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Tennessee Bureau of Investigation  
Mark Gwyn, Director

"That guilt shall not escape, nor innocence suffer."



Annual Report  
Fiscal Year 2004-2005



INTERNATIONALLY ACCREDITED SINCE 1994





**PHIL BREDESEN**  
Governor

**TENNESSEE BUREAU OF INVESTIGATION**

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**Mark Gwyn**  
Director

September 20, 2005

The Honorable Phil Bredesen  
Governor of Tennessee  
and  
The Honorable Members of the  
Tennessee General Assembly

Dear Ladies and Gentlemen:

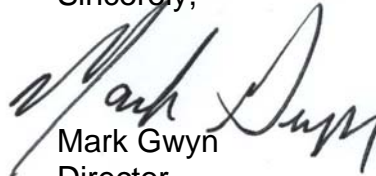
I am pleased to present the Fiscal Year 2004-2005 Annual Report of the Tennessee Bureau of Investigation. The year was a rewarding one as well as a challenging one for the Bureau. I hope that by reading this report you will gain a better understanding of our organization and its accomplishments.

The Bureau continued to experience great success with the Top Ten Most Wanted program as well as accomplishments in other areas that are detailed within this report.

The Bureau continues to place special emphasis on providing assistance to the District Attorneys General and local law enforcement agencies statewide with the resources we are provided, as well as continuing to work closely with all federal law enforcement agencies. The employees of the Bureau are committed to excellence and professionalism in the manner in which they perform their jobs. For additional information about the Bureau, please visit our web site at [www.tbi.state.tn.us](http://www.tbi.state.tn.us).

When the Bureau was founded, it was charged by the citizens of Tennessee with a great responsibility. With your assistance and support, we at the Bureau continue to dedicate ourselves to ensuring "that guilt shall not escape, nor innocence suffer."

Sincerely,

  
Mark Gwyn  
Director



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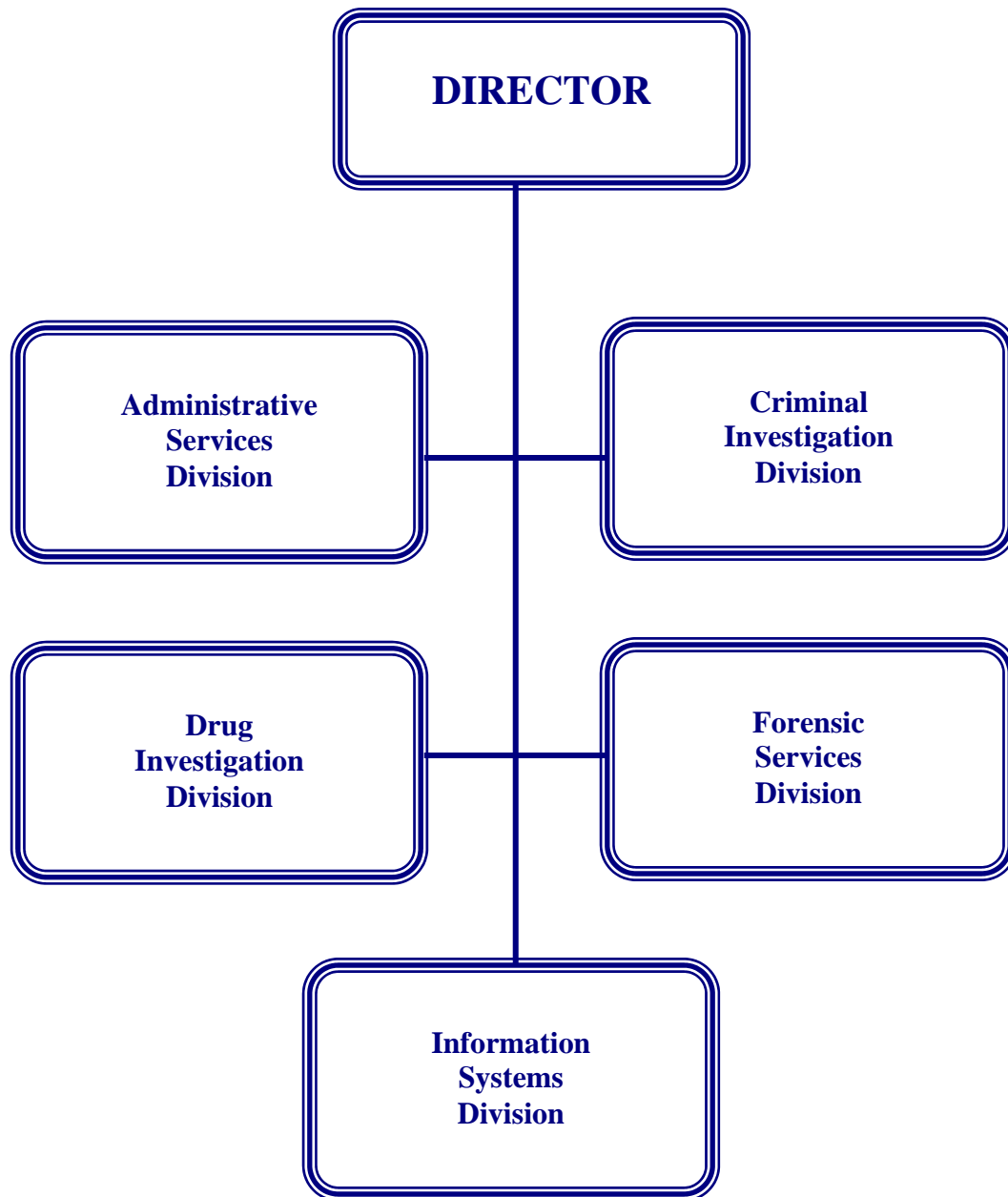
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# TENNESSEE BUREAU OF INVESTIGATION ORGANIZATIONAL CHART



Each Division's Organizational Chart is shown in its respective section of the annual report.



# INTRODUCTION

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In March of 1951, the Tennessee Bureau of Investigation was established as the Tennessee Bureau of Criminal Identification (TBCI) within the Department of Safety. In 1980, the organization was renamed the Tennessee Bureau of Investigation (TBI) and became an independent agency. The TBI is accountable to the District Attorneys General and to the Judiciary for its performance of services and to the Executive and Legislative branches for support functions. The TBI has the statutory authority to investigate any criminal violation upon the request of the District Attorney General for that judicial district. The TBI has original jurisdiction over violations of narcotics laws, fugitive investigations, organized crime, public corruption, official misconduct, Medicaid provider fraud and abuse, social security administration fraud, and domestic terrorism. The TBI assists local law enforcement agencies in joint investigations. TBI has been designated to coordinate the gathering, analysis and dissemination of state and local criminal justice statistics providing criminal justice data to the Governor, General Assembly and all law enforcement agencies. The TBI also maintains the computer information network for law enforcement in the state and conducts classes for users of the network.

The five major divisions of the TBI are the Criminal Investigation Division, the Drug Investigation Division, the Forensic Services Division, the Information Systems Division and the Administrative Services Division. The responsibilities, functions and accomplishments of each division are provided in more detail later in this report.

The TBI is at the forefront of the application of new technologies to criminal investigations, in working to improve communication among other state and local law enforcement agencies, providing more sensitive and accurate scientific examinations of evidence and continuing the quest summed up by the TBI's Mission Statement: *"That guilt shall not escape, nor innocence suffer."*





## HIGHLIGHTS OF FISCAL YEAR 2004 – 2005

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- The TBI continued the highly successful Top Ten Fugitive program during the fiscal year. Public service announcements describing the fugitives were broadcast by major market television in the larger cities. Newspapers across the state also carried photographs and stories concerning the fugitives. As of June 30, 2005, a total of 141 fugitives have been captured since the program began in 1992 and 11 were apprehended during the fiscal year.
- The TBI Instant Check Unit (TICS) processed 207,603 firearm transactions during the fiscal year. The unit was able to identify 202 wanted persons and find 213 stolen firearms.
- The DNA Unit continued submitting samples to the national CODIS database. A total of 60,895 profiles have been accepted and 35 investigations throughout the state and nation were aided during the fiscal year.
- The fourth annual Crime in Tennessee report was released in June 2005 based on the TIBRS information submitted by law enforcement agencies statewide.
- The TBI submitted incident based statistics to the FBI for all law enforcement agencies collected through the Tennessee Incident Based Reporting System (TIBRS) Program. A total of 100% of Tennessee's population is covered by law enforcement agencies reporting to the TIBRS program.
- The Criminal Investigation Division had 1,080 active cases as of June 30, 2005. A total of 173 defendants were convicted.
- In 2005, Director Gwyn created a new Technical Services Unit within the Criminal Investigation Division. This unit will not only support the investigative divisions within TBI, but will also provide technical support to all law enforcement agencies throughout the state.
- The Drug Investigation Division had 719 active cases as of June 30, 2005. The division arrested a total of 394 drug offenders and obtained 490 convictions on drug related charges.
- Agents of the Drug Investigation Division, independent of the Governor's Task Force on Marijuana Eradication, seized or purchased 5,340 grams of crack cocaine; 111,064 grams of powder cocaine; 4,809 pounds of bulk marijuana; 12,897 marijuana plants; 9,169 grams of methamphetamine; 88 methamphetamine labs. Also seized were 7,747 dosage units of illegally diverted prescription pharmaceuticals; 5,912 dosage units of ecstasy; 1,256 grams of heroin; 4 pounds of mushrooms; 25 vials of steroids; and 17,254 dosage units of other drugs.

