



## COMPTROLLER'S INVESTIGATIVE REPORT

### Rocky Top Police Department

*September 9, 2024*

**Jason E. Mumpower**  
*Comptroller of the Treasury*



**DIVISION OF INVESTIGATIONS**



JASON E. MUMPOWER  
*Comptroller*

September 9, 2024

City of Rocky Top Mayor and Council  
195 South Main Street  
Rocky Top, TN 37769

City of Rocky Top Mayor and Council:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Rocky Top Police 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 7<sup>th</sup> 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 blue ink, appearing to read "Jason E. Mumpower", with a long horizontal line extending to the right.

Jason E. Mumpower  
Comptroller of the Treasury

JEM/MLC

# INVESTIGATIVE REPORT

## Rocky Top Police Department

The Office of the Comptroller of the Treasury investigated allegations of malfeasance related to the Rocky Top Police Department. The investigation was initiated after City of Rocky Top officials reported poor evidence accounting practices by the former police chief and discrepancies in the documentation of evidence. The investigation was limited to selected records from July 1, 2023, through July 31, 2024. The results of the investigation were communicated with the Office of the District Attorney General of the 7<sup>th</sup> Judicial District.

### BACKGROUND



The City of Rocky Top (Rocky Top) is located in Anderson County, Tennessee, and operates a police department whose members serve a population of approximately 1,800 residents. The Rocky Top Police Department (department), under the leadership of its police chief (chief), employs officers to fulfill roles in criminal investigations, patrol, and evidence management. The chief is ultimately responsible for the department's operations and reports directly to the city manager. The department hired the former chief in 1986, and he served as chief from 1992 until his retirement in September 2023. The department hired a new chief on September 18, 2023.

The former chief was custodian of seized property held as evidence to support criminal cases within its jurisdiction during his tenure as chief. As custodian, the chief was responsible for ensuring that evidence was properly secured, maintained and recorded for use in criminal proceedings, documenting property ownership of evidence, and properly disposing of property by court order.

### RESULTS OF INVESTIGATION

#### 1. THE FORMER ROCKY TOP POLICE DEPARTMENT POLICE CHIEF FAILED TO ADMINISTER PROPER OVERSIGHT OF EVIDENCE

Prior to the former chief providing the new chief with a hand-written inventory of evidence on September 29, 2023, the former chief did not maintain any known evidence log during the period reviewed. Therefore, investigators were unable to determine if the former chief properly handled all property seized as evidence. Investigators noted the following questionable evidence discrepancies and deficiencies:

## A. No Written Evidence Policy

The former chief did not adopt or implement a comprehensive written policy regarding the accounting of the department's property seized as evidence, including the use of a perpetual inventory log. A perpetual inventory should be maintained for all evidence, and, at a minimum, 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. The failure to properly secure and account for evidence increases the risk of theft and loss without prompt detection and may jeopardize pending or potential judicial proceedings.

Although the new chief has improved the department's accounting of evidence, including the use of a perpetual inventory log, as of July 31, 2024, the department still does not have a written evidence policy.

## B. Insufficient Evidence Organization and Missing Evidence

Investigators noted that the department's evidence storage space in July 2024 was in disarray (**Refer to Exhibit 1**). The former chief's handwritten inventory from September 29, 2023, did not reconcile to all actual evidence in the department's evidence room, and the former chief's inventory and evidence packaging lacked sufficient information. In some instances, evidence envelopes had been opened and evidence was missing. According to the former chief, all evidence listed on his September 23, 2023, hand-written evidence inventory was physically present in the evidence room when he left employment with Rocky Top. Due to the lack of evidence records and insufficient evidence organization, investigators could not accurately determine the amount of missing evidence.

**Exhibit 1**



*Photo taken in July 2024 of selected evidence*

### C. Funds Not Properly Secured Within Three Days of Seizure

The former chief failed to properly secure seized funds within three days of seizure. Generally, every municipal official handling public funds is required by Tenn. Code Ann. § 6-56-111 to deposit those funds as soon as practical, but no later than three (3) working days after the receipt of those funds. Pursuant to Tenn. Code Ann. § 39-11-707, when criminal proceeds are seized, the property “may be removed by the seizing agency or official to a place to secure the property, it may be preserved as evidence, it may be padlocked as ordered by a court of record, it may be secured by depositing in an interest bearing account as approved by a court of record or it may be secured as otherwise authorized by law regarding the maintenance, storage, or disposition of seized property.” Due to the inaccurate evidence records maintained by the department, investigators were unable to determine the amount of seized cash that should have been deposited or otherwise secured. By allowing all seized cash to be stored in the evidence room, the funds were more susceptible to misappropriation.

In some instances, sealed envelopes containing cash evidence had been unsealed and retaped multiple times, and the cash bills’ series dates were subsequent to the envelope sealed dates (**Refer to Exhibit 2**). Investigators could not establish whether cash evidence in total was missing from the evidence room.

**Exhibit 2**



*Photo of resealed envelope containing cash evidence with a bill series date subsequent to the envelope sealed date*

### 2. CITY OF ROCKY TOP OFFICIALS FAILED TO TIMELY REPORT KNOWN OR POTENTIAL FRAUD, WASTE, OR ABUSE

Rocky Top officials notified the Comptroller’s Office of the former chief’s insufficient evidence accounting practices on July 9, 2024; however, they were aware of unsealed evidence, missing

evidence, and cash discrepancies months prior to notifying our office. Tenn. Code Ann. § 8-4-503 requires a person elected or appointed to any office of a public entity to notify the Comptroller of the Treasury of any unlawful conduct including theft, forgery, credit card fraud, and any other act of unlawful taking, wasting, or abusing of, or official misconduct involving public money, property, or services. The report must be made within a reasonable amount of time under the circumstances but shall not under any circumstances exceed five working days. Officials should timely notify the Comptroller's Office of any known or potential fraud, waste, or abuse to ensure that improper practices are promptly and accurately addressed.

Rocky Top officials indicated that they have corrected or intend to correct these questionable evidence discrepancies and deficiencies.

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