



## **MOUNTAIN CITY POLICE DEPARTMENT'S PROPERTY AND EVIDENCE ROOM**

**Comptroller's Investigative Report**  
March 29, 2018

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**Justin P. Wilson, Comptroller**





JUSTIN P. WILSON  
*Comptroller*

JASON E. MUMPOWER  
*Chief of Staff*

March 29, 2018

Honorable Mayor and Board of Aldermen  
Town of Mountain City  
210 South Church Street  
Mountain City, TN 37683-1599

Gentlemen:

The Office of the Comptroller of the Treasury, in conjunction with the Tennessee Bureau of Investigation, conducted an investigation of pertinent records of the Mountain City Police Department's Property and Evidence Room, 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,

A handwritten signature in black ink, appearing to read "Justin P. Wilson", is written over a light gray rectangular background.

Justin P. Wilson  
Comptroller of the Treasury

JPW/RAD

# INVESTIGATIVE REPORT

## MOUNTAIN CITY POLICE DEPARTMENT'S PROPERTY AND EVIDENCE ROOM



On November 9, 2017, the Comptroller of the Treasury and the Tennessee Bureau of Investigation performed an inventory of selected items held in the Mountain City Police Department's property and evidence room, including seized drugs, weapons, as well as other property. Investigators compared the department's inventory log with the items actually in department custody. We determined that the inventory log was an unreliable and incomplete record of the department's seized property and evidence.

### INVESTIGATIVE FINDING AND RECOMMENDATION

#### **FINDING Internal controls were not adequate in the Mountain City Police Department's Property and Evidence Room**

We noted the following deficiencies in internal controls over evidence and seized property:

- A. Certain seized drugs and other property listed on the inventory log did not reconcile with what was actually in the department's evidence room. In some instances, the evidence bags had been cut open, and the drugs were missing. Because the department did not have sufficient access controls, we were unable to determine what happened to the seized property. The failure to adequately secure and account for seized property increases the risk of theft and loss and may jeopardize any pending or potential judicial proceedings.
- B. The department failed to include all seized property on the inventory log. Several items of property that were in the department's property and evidence room were not listed on the evidence log.
- C. The evidence log lacked sufficient information. In many instances, the evidence log did not include incident numbers, defendants' names, dates the evidence was submitted/received, or disposition.
- D. Department officials failed to identify drug evidence and weapons that were no longer needed as evidence, so those items could be disposed of properly. Section 53-11-451, *Tennessee Code Annotated (TCA)*, 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, *TCA*,

requires that weapons no longer needed as evidence be disposed of in accordance with a court order.

### **RECOMMENDATION**

A perpetual inventory log should be maintained for all evidence and seized property. At a minimum, the log should include the following: date received, defendant's name, incident or case number, description, location, signature of individuals signing evidence in and out, and disposition. If possible, evidence and seized property should be under the control and supervision of one person. This person should maintain the log, control access to the evidence and seized property, and ensure that evidence and seized property are identified properly and filed in an organized manner. The administrative head of the department should regularly petition the court to destroy or dispose of seized drugs as provided for under state law.

### **MANAGEMENT'S RESPONSE (paraphrased) - POLICE CHIEF DENVER CHURCH**

Correction made of complete inventory and a new inventory log has been made with the proper information. Evidence drop box installed in the department with cameras on evidence room. Access to drop box and evidence has been limited to evidence custodian with a log of persons entering and leaving evidence room. I am in the process of going through evidence to get court order to destroy evidence that is no longer needed in accordance to state law.