Presented by:

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Division Of Investigations
Tennessee Comptroller of the Treasury

(These views are those of the presenter, and not the Comptroller)
Comprised of 11 divisions with more than 550 employees, the Office of the Tennessee Comptroller of the Treasury is responsible for the audit of state and local governmental entities and participates in the general financial and administrative management and oversight of Tennessee state government. We have one mission: to make government work better.

The Division of Investigations supports the office’s audit function by investigating allegations of fraud, waste, and abuse in government and publicly-funded entities and by working closely with law enforcement and prosecutors on criminal allegations.

The division reports the results of its investigations, including significant internal control and compliance deficiencies noted during the investigations, to the appropriate parties.

The division also provides requested assistance and appropriate information to citizens, auditors, public officials and policy-makers at all levels of government, other state departments and agencies, law enforcement and prosecutorial agencies and other interested parties.
Our Mission

To Make Government Work Better

Division of Investigations

June 3, 2019

West Tennessee
Judicial Districts 29-30

Kevin Huffman
Deputy Chief Investigator

Charles Grove
Investigator

Tomas Bystransky
Investigator

Jimmy Stewart
Investigator

Suzie Singleton
Investigator

Bobbie Blair
Investigator

Michael Smith
Investigator

Middle Tennessee
Judicial Districts 14-22 & 31

Rene Brison
Deputy Chief Investigator

Danielle Gwin
Investigator

Jennifer Garouite
Investigator

Scott Udulutch
Investigator

Lauren Wesley
Investigator

Jason Conner
Investigator

Kesha Thomas
Investigator

Michael Booker
Investigator

East Tennessee
Judicial Districts 1-13

Christy Tennant
Deputy Chief Investigator

Daniel Porter
Investigator

Joseph Ensmaner
Investigator

Michael Jarreau
Investigator

Stephen Aired
Investigator

Kelsey Gregory
Investigator

Nicolette Hudson
Investigator

Administraion

Phil Job
Deputy Chief Investigator

Robert Allen
Administrative Manager

Megan Chalk
Investigative Specialist

Mike Meyer
Senior Counsel

Howard Patterson
Forensics
Lawrence County is located in southern middle Tennessee, and the Lawrence County Sheriff’s Department (LCSH) is located in Lawrenceburg, at the Lawrence County Courthouse.
The sheriff’s statutory duties can be grouped into four broad categories: (1) keeping the peace, (2) attending the courts, (3) serving the process and orders of the courts, and (4) operating the jail.

According to the sheriff:
- No paid Work Release Program (WRP) and only the volunteer WRP is currently in use;
- Inmates must be sentenced to be in the WRP;
- Inmates must have an extradition waiver, judgment of their sentence, and a completed acknowledgment waiver form;
- Inmates are released to work for the day to officers, county or city employees, or nonprofit business owners who have completed the supervisor class and all must sign when leaving and returning the jail.
Issues Noted:

- Fraud Memo from Comptroller Auditors regarding county vehicle taken to Florida on personal business by the captain at the Sheriff’s Department.

- District Attorney notified us of potential issues regarding inmates.
The sheriff and the jail administrator violated multiple laws when they allowed inmates to leave the jail improperly.

- The sheriff and the jail administrator allowed inmates to leave the jail unsupervised and without proper court authorization.
- In the Furlough Book, only 33 of 101 entries were properly authorized by a judge, with the rest either missing information and/or not properly authorized or approved.
- TDOC inmate was loaned out to management/staff for personal chores.
- Inmates were released to family for the day.
- Inmates in WRP were not properly supervised.
The sheriff exceeded his authority and violated the law by releasing defendants on their own recognizance (ROR) or on a signature bond after a bond amount had been set by a judge or court official.

- During our interview, the sheriff acknowledged that he had been releasing defendants in this manner since he came into office in 2010. Also, he acknowledged that one of the judges will now have the defendant rearrested when they show up for their court date and make them pay the stated bond if the sheriff has bypassed the courts’ authority by releasing them on ROR or with a signature bond.
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Finding 3

The sheriff accepted campaign contributions from families of individuals he released on their own recognizance or on a signature bond.

Our review of the sheriff’s campaign contributions indicated there were relationships on nine cases where the individuals released on their own recognizance or a signature bond were directly related to a campaign contributor. However, the judge had already set bail for these individuals. Additionally, we found approximately 20 more cases with family or close friends’ relationships to the sheriff’s contributions donor listing.
The sheriff failed to obtain the appropriate approvals and certifications for two sureties on a court-ordered appearance bond.