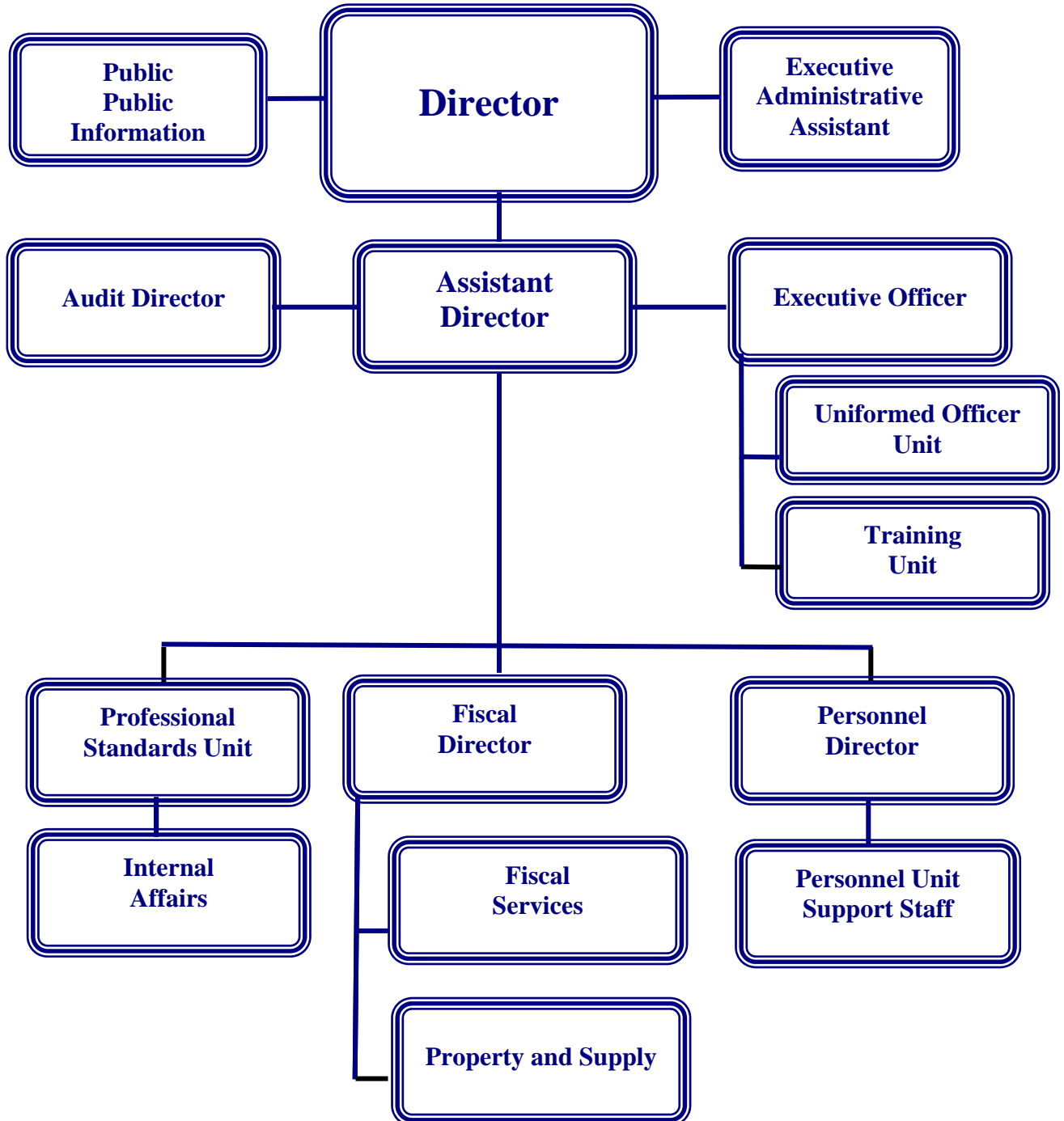
- TBI's share of currency seized was \$495,132, which constituted either proceeds of drug trafficking or funds used to facilitate drug trafficking.
- The TBI Special Agent in Charge assigned as the Commander for the Middle Tennessee Appalachia High Intensity Drug Trafficking Area (AHIDTA) Task Force was selected as the AHIDTA Officer of the Year for Tennessee.
- The Forensic Services Division conducted a total of 241,740 laboratory tests on 76,333 pieces of evidence received in cases during the fiscal year.
- Bureau personnel conducted various classes that provided training for 13,155 people from different law enforcement agencies during the fiscal year, which represented an increase of 71.6% from the previous fiscal year.
- The Records and Identification Unit received a total of 413,436 fingerprint cards during the fiscal year. Of the 323,895 criminal cards, 84% were received electronically.
- The Sex Offender Registry program continued operation. As of June 30, 2005, approximately 8,201 convicted sex offenders were registered with the TBI. This information is available to all law enforcement agencies through the statewide law enforcement network. Information on sex offenders whose crimes were committed on or after July 1, 1997, is available to the public through the TBI website and toll free number. The number of sex offenders on the TBI website as of Jun 30, 2005 was 3,254.
- A total of 5,278 law enforcement personnel either received training or were tested for to fulfill certification requirements for NCIC during the fiscal year.
- A total of 2,293 law enforcement personnel received training in the TIBRS program during the fiscal year.



# ADMINISTRATIVE SERVICES DIVISION



## Chain-of-Command and Functional Organization





# ADMINISTRATIVE SERVICES DIVISION

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## **Internal Audit**

The mission of the internal auditing office is to provide independent, objective assurance and consulting services designed to add value and improve the Bureau's operations. It helps the TBI accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the integrity, efficiency, and effectiveness of financial and other management control systems.

The scope of work of the internal auditing office is to determine whether the organization's network of risk management, control, and governance processes, as designed and represented by management, is adequate and functioning in a manner to ensure:

- Risks are appropriately identified and managed.
- Significant financial, managerial, and operational information is accurate, reliable, and timely.
- Employees' actions are in compliance with policies, standards, procedures, and applicable laws and regulations.
- Resources are acquired economically, used efficiently, and adequately protected.
- Programs, plans, and objectives are achieved.
- Quality and continuous improvement are fostered in the organization's control process.
- Significant legislative or regulatory issues affecting the organization are recognized and addressed appropriately.

## **Executive Officer**

The responsibility of the Executive Officer includes oversight of the Training Unit and all training related activities for Bureau personnel. In addition, this office oversees the Uniformed Officer Unit, which is comprised of commissioned uniformed law enforcement officers who are cross-trained as certified emergency medical technicians capable of providing aid and comfort to sick and injured persons on Bureau properties until additional medical help and emergency transportation arrives. The unit's primary role however is to provide security to TBI facilities, specifically the Nashville Consolidated Headquarters Facility.

The Executive Officer provides direction and ensures that the Bureau maintains compliance with Title VI and Title IX. In addition, TBI's accreditation falls upon this office. This office also provides assistance to the Personnel Unit with recruitment efforts and hosting diversity career fairs at TBI facilities.

## Training

TBI's training staff is responsible for ensuring that the Bureau personnel receive the training that they require to perform their duties safely and effectively. In addition, TBI makes its personnel and facilities available for training to the law enforcement community whenever possible. TBI personnel provided training and assisted other agencies in conducting training for 13,155 people from different law enforcement agencies during Fiscal Year 2004–2005. The Training Unit provided or assisted in obtaining specialized training classes for 208 commissioned TBI employees and 219 non-commissioned TBI employees. Firearms training, including live fire and judgmental training were conducted for 202 Special Agents and Uniformed Officers.

