



# TOWN OF CARYVILLE POLICE DEPARTMENT

**Comptroller's Investigative Report**  
August 31, 2018

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**Justin P. Wilson, Comptroller**





JUSTIN P. WILSON  
*Comptroller*

JASON E. MUMPOWER  
*Chief of Staff*

August 31, 2018

Mayor and Members of the Board of Aldermen  
Brian Keeton, Police Chief  
Town of Caryville  
4839 Old Highway 63  
Caryville, TN 37714

Ladies and Gentlemen:

The Office of the Comptroller of the Treasury reviewed the confiscated weapons exchange process recently employed by the Town of Caryville Police Department, 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", written over a light gray rectangular background.

Justin P. Wilson  
Comptroller of the Treasury

JPW/RAD

# INVESTIGATIVE REPORT

## Town of Caryville Police Department

The Office of the Comptroller of the Treasury reviewed the confiscated weapons exchange process recently employed by the Town of Caryville Police Department.

### BACKGROUND

On April 24, 2017, pursuant to purported Town of Caryville (town) council approval, the Caryville Police Chief petitioned the Criminal Court for Campbell County for approval to exchange 50 weapons confiscated by or surrendered to the Caryville Police Department. On the same date, the chief took these 50 weapons, along with 2 weapons for which the police department had no further use, to a gun shop for an appraisal and trade offer. The chief told investigators that he left these weapons at the gun shop and intended to return with the court order authorizing the exchange, believing that approval would occur on the following day. Due to unforeseen circumstances, the court order approval was delayed.

Shortly after the guns were delivered to the gun shop, the chief acquired a handgun and ammunition from the gun shop with the understanding that these items would be credited against the exchange value of the confiscated weapons. Additionally, while the chief awaited the court order authorizing the weapons to be exchanged, the gun shop owner sold 30 of the weapons. On June 5, 2017, at the request of the district attorney general's office, a town employee retrieved the unsold weapons from the gun shop.

### INVESTIGATIVE RESULTS

- **Police chief transferred confiscated weapons to gun dealer prior to court approval**

As noted above, the Caryville Police Chief delivered 52 weapons to a gun shop for an appraisal and trade offer prior to obtaining a signed approval order from the court. Based on assertions by the chief and by the gun shop owner, an apparent misunderstanding existed between them as to the availability of the weapons for immediate resale. As a result, 30 weapons were sold by the gun shop prior to court approval. Additionally, prior to court approval, the police department received a weapon and ammunition from the gun shop negotiated in anticipation of completing the exchange transaction.

Section 39-17-1317(l), *Tennessee Code Annotated*, states:

- (1) The commissioner of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, the executive head of any local law enforcement agency, or the director of a judicial district

drug task force may petition the criminal court or the court in the official's county having criminal jurisdiction for permission to exchange firearms that have previously been properly titled, as specified by this section, to the law enforcement agency or the drug task force for other firearms, ammunition, or body armor suitable for use by the law enforcement agency or drug task force.

- **Town officials did not attempt to determine proper ownership of weapons slated for disposal**

The police chief failed to obtain complete records or employ other means to confirm that ownership was properly transferred to the town for all the weapons involved in the planned weapons exchange with the gun shop. After retrieving the remaining unsold weapons from the gun shop, town officials ran two public notices in the *LaFollette Press*. These notices listed the weapons involved in the exchange and encouraged any persons having a claim on any of the weapons to contact the Caryville Police Department. Town officials told investigators they received no responses from the public as a result of these notices.

Section 39-17-1317(g)(2), *Tennessee Code Annotated*, states:

A law enforcement agency possessing a weapon declared contraband, retained as evidence in an official proceeding, secured after being abandoned, or surrendered by someone other than the owner shall use best efforts to determine whether the weapon has been lost by or stolen or borrowed from an innocent owner, and if so, the agency shall return the weapon to the owner, if ascertainable, unless that person is ineligible to possess, receive, or purchase such weapon under state or federal law.

- **Town officials did not ensure that weapons were disposed timely**

Town officials failed to ensure that disposition of abandoned, confiscated, or surrendered weapons occurred timely; instead, the police department retained some weapons for years after the related cases were adjudicated and the weapons were obtained. In fact, four weapons had been in the police department's possession since 1968.

Section 39-17-1317(g)(1), *Tennessee Code Annotated*, states:

A weapon that may be evidence in an official proceeding shall be retained or otherwise preserved in accordance with the rules or practices regulating the preservation of evidence. The weapon shall be sold or retained for legitimate law enforcement purposes not less than sixty (60) days nor more than one hundred eighty (180) days after the last legal proceeding involving the weapon; provided, that the requirements of subdivision (g)(2) have been met.

- **Town officials failed to document budget meeting decisions**

Because the council does not keep minutes of budget meetings, the town had no documentation of the consideration of and approval for the chief to conduct a weapons exchange. Town officials told investigators that the town council, during a budget meeting, approved the exchange of confiscated and/or unneeded weapons to obtain needed equipment for the police department.

Section 8-44-104(a), *Tennessee Code Annotated*, states:

The minutes of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call.

Town officials indicated that they have corrected or intend to correct these deficiencies.