The Lawrence County General Sessions Court ordered a defendant to appear in court after he was charged with several crimes and ordered the defendant to post a bond totaling $14,000.
Appearance Bond for $14,000 requiring two sureties per TCA 40-11-122(2), exhibited below. There was no evidence of approval by the magistrate or officer setting bail, nor is there a certification from the court clerk, or any other evidence, as to the sufficiency of the sureties.
The court’s recovery of the $14,000 as a bond forfeiture is now contingent on the ability of the defendant to pay, and if not able, the actual sufficiency of the sureties.
Finding 5

The sheriff held a warrant for 99 days before having the warrant served and the defendant arrested

We compared the warrants’ Criminal Papers Search Report and the jail’s Confined During Period Report with court records and determined that the sheriff held a warrant on a specific defendant that was issued on December 12, 2016, until April 11, 2017, a period of 99 days.

- The warrant was only executed after a call from the district attorney general’s office.

Under duties of office for the sheriff, Tennessee Code Annotated, Section 8-8-201(a) requires the sheriff to:

(1) Execute and return, according to law, the process and orders of the courts of record of this state, and of officers of competent authority, with due diligence, when delivered to the sheriff for that purpose; …
The sheriff violated multiple laws in his handling of a confiscated still and moonshine.
The sheriff violated multiple laws in his handling of a confiscated still and moonshine

- The seized items collected at the site were not properly documented in the Evidence Log, nor was a chain of custody established as per the sheriff’s General Order No. 48. The sheriff did not issue receipts to the confiscating officers for the still or the moonshine that he took possession of, as per TCA.

- We interviewed the sheriff about the still and related moonshine. As of the date of the interview, February 5, 2018, more than 606 days after the confiscation, the sheriff’s department had not destroyed and rendered the still and worm coil condenser useless as required by TCA, Section 57-9-101(c). The sheriff is required to safely keep the intoxicating liquors until ordered to dispose of them by court order as required by TCA, Section 57-9-107. As per the sheriff’s admission, he disposed of the confiscated moonshine prior to the court ordering its destruction.
The captain at the sheriff’s department falsified his timesheet and lied to investigators

The captain falsified his timesheet, which is a government record, indicating he worked on Friday, September 16, 2016, when he was in Florida on a personal trip in his Lawrence County assigned vehicle.

TCA, Section 39-16-504, deems it “unlawful for any person to (1) Knowingly make a false entry in, or false alteration of, a governmental record; and (2) Make, present, or use any record, document or thing with knowledge of its falsity and with intent that it will be taken as a genuine governmental record.”
### Finding 7

#### The captain’s timesheet for September 2016

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<th>OT Earned</th>
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Sat 9/17: RDO
Sun 9/18: RDO
Mon 9/19: 8
Tue 9/20: 8
Wed 9/21: 8
Thu 9/22: 8
Fri 9/23: 8
Sat 9/24: RDO
Sun 9/25: RDO
Mon 9/26: 8
Tue 9/27: 8
Wed 9/28: 8
Thu 9/29: 8
Fri 9/30: 8
The captain was paid $222.14 for the Friday he claimed to have worked, but was in Florida.

Additionally, the captain lied to investigators during interview.

- The captain claimed to have left for Florida after work hours on Friday.
- The captain violated county policy by taking his county vehicle out of state without proper county approval.
- The captain fueled his vehicle using his county fuel card $33.93 on Thursday evening before he left for Florida.
We noted deficiencies in timesheets and leave balances totaling $15,821.38

- Captain exceeded his authority when he authorized exceptions to county personnel policies.

We noted violations of county policies for county deputies also working for the Saint Joseph Police Department.

- Captain exceeded his authority when he authorized exceptions to county personnel policies.

We noted discrepancies in the payments of compensatory time at the sheriff’s department.
Sheriff Jimmy Brown was indicted on two counts of official misconduct, one count of tampering with evidence, and one count of use of inmates for personal benefit.

Captain Adam Brewer was indicted on one count of Official Misconduct.

Indicted the now former Sheriff Brown for a second time on charges that include the accusation he used inmates for personal gain and for the benefit of another private citizen.
May 10, 2019

- Former Lawrence County Sheriff Jimmy Brown entered a guilty plea to use of inmates for personal gain, two counts facilitation of official misconduct and destruction of evidence. Three years probation, fine and costs on all four counts. Eligible for post trial diversion if he successfully completes probation.

- Former Captain Adam Brewer plead to Official Misconduct. For Brewer: pretrial diversion for 11/29 must do Alcohol and Drug assessment and follow recommendations.