## Accreditation

TBI has been internationally accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA) since November 19, 1994. The Accreditation Manager's responsibilities and support from the Administrative Services Division help to ensure that the Bureau maintains compliance with CALEA accreditation standards including representation of the Bureau during periodic re-accreditation inspections. The Bureau was successfully re-accredited in 1997, 2000 and 2003, and is currently preparing for its next on-site inspection in August of 2006.

## **Professional Standards Unit**

The Professional Standards Unit (PSU) is responsible for the TBI's legal accreditation, internal affairs, and training functions. Its ultimate goal is to ensure that all Bureau policies, decisions, and adverse actions against employees are legally sound. It is made up of three staff attorneys, one law enforcement information coordinator, and one secretary, all of whom report to the Assistant Director.

## Legal

The primary responsibility of the staff attorneys of the PSU is to provide legal advice and counsel to all Divisions and units within the TBI, conducting legal research and generating opinions as necessary. In furtherance of this role, in Fiscal Year 2004–2005, the staff attorneys provided counsel to the agents and employees in the field, worked with the State Attorney General's office in representing the TBI and TBI employees, prepared contracts and reviewed documents, answered requests and demands for Bureau records, and advised Bureau management on employment decisions.

The staff attorneys of the PSU are also responsible for the Bureau's legislative liaison function. They review and track legislation pending before the Tennessee General Assembly, and represent the Director before legislative committees on law enforcement issues when required. PSU staff attorneys also draft proposed legislation when TBI's input is required in furtherance of its role as the State's chief criminal investigative agency.

Cooperation between the training section and the staff attorneys ensures that the PSU is also active in providing legal training both inside and outside the TBI. During Fiscal Year 2004–2005, PSU attorneys provided legal instruction for TBI employees on a number of occasions and conducted several classes for the benefit of outside agencies as well. All TBI employees were trained on Sexual Prevention Harassment during the year as well.

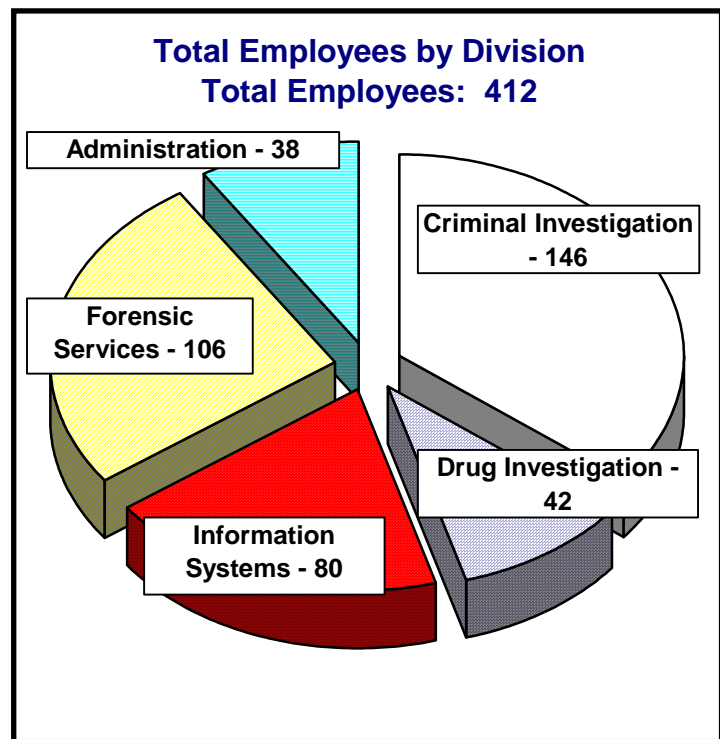
### Internal Affairs

The Professional Standards Unit provides oversight and legal counsel to the Bureau employees who investigate allegations of misconduct by TBI employees. During Fiscal Year 2004–2005, the PSU oversaw seven internal affairs investigations. These investigations resulted in two suspensions, two resignations, two written warnings and one oral warning..

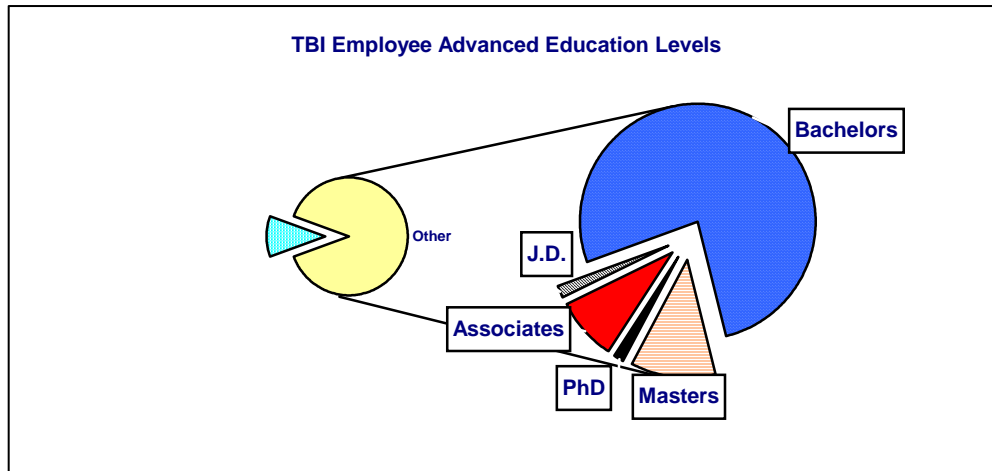
### **Personnel Unit**

The Personnel Unit assists the agency in the recruitment, hiring, and separation of employees. The unit administers insurance and benefits information, and ensures compliance with Civil Service rules and regulations and state and federal statutes. This unit develops, implements, and monitors the Affirmative Action Plan and makes recommendations on employee relations issues. The Personnel Unit processes and monitors leave under the Family Medical Leave Act and accommodations under the Americans with Disabilities Act. This unit monitors leave and attendance, manages the performance evaluation program, administers workers

compensation benefits, and processes payroll. The Personnel Unit administers the TBI Internship Program. The TBI offers an eight-week non-paid internship to sophomore, junior and senior college students pursuing undergraduate degrees in criminal justice, forensic services, or related areas.







A survey of the advanced education levels of TBI employees revealed that 7% had earned an Associates Degree, 58% had a Bachelor's Degree, 9% had a Master's Degree, 1% had a Doctor of Jurisprudence and 1% had earned PhD's.

### **Public Information Officer**

The Public Information Office is the central point for communication between the Tennessee Bureau of Investigation and the general public. The function of this office is to keep the community informed about all criminal cases, programs and initiatives related to the TBI. Some of the most high profile programs promoted by this office include Amber Alert, the Statewide Sex Offender Registry, TBI Most Wanted and MethWatch. The Public Information Officer also assists with website development, speech writing and the production of all outside promotional materials related to the Bureau.

### **Fiscal Services**

The Fiscal Services Unit is a support unit for the TBI. As such, it has a vast array of responsibilities all of which are designed to ensure that each division within the Bureau is provided the resources and support necessary to function. Specific examples of the services provided by this unit include the following:

- Preparing the Bureau's annual budget
- Monitoring expenditures and revenue collection
- Processing accounts receivable and payable transactions
- Processing of travel for all Bureau employees
- Purchasing of all goods and services necessary for the TBI to function
- Managing all TBI vehicles and transportation equipment
- Maintaining all federal and inter-departmental grants
- Reviewing the effect of proposed legislation to the Bureau
- Serving as a liaison to the legislature and other state and federal accounting units
- Conducting an annual inventory on all TBI state tagged equipment

