were not in the property and evidence room. The drug evidence that was unaccounted for included marijuana and at least 96 pills, including opiate (narcotic) analgesics such as hydrocodone. Department officials had not documented the disposition of this evidence and were unable to account for its whereabouts.

Investigators also identified items included on the department's computer inventory log that would not reasonably be located in the property room. These items included a Toyota engine and two items of stolen property that official reports indicated were not recovered.

- **Officials failed to include all property on the inventory log**

Officials failed to include on the computer inventory log all property in the property and evidence room. Investigators discovered 23 items of property that were in the department's property and evidence room but were not listed on the computer inventory log. These items included drugs, cash, and guns. In addition to those items, investigators found a large plastic tub containing numerous pieces of drug evidence that had been confiscated 10 or more years prior, none of which were listed on the computer inventory log.

- **Officials failed to utilize critical portions of the department's available resources to account for property and evidence**

Department officials failed to utilize all available resources of accountability over property and evidence. Department officials installed a surveillance camera inside the property and evidence room but failed to connect the camera to a recording device. Although the camera may have been operational, there was no video record maintained of any activity inside the room.

In addition, the computer software used to create a log of items placed into the property and evidence room had the audit function disabled for at least some users. Critical information, such as alterations, removal, or deletions of property and evidence entries, as well as the individual who was responsible for those changes, was not retained and may not have been created.

- **Officials did not properly identify and dispose of property and evidence**

Department officials failed to identify drug evidence and weapons that were no longer needed as evidence and to dispose of those items properly. As a result, the department was storing and safeguarding drug evidence that was more than 10 years old. Section 53-11-451, *Tennessee Code Annotated*, requires that on an annual basis, drug evidence for which the case has been concluded or for which the evidence is no longer needed should be destroyed in accordance with a court order. Likewise, Section 39-17-1317, *Tennessee Code Annotated*, requires that weapons no longer needed as evidence be disposed of in accordance with a court order.

- **Officials failed to perform an annual inventory**

Department officials did not perform an annual inventory of all property and evidence held in department custody. Such a procedure, conducted by personnel who do not have routine access to the property and evidence room or to the recorded inventory record, would have identified missing items, as well as property and evidence no longer needed for prosecution.

- **Officials traded a seized weapon that was reported as stolen**

Department officials failed to check each seized weapon taken into custody properly through the national database to identify those weapons that were stolen or used in other crimes. In July 2016, the department received permission from the court to trade several seized weapons, including a .22 caliber pistol, to a local licensed firearms dealer in exchange for items to be used by the department. When the dealer prepared to sell the .22 caliber pistol and checked it against the database, it was identified as a stolen weapon. That weapon was then retrieved by the department and returned to the rightful owner.

The department's failure to log all evidence taken into department custody properly, identify and dispose of items no longer needed as evidence properly, perform a complete physical inventory at least annually, and utilize all available safeguards and accountability resources not only increased

the risk that property could be improperly removed, but also created unnecessary confusion and disorder.

Department officials have indicated that they have corrected or will correct these deficiencies.