**Tennessee Bureau of Investigation  
Expenditure by Object  
Fiscal Year 2004–2005**

	<b>Administration</b>	<b>Criminal Investigation</b>	<b>Drug Investigation</b>	<b>Forensic Services</b>	<b>Information Systems</b>	<b>Total</b>
Salaries	\$1,159,014	\$ 5,972,778	\$1,732,084	\$4,040,454	\$2,958,723	\$15,863,053
Longevity	32,500	188,300	41,400	100,300	84,600	447,100
Overtime	35,515	185,665	75,571	209,181	49,180	555,112
Benefits	376,724	1,945,497	571,622	1,280,430	1,050,884	5,225,157
<b>Sub-Total</b>	<b>\$1,603,753</b>	<b>\$8,292,240</b>	<b>\$2,420,676</b>	<b>\$5,630,365</b>	<b>\$4,143,387</b>	<b>\$22,090,421</b>
Travel	\$54,469	\$645,475	\$266,252	\$138,757	\$50,013	\$1,154,966
Printing	28,265	37,691	3,241	28,982	33,281	131,459
Utilities	0	4,568	188	275	0	5,031
Communication	161,862	182,840	28,031	28,584	61,967	463,284
Maintenance	29,555	25,300	3,612	218,084	518,405	794,956
Professional Non-State	43,487	81,170	3,192	534,601	2,328,782	2,991,231
Supplies	661,572	389,703	287,125	885,217	115,734	2,339,351
Rental	2,727,329	485,798	159,996	1,537,614	127,432	5,038,168
Motor Vehicle	245	16,480	4,012	190	0	20,926
Awards	2,782	250	0	168	0	3,199
Grants and Subs	10,364	39,610	5,476,260	13,300	2,834	5,542,368
Unclassified	35	37,211	438,958	7	0	476,212
Items for Resale	0	0	0	0	0	0
Equipment	118,119	7,263	93,781	177,929	1,404,772	1,801,864
Buildings	0	0	0	0	0	0
Discounts	0	0	0	0	0	0
Professional State	105,620	487,435	75,571	215,846	1,363,354	2,247,826
<b>Sub-Total</b>	<b>\$3,943,704</b>	<b>\$2,440,793</b>	<b>\$6,840,218</b>	<b>\$3,779,554</b>	<b>\$6,006,573</b>	<b>\$23,010,842</b>
<b>Grand Total</b>	<b>\$5,547,457</b>	<b>\$10,733,033</b>	<b>\$9,260,894</b>	<b>\$9,409,918</b>	<b>\$10,149,960</b>	<b>\$45,101,263</b>
<b>Funding sources</b>						
Appropriations	\$4,915,093	\$8,404,971	\$2,955,157	\$8,589,538	\$2,859,270	\$27,724,029
Refund of Prior Year	0	0	0	0	0	0
Federal Revenue	0	1,835,618	5,530,293	0	41,507	7,407,418
Current Services	628,950	98,014	620,489	89,967	5,592,485	7,029,905
Departmental Interest	0	0	0	0	32,317	32,317
Interdepartmental	3,413	394,431	154,956	730,413	1,624,381	2,907,594
<b>Total</b>	<b>\$5,547,457</b>	<b>\$10,733,033</b>	<b>\$9,260,894</b>	<b>\$9,409,918</b>	<b>\$10,149,960</b>	<b>\$45,101,263</b>

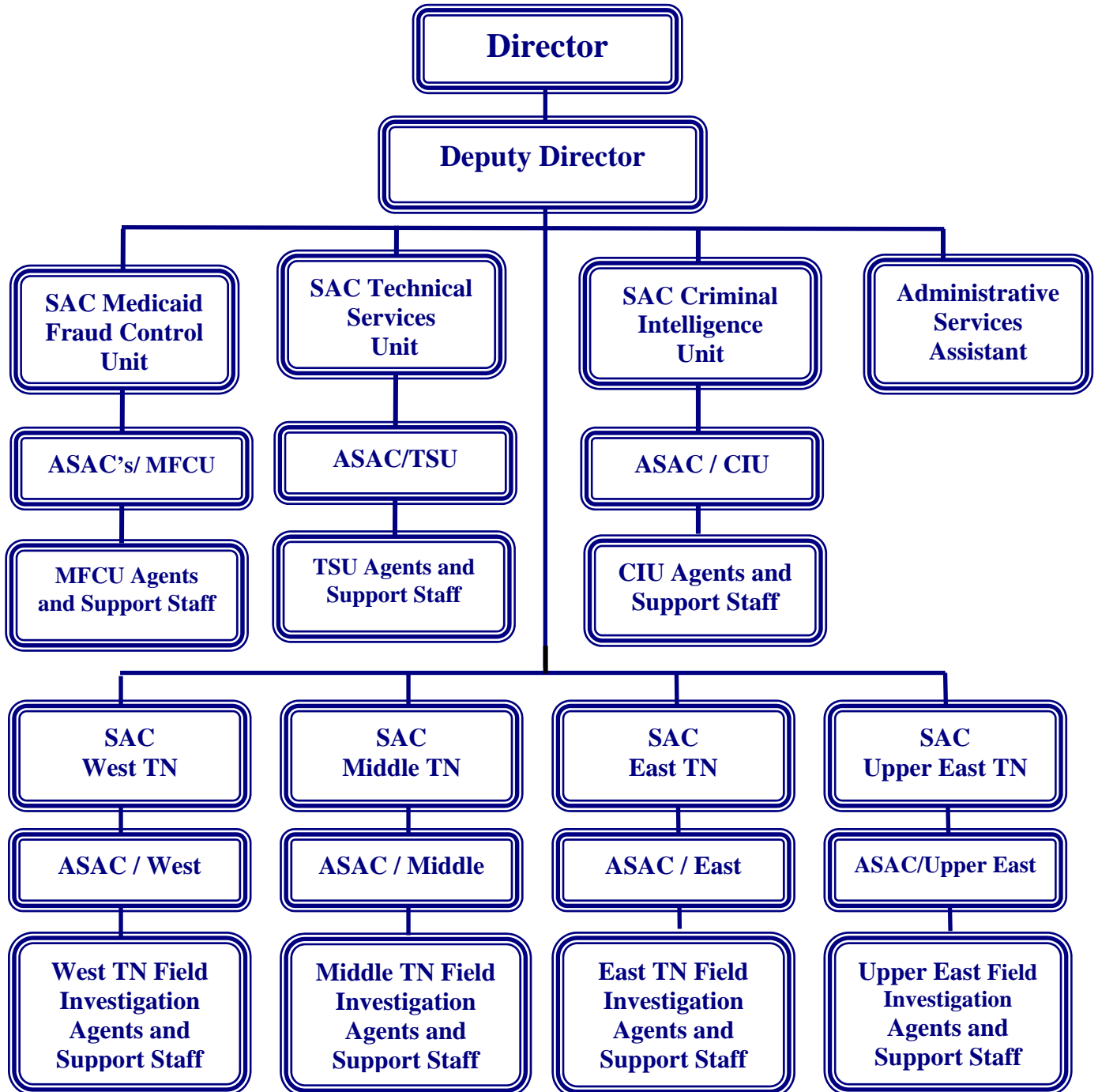




# CRIMINAL INVESTIGATION DIVISION



## Chain-of-Command and Functional Organization





# CRIMINAL INVESTIGATION DIVISION

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The Criminal Investigation Division is made up of four units: the Field Investigation Unit, the Criminal Intelligence Unit (CIU), the Medicaid Fraud Control Unit (MFCU), and the Technical Services Unit (TSU). The Field Investigation Unit is further subdivided into four geographical regions: West Tennessee, Middle Tennessee, East Tennessee and Upper East Tennessee. A Special Agent in Charge (SAC) who reports to the Deputy Director heads each regional Field Investigation Unit, the Medicaid Fraud Control Unit, the Technical Services Unit and the Criminal Intelligence Unit. Each regional Field, CIU and TSU Unit SAC is supported by an Assistant Special Agent in Charge (ASAC), while the MFCU Unit has two ASAC's.

General investigative support is provided to the Criminal Investigation Division by the Forensic Services Division, the Information Systems Division and the Administrative Services staff.

The TBI Criminal Investigation Division was created both as a resource that District Attorneys General and state and local law enforcement agencies could call on for expertise in the area of criminal investigation and as the agency responsible for investigating public corruption and criminal official misconduct at all levels of government. The Bureau continues to be a professional and dedicated law enforcement agency capable of responding to complex and difficult investigations. Recognizing that the image and perception of the Bureau rests on each employee, TBI emphasizes the continuing training and professionalism of all employees.

As of June 30, 2005, the Criminal Investigation Division had 1,080 active cases. During the fiscal year, the Division's agents provided 597 investigative assists to local, state, and federal law enforcement agencies. During this time period the Criminal Division opened 1,101 cases, closed 1,110 cases and convicted 173 defendants, and either arrested or assisted in the arrest of 1,035 fugitives.

## **Statutory Responsibilities**

The Tennessee Bureau of Investigation has the authority to investigate any criminal violation upon the request of the District Attorney General for the judicial district where the offense occurred [Tennessee Code Annotated (T.C.A.) §38-6-102(b)]. The TBI has statutory original jurisdiction to investigate public corruption and misconduct by public officials, as well as conduct fugitive investigations, without a District Attorney's request. The TBI, upon request of the Governor, State Attorney General, Commissioner of Correction, or a District Attorney, may also investigate fraud or corruption in the area of paroles, release classification status and executive clemency (T.C.A. §38-6-102). Executive Order Number 47 gave the Tennessee Bureau of Investigation responsibility in the area of Medicaid Fraud investigations, and T.C.A. §38-6-106 gave the TBI the responsibility for conducting background investigations on potential appointees to sensitive state positions upon the Governor's request. The presiding judge of the Court of the Judiciary was given the authority to request TBI investigations into judicial

misconduct by T.C.A. §17-5-312. Under T.C.A. §38-6-112, the State Attorney General may also request that the TBI conduct investigations into matters regarding the removal of public officials, unlawful restraint of trade and discrimination, securities fraud, and violations of the Consumer Protection Act. On July 1, 2001, TBI was given the responsibility of investigating Social Security Fraud under the same statute. A work group, composed of representatives from the District Attorneys General Conference, TBI, the Sheriffs' Association, the Chiefs of Police Association and other involved parties, was created in July of 2003 to study the current sex offender legislation, T.C.A. 40-39-101 et. seq. The work group's proposed legislation was presented to the Legislature in January of 2004 by the District Attorneys General Conference and signed into law by the Governor on June 8, 2004. The new law, T.C.A. 40-39-201 et. seq., went into effect on August 1, 2004.

The Criminal Investigation Division's primary goal is to provide the most professional and all-inclusive investigations possible by employing state-of-the-art equipment and methods in each of the areas previously outlined. Currently, to accomplish each of the statutory responsibilities outlined, the Criminal Investigation Division is staffed with one hundred and fifty-nine employees statewide, including all supervisors, criminal investigators, and support staff.

### **Field Investigation Unit**

The Field Investigation Unit is divided geographically into four regions. Each region is headed by a Special Agent in Charge (SAC) who supervises an Assistant Special Agent in Charge (ASAC), fourteen to eighteen agents, two administrative secretaries, and at least one law enforcement information coordinator. Each judicial district has one to three field investigators assigned to that district. In addition to investigating cases at the district attorneys' requests, these agents are also responsible for investigations predicated upon TBI's original jurisdiction, assisting other law enforcement agencies, and gathering intelligence to be reported to the Criminal Intelligence Unit. The Field Investigation Unit continues to place a priority on public corruption and criminal official misconduct cases as well as violent and organized crimes.

From July 1, 2004 to June 30, 2005, the Field Investigation Unit opened 642 cases and closed 546 cases. The Field Investigation Unit had 723 active cases as of June 30, 2005. During that same period, the unit convicted 165 defendants.

The Field Investigation Unit was involved in the investigation of a variety of cases during the fiscal year, including numerous homicides. The unit also worked on a number of cases involving public corruption, resulting in the indictment of several public officials. During the fiscal year, TBI polygraph examiners performed 256 polygraph examinations, with the vast majority of these exams being performed at the request of local law enforcement officials.

### **Upper East Tennessee**

The Upper East Tennessee Field Unit is responsible for twenty-one counties and eight judicial districts. One Special Agent in Charge and one Assistant Special Agent in

Charge supervise eighteen people, including one polygraph examiner, two administrative secretaries, one Law Enforcement Information Coordinator and fourteen Special Agents. The office is located in Knoxville with a satellite office in Johnson City.

### **East Tennessee**

The East Tennessee Field Unit office is located in Chattanooga. A field satellite office was opened in Cookeville in April 1998. One Special Agent in Charge and one Assistant Special Agent in Charge supervise a unit consisting of nineteen people, including one polygraph examiner, two administrative secretaries, one Law Enforcement Information Coordinator and fifteen Special Agents. The East Tennessee region is made up of twenty-five counties and seven judicial districts.

### **Middle Tennessee**

The Middle Tennessee Field Unit, which is headquartered in Nashville, covers twenty-eight counties and nine judicial districts. The unit, which is supervised by one Special Agent in Charge and one Assistant Special Agent in Charge, consists of twenty-two people, including one polygraph examiner, two administrative secretaries, one Law Enforcement Information Coordinator and eighteen Special Agents. Two of the agents are totally dedicated to social security fraud investigations and their salaries and expenses are paid 100% by the federal government.

### **West Tennessee**

The West Tennessee Field Unit consists of eighteen people, including one polygraph examiner, two administrative secretaries, one Law Enforcement Information Coordinator and fourteen Special Agents. The unit is supervised by one Special Agent in Charge and one Assistant Special Agent in Charge. The regional office is located in Jackson with a satellite office in Memphis. The West Tennessee region is made up of twenty-one counties and seven judicial districts.

### **Medicaid Fraud Control Unit**

The Medicaid Fraud Control Unit (MFCU), located within the Tennessee Bureau of Investigation (TBI), was created in 1984 with a staff of twelve and has grown to a staff of thirty-seven employees in Nashville and regional offices in Johnson City, Knoxville, Chattanooga, Cookeville, Jackson, and Memphis.

While the MFCU continues to work a wide variety of cases, one area of investigation that continues to grow involves patient abuse. During this period, the MFCU received 182 referrals or reports involving abuse, neglect, and patient fund theft reports. Twenty-seven (27) cases were opened from these referrals or reports, and 56 abuse cases were referred to other agencies. Many referrals were made to the Tennessee Department of Health, which is responsible for the Abuse Registry. During the past twelve months, the MFCU obtained 16 indictments and 16 convictions on abuse related cases.

The MFCU continued to work with the Tennessee Department of Health and Tennessee Department of Mental Health and Mental Retardation in adding to the State Abuse Registry. With the assistance of the MFCU, the Tennessee Department of Health was



able to initiate legislation clarifying the registry, making it easier for the Department of Health to place convicted abusers, and those individuals deemed appropriate by the Department of Health, on the registry.

Representatives of the MFCU comprise an integral part of the Nursing Home Abuse and Neglect Working Group, a group made up of state and federal agencies patterned after U.S. Department of Justice initiatives. The Working Group, which began meeting in the spring of 2000, has set goals to create a better and more consistent referral system and a method for all representative agencies to better communicate and cooperate.

During the past year, representatives of the MFCU have been active in providing training to other agencies, such as the U.S. Department of Justice, National Association of Medicaid Fraud Control Units (NAMFCU), Tennessee Division of Mental Retardation Services, Long Term Care Ombudsmen, TennCare Managed Care Contractors, and the Senior Medicare Patrol Project.

One of the more common allegations of abuse or neglect is that of physical abuse. The Unit has also investigated a number of sexual abuse allegations during the fiscal year. In one case, a van driver for a facility serving the mentally challenged engaged in illegal sexual conduct with one of the mentally retarded residents. The case was presented to Grand jury based on the results of an investigation by TBI Special Agents and investigators from the Division of Metal Retardation. The defendant pled guilty to one count of rape on March 14, 2005 and was sentenced to house arrest for eight years. He was also placed on the Tennessee Abuse Registry.

Another type of abuse case that the MFCU investigates is the theft of patient funds in Medicaid receiving facilities or board and care facilities. In one such case, it was alleged that a Residential Coordinator for a residential program for the mentally challenged, stole money from thirteen different patients' accounts. Through bank records and other accounting records, the MFCU Auditor was able to show that a total of over \$28,000.00 had been stolen. On January 5, 2005, the subject pled guilty to thirteen counts of theft and was sentenced to six years in a Department of Correction facility and ordered to pay full restitution to the victims.

During the past twelve months, the MFCU opened 39 fraud cases and closed 24. (The staff attorneys are assigned the global settlement cases, which are included in the total case figure.) Fraud investigations typically focus on healthcare providers who obtain improper payments for services rendered, or supposedly rendered, to TennCare recipients. Various fraudulent schemes commonly encountered include billing for services not performed; billing for more expensive services than actually performed, and billing twice for the same service; among others. Because of these fraud cases, over \$6,900,000 was ordered in restitution during the fiscal year.

Probably the most productive (in terms of recoveries) cases in which the MFCU is the lead State agency is in the area of "global settlements." These global settlements often originated in other states based on allegations that were not the subject of investigation in Tennessee. Because of the pervasiveness of the inappropriate practice, the defendant

companies often repay a double to triple damage settlement figure, based on a percentage of business conducted in each state. The MFCU is responsible for identifying the amount billed and paid by these companies in Tennessee, and coordinates the legal ramifications involved with potential settlements, which must have final approval by the State Attorney General. Qui Tam suits, out of which most global settlements arise, are being filed with increasing regularity, resulting in a number of pending global settlements currently being worked by the MFCU.

Since Federal Fiscal Year 1990, the MFCU has consistently identified more fraud dollars than the Unit has spent. During this time, the MFCU has identified and/or helped recover over \$88.7 million in fraud and has spent approximately \$23 million. Tennessee's MFCU is aggressive in assisting the single state agency (Bureau of TennCare) and federal and state prosecutors in collecting restitution for TennCare. During Fiscal Year 2004-2005, the MFCU has identified and/or assisted in the recovery of \$18.9 million for TennCare and other victims.

While the amount of fraud that the MFCU has identified continues to grow, the cost for the unit has remained constant. MFCU expenditures in 1990 were approximately \$666,000.00 and by 1995 had grown to only \$758,000.. Expenditures actually grew very little and even declined in some years with the only significant growths occurring in 1996 and 2001 when the MFCU experienced significant increases in staffing. The total state and federal budget for the MFCU for Federal Fiscal Year 2005 was approximately \$3.2 million with the state share being \$804,973.

Representatives of the MFCU and the Bureau of TennCare's Program Integrity Division have also initiated meetings with District Attorneys and drug task forces. The meetings provided education about drug diversion and promoted discussion concerning how the two units can assist and work with local law enforcement to combat TennCare drug diversion. Numerous meetings have been held to date and plans exist to meet with all districts.

The Bureau of TennCare has a new data warehouse in place. Members of the MFCU, along with the PIU, have been very involved in providing assistance and advice pertaining to fraud and abuse measures for the database.

The MFCU continued to play a role in the three Federal Health Care Fraud Task Forces throughout the state as the majority of the MFCU's fraud cases are being prosecuted federally.

One of the priorities of the MFCU continues to be in the area of training. The Unit continues to operate with a structured training plan, sending as many unit members to the National Association of Medicaid Fraud Control Units (NAMFCU) Introductory and Advanced training programs as possible. During the past year, three investigators attended the introductory class. Unit members throughout the year attended other training classes, and information from these classes was shared with other unit members.

The TBI Medicaid unit was named the recipient of the Department of Health and Human Services, Office of Inspector General's State Fraud Award for Federal Fiscal Year 2004. In announcing the award, the Director of the Medicaid Fraud Unit Oversight Division wrote "...the Tennessee MFCU's achievements were outstanding and deserving of special recognition."

Director Mark Gwyn and Special Agent in Charge Robert Schlafly will attend the award ceremony this September at HHS-OIG headquarters in Washington.

### **Criminal Intelligence Unit**

The Criminal Intelligence Unit (CIU) is responsible for the compilation, analysis, and sharing of criminal intelligence. The Criminal Intelligence Unit concentrates in the areas of organized crime, major offenders, fugitive apprehension, Domestic and International Terrorism (Homeland Security). The CIU also focuses on the registration of sexual offenders, traditional and emerging gangs, the Violent Criminal Apprehension Program, organized drug trafficking operations in and through Tennessee, and missing and exploited children as well as providing aviation support to all law enforcement agencies in Tennessee.

The unit is currently comprised of eight Special Agents, one Administrative Secretary, and sixteen Law Enforcement Information Coordinators (LEIC), and is supervised by one Assistant Special Agent in Charge, one Attorney/Supervisor and a Special Agent in Charge. The Tennessee Department of Correction and the Governor's Office of Homeland Security each furnish a liaison that works in close association with the TBI Criminal Intelligence Unit.

#### *Fugitives*

The CIU continued the very successful TBI Most Wanted Program of Top Ten Fugitives. The total number of dangerous fugitives captured on the program thus far is 141. There were also 11 Top Ten fugitives apprehended during Fiscal Year 2004–2005. Newspapers across the state carried photographs and stories about the fugitives statewide. Bulletins prepared by the TBI were distributed to law enforcement agencies and personnel across the state. The TBI CIU also investigates Fugitive/Wanted Persons cases throughout the State. The Unit assists the Tennessee Department of Correction, the Board of Probation and Parole, and local, state, and federal law enforcement agencies in these matters.

During the Fiscal Year 2004–2005 CIU Special Agents arrested or assisted in arresting 1,035 wanted fugitives.

#### *Task Forces*

Most of the special agents assigned to CIU are members of various task forces. The TBI CIU has three special agents assigned to the FBI Joint Terrorism Task Forces (JTTF) across the state. These Special Agents are assigned fulltime to the JTTFs in Memphis, Nashville, and Knoxville. These agents hold a top-secret security clearance and are involved in both domestic and international terrorism related investigations pertaining to national security. There is also one special agent assigned to the U.S. Marshal's task

force in Nashville and another special agent is assigned to the FBI Violent Crime Task Force.

*Regional Organized Crime Information Center (ROCIC)*

The TBI CIU continued as the grantee agency for the Regional Organized Crime Information Center (ROCIC). The SAC for the CIU is also the proxy board member to ROCIC. ROCIC is the Regional Information Sharing System (RISS) project agency for this geographic area of the United States and serves more than 1,500 member agencies in fourteen states. The objective of the RISS projects in general, and ROCIC in particular, is “to enhance the ability of state and local criminal justice agencies to identify, target and remove criminal conspiracies and activities spanning jurisdictional boundaries.” The primary objectives of the program are to encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among federal, state, and local law enforcement agencies, and to enhance coordination and communication among those agencies in pursuit of criminal conspiracies determined to be multi-jurisdictional in nature. The funding for ROCIC is a pass-through grant for \$5,503,942 that is automatically included in TBI’s annual budget for regulatory and auditing purposes only. The entire amount is forwarded to ROCIC for expenditures. TBI does not use any of this money in its regular budget for TBI operational expenses. The Criminal Intelligence Unit shares and communicates information daily to ROCIC for distribution to law enforcement agencies across the state of Tennessee and the southeastern United States.

The Criminal Intelligence Unit continues to coordinate the submission of intelligence on criminal street gangs and their members to the (ROCIC) gang database. ROCIC’s gang database is accessible on the Internet using security system access provided to authorized personnel.

*TBI Sex Offender Registry*

The TBI Sex Offender Registry was implemented in January 1995, as mandated by T.C.A. 40-39-101. The Tennessee Bureau of Investigation is responsible for maintaining and making available a connection to the Sex Offender Registration, Verification, and Tracking System to all criminal justice agencies with TIES capabilities so that these agencies are able to register sex offenders throughout the State of Tennessee. TBI also provides viewing and limited write access to registering agencies so that they may enter and update data concerning sex offenders. The Bureau is the central repository for original sex offender registration documents, along with any other forms required by the Sex Offender law. TBI is responsible for the construction, amendment and printing of these forms and other pertinent paperwork used by local law enforcement. TBI is permitted to receive credible information as to sex offenders and to notify law enforcement of this information. District Attorneys and local law enforcement may request lists of non-compliant offenders for the purpose of location and prosecution. On the agency’s website, TBI maintains an internet homepage dedicated to those sex offenders whose crimes were committed on or after July 1, 1997, pursuant to state law. As of June 30, 2005, there were 8,201 sex offenders registered in Tennessee. Of these, 3,254 offenders were listed on the public access sex offender web site. The Tennessee Bureau of Investigation has provided law enforcement with 696 certified copies of files

for the purpose of prosecution of sex offenders. Additionally, the Bureau has either headed or assisted in several roundups of non-compliant sex offenders resulting in the arrest of over 100 offenders since August of 2004.

*Financial Crimes Enforcement Network (FinCen)*

The TBI CIU continues to serve as the coordinator for the Financial Crimes Enforcement Network (FinCen) for the State of Tennessee. FinCen is an organization established by the U.S. Department of Treasury to collect, analyze, and disseminate intelligence on financial crimes. CIU processed 59 FinCEN requests during the fiscal year.

*El Paso Intelligence Center (EPIC)*

TBI CIU continued as the Tennessee coordinator for the El Paso Intelligence Center (EPIC). One of the primary goals of EPIC is to coordinate intelligence data for narcotic violations and fugitives between law enforcement of federal and non-federal agencies. All Tennessee agency inquiries made to EPIC are submitted through TBI, with the exception of the Tennessee Highway Patrol. TBI also receives a copy of all the information that is sent from EPIC to the requesting agency for intelligence purposes.

*International Criminal Police Organization (INTERPOL)*

TBI CIU continued as the contact agency for the state for the International Criminal Police Organization (INTERPOL). This organization promotes mutual assistance and cooperation between police agencies in different countries throughout the world. All inquiries made to Tennessee through INTERPOL are submitted through TBI. These inquiries are either forwarded to the appropriate agency or checked by TBI.

*National Center for the Analysis of Violent Crimes (NCAVC)*

TBI continued to work with the Federal Bureau of Investigation's National Center for the Analysis of Violent Crimes (NCAVC). All law enforcement agencies in the state wishing to submit reports of violent crimes may do so through the TBI. TBI maintains a copy of all of the reports that are submitted for intelligence purposes and then submits the reports to the Violent Criminal Apprehension Program (VICAP) for analysis. TBI is the designated state liaison of violent crime information between the various law enforcement agencies and VICAP. TBI has also developed a database, the Tennessee Homicide, Unidentified Bodies, and Missing persons file (THUMP), which can be searched for data for comparison with the VICAP program.

*National Center for Missing and Exploited Children*

TBI is mandated by law to act as the clearinghouse for missing children for the State of Tennessee and the National Center for Missing and Exploited Children. TBI is responsible for distributing a uniform missing child report to all law enforcement agencies, so that the information may be submitted to the TBI. The TBI is also responsible for establishing, maintaining and managing a file of "Missing Children", for collecting any available relevant data concerning the missing children, and for disseminating the information to the appropriate law enforcement agencies. The TBI CIU continued its coordination of the State of Tennessee's statewide Child Abduction Amber Alert Plan. The Amber Alert Plan is a partnership between media and law

enforcement to disseminate information concerning child abductions/endangered/missing children throughout Tennessee and other states as necessary.

#### *School Violence Hotline*

The TBI, with the assistance of the Department of Education, established a toll free School Violence Hotline for the receipt of information relating to potential violent acts. The School Violence Hotline is answered 24 hours a day, 7 days a week. Information received over the hotline relating to potential violent acts that are in violation of state law will be forwarded immediately to the appropriate law enforcement agency and designated school contact person.

#### *Aircraft*

In February 1999, the TBI purchased, with Asset Forfeiture funds, a Cessna 182S Skylane aircraft. The aircraft is equipped with a Forward Looking Infrared System (FLIR), spotlight and law enforcement radio system. This single engine aircraft provides the TBI with enhanced abilities to perform its missions, such as crime scene searches, surveillance, undercover officer protection and cover, searches for fugitives, search and rescue, reconnaissance flights for search planning, search for contraband, including marijuana, aerial photographs of crime scenes and transport of evidence in time sensitive cases. Three Special Agents of the CIU serve as the pilots for the Aviation Assets Section. One hundred sixty-two (162) missions were flown during fiscal year 2004-2005. These missions were mostly related to law enforcement, including homeland security, as well as training, maintenance, administrative and public service flights.

#### *Mobile Command Post*

The TBI CIU also has four LEIC's trained to operate and staff the Mobile Command Post. A functional mobile command center allows the TBI to respond to situations state wide with resources that permit communication and the sharing of intelligence information within the TBI and with other law enforcement agencies.

#### *Unlawful Charitable Gaming Activities*

The TBI Criminal Intelligence Unit is charged with collecting and investigating information about unlawful charitable gaming activities (raffles, bingo, casino-type games). Agents in the Criminal Intelligence Unit coordinate with the Secretary of State and District Attorney's General to conduct undercover surveillance and investigations on possible illegal charitable events. In November 2002, the citizens of Tennessee approved, by referendum, the section of the state constitution providing authorization to the general assembly to enact a state lottery and to permit annual lottery events held for the benefit of 501(c) (3) charitable organizations. The "*Charitable Gaming Implementation Law*" establishes a framework for a qualified §501(c)(3) organization to operate a "game of chance" as an annual fundraising event. The organization must have documentation from the Internal Revenue Service recognizing it as exempt from federal income taxation pursuant to Section 501(c)(3) of the federal tax code. A §501(c)(3) organization, including chapters or affiliates operating under the same tax exemption, can only operate one event within a twelve-month period (July 1 – June 30). Permitted games include raffles, cakewalks and the like. *Bingo, pull-tabs, punchboards, video lottery and casino-type games are expressly prohibited.* These annual lottery events must be

approved through an application process and authorized by two-thirds of the members of the state legislature. The event operated for the benefit of the 501 (c)(3) organizations in TN; conducted with a single type of lottery game on an event date; and conducted in a location within a county where the organization maintains a physical presence.

#### *Tennessee Regional Information Center's (TRIC)*

The Tennessee Regional Information Center's (TRIC) mission is to provide an avenue of communication to enhance information sharing between Federal, State and Local law enforcement agencies. The TRIC also acts as a clearinghouse for intelligence information with an 'all crimes' approach to combating terrorism. TRIC also serves as an education hub providing briefings and in-service training to Local law enforcement as well as the public. Among the means used to transmit information are the TRIC weekly bulletins. During Fiscal Year 2004–2005, the TRIC generated 38 open source bulletins as well as 38 Law Enforcement Sensitive (LES) bulletins. Additionally, the unit has produced five special interest bulletins. Primary weekly circulation of the publications goes to 1,426 open source contacts and 867 law enforcement agencies across the spectrum. TRIC employs four LEIC's assigned from TBI as well as one Information Specialist liaison supplied by Governors Office of Homeland Security.

#### *Pre-employment Background Investigations*

The TBI CIU is responsible for performing pre-employment background investigations for certain positions in State government. These background investigations include; Governor's Cabinet appointees; Governor's Staff appointees; Tennessee Supreme Court appointees; Governor's Office of Homeland Security employees, as well as other positions within the TBI. These investigations are performed primarily by CIU LEICs. During 2004–2005, the CIU completed 184 pre-employment background investigations.

### **Technical Services Unit**

TBI Director Mark Gwyn created the Technical Services Unit within the Criminal Investigation Division on December 1, 2004. Director Gwyn gave the unit responsibility for developing and utilizing technology in support of TBI's investigative, support, and homeland security responsibilities.

The Technical Services Unit has been operating with a full management staff since January 1, 2005, and was still in the process of filling authorized positions at the close of 2004–2005. TSU is a support unit for TBI and the entire law enforcement community, fielding a number of unique applications for technology in support of enforcement operations in areas from fugitive apprehension to child exploitation.

T.C.A. §40-6-303 (12) gives TBI the responsibility to support electronic surveillance investigations statewide by establishing certification standards administered by TBI and requiring that application for communications intercepts be made by a TBI agent in all but the four largest counties in the State. Technical Services administers this capability, providing training and guidance for any law enforcement agency wishing to pursue electronic surveillance investigations.

TSU is also responsible for maintenance of TBI's radio and emergency communications systems, working with other local, state, and federal agencies to ensure secure and stable communications and communications interoperability in support of State homeland security efforts.

When TSU was created, the TBI's computer forensics investigators were moved into the new unit from the Criminal Intelligence Unit. These agents and forensic specialists are responsible for analyzing and gathering evidence from computer systems in support of TBI investigations and those conducted by other law enforcement agencies. During Fiscal Year 2004–2005, TSU personnel performed forensic analysis on 234 computers. Thirty-eight percent (38%) of these analyses were performed for TBI agents in support of their investigations; the rest were performed for other local, state, and federal law enforcement agencies. Fifty-five percent (55%) of these cases involved child pornography in some form, and the rest were made up by a variety of offenses ranging from identity theft to death investigations.

TSU also recently began a forensic video enhancement service for the law enforcement community. Though this capability is extremely new, with only 11 enhancements performed by TSU personnel in Fiscal Year 2004–2005, it should become more widely used during the next fiscal year.

TSU personnel continue to work to help define their own mission by pursuing any avenues where advanced and information technologies can be leveraged to make law enforcement's performance more effective, efficient, and responsible for the citizens of Tennessee.



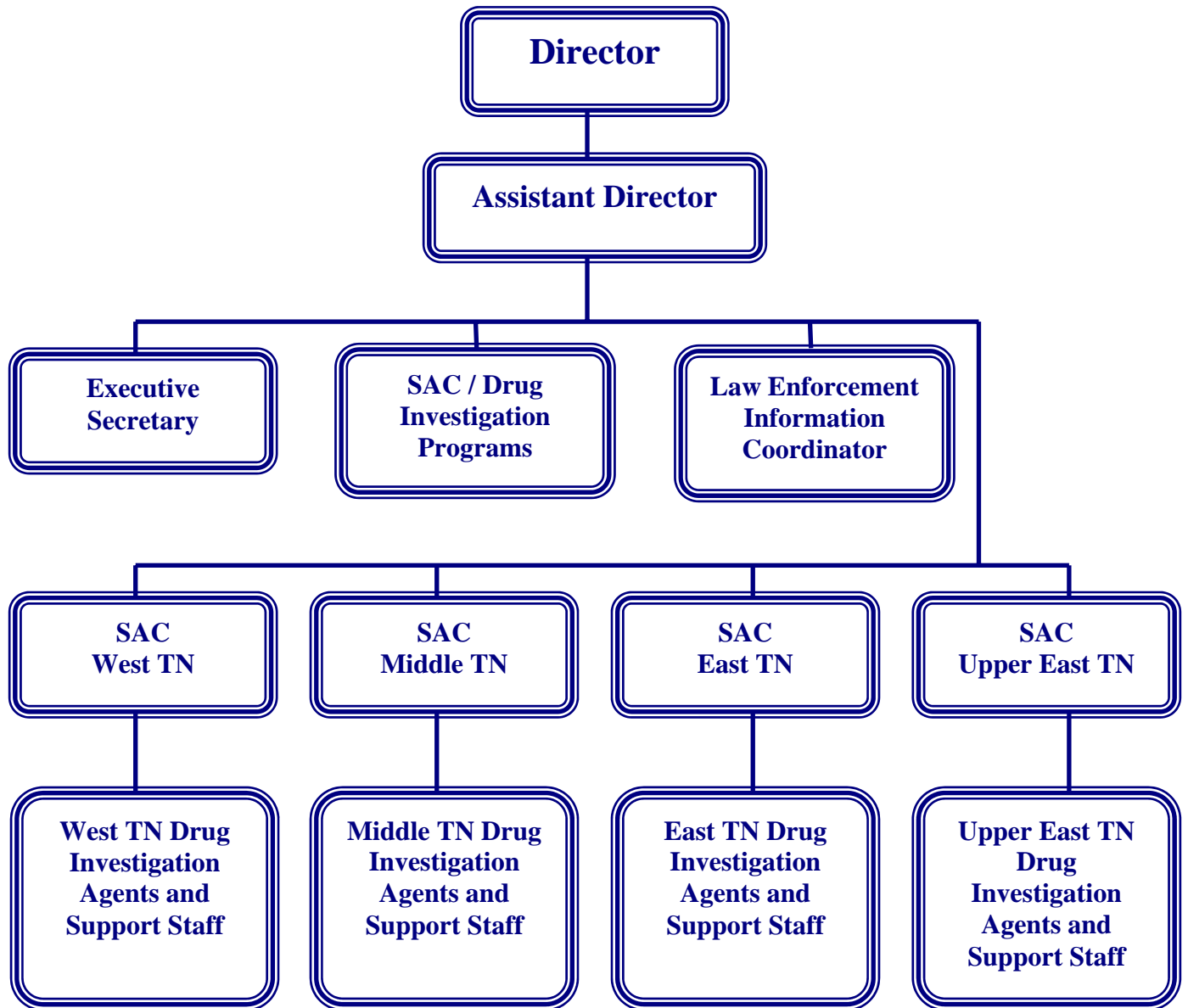




# DRUG INVESTIGATION DIVISION



## Chain-of-Command and Functional Organization





# **DRUG INVESTIGATION DIVISION**

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The Tennessee Bureau of Investigation Drug Investigation Division was created by Public Chapter 1069 during the 1998 session of the Tennessee General Assembly. The Division was created in response to legislative findings that approximately eighty percent of crime in Tennessee was drug related; that due to limitations of money and work force then-current investigation efforts against illegal drugs in Tennessee were ineffective; and that no single agency, bureau, or division in Tennessee focused primarily on illegal drugs. Based upon these findings, the Drug Investigation Division was created with the sole mandate to investigating illegal drugs. The Drug Investigation Division has been operating as a separate and coequal division of the TBI since September 1, 1998.

## **Statutory Responsibilities**

Tennessee Code Annotated §38-6-202 states that the mission of the TBI Drug Investigation Division is to “investigate, gather evidence and assist in the prosecution of criminal offenses involving controlled substances, narcotics, and other drugs”, and that in order to fulfill this mission the Division “shall have original jurisdiction over the investigation of all drugs.”

The TBI Drug Investigation Division, like the TBI as a whole, plays many parts in the law enforcement community. First, TBI Special Agents assigned to the Division initiated and investigated their own cases, targeting significant violators, drug distribution organizations, and lower-level violators where local conditions require external investigative support. In addition, the Division’s agents provide support to the drug enforcement community, including technical assistance, legal assistance, and personnel support to other agencies from the local to the federal level. Finally, recognizing that effective utilization of law enforcement resources requires cooperation, the Drug Investigation Division strives to maintain the Bureau’s close relationship with the various police departments, Sheriff’s offices, and judicial district drug task forces throughout the State. The Division continues to emphasize strengthening ties between its investigative efforts and those of federal agencies with drug enforcement responsibilities, including the Drug Enforcement Administration, the Federal Bureau of Investigation, and Tennessee’s United States Attorney’s offices.

The Division’s commitment to the TBI’s leadership in the Tennessee law enforcement community is evidenced by its ongoing efforts to stay at the forefront of investigative and policy trends, including ongoing efforts to combat clandestine methamphetamine manufacture and trafficking through enforcement and policy initiatives. The commitment is also evident in the progress in the Division’s effort to address illegal diversion of prescription drugs like oxycodone, hydrocodone, and benzodiazepines and ensuring that traditional drug enforcement programs like the Appalachia HIDTA and the Governor’s Task Force on Marijuana Eradication stay current and viable.

## **Organization and Caseload**

The Drug Investigation Division is headed by an Assistant Director who reports to the Director of the TBI. Four regional Special Agents in Charge (SAC) report to the Assistant Director and are stationed in the four regional offices of the TBI in Knoxville, Chattanooga, Nashville, and Jackson. Each SAC supervises all Special Agents assigned to the Drug Investigation Division within that SAC's geographical region. As a result of the increasing need for the TBI to supply training to its agents and outside agencies related to methamphetamine investigations and awareness, a fifth SAC position was created in 2005. This position is responsible for coordinating with other agencies to provide methamphetamine certification and recertification training and to provide other types of training and awareness to law enforcement and other stakeholders.

The Drug Investigation Division had 719 active cases as of June 30, 2005. The Division opened approximately 189 cases and closed 245. From July 1, 2004 to June 30, 2005, TBI Special Agents assigned to the Drug Investigation Division arrested a total of 394 drug offenders and obtained 490 convictions on drug-related charges. Agents of the Division seized or purchased 5,340 grams of crack cocaine; 111,064 grams of powder cocaine; 4,809 pounds of bulk marijuana; 12,897 marijuana plants; 9,169 grams of methamphetamine, and 88 methamphetamine labs. Also seized were 7,747 dosage units of illegally diverted prescription pharmaceuticals, 5,912 dosage units of ecstasy, 1,256 grams of heroin, 4 pounds of mushrooms, 25 vials of steroids, and 17,524 dosage units of other drugs. TBI's share of currency seized totaled approximately \$495,132, all of which constituted either proceeds of drug trafficking or funds used to facilitate drug trafficking. TBI also shared in the seizures of 48 vehicles, 1 airplane, and 4 real properties.

These statistics clearly document the Division's increasing focus on conspiracy investigations. Strategic emphasis continues to shift from street-level enforcement to higher levels of organization within the drug trafficking world. Investigators must follow varying investigative paths based upon available resources, informants, and other drug intelligence. As a result, ratios of drugs seized may shift from year to year along with investigative trends.

### **Methamphetamine**

Stemming the tide of clandestine methamphetamine manufacture and trafficking remains one of the Division's highest priorities. The Division's meth-qualified agents have continued to assist DEA and local law enforcement in identifying and shutting down large numbers of clandestine methamphetamine labs. In addition, the Division continues to interdict and dismantle organizations importing bulk methamphetamine. The Division fields four 4-wheel drive trucks, which carry TBI personnel to investigate clandestine lab sites. The trucks are assigned to the four regions of the state, and are equipped with state-of-the-art safety and decontamination equipment so that specially trained TBI agents can safely enter and dismantle a methamphetamine lab.

In addition to the traditional enforcement activities noted above, the Division continues to look for additional ways to attack the methamphetamine problem. In 2004, the Division initiated the MethWatch program, a public information campaign and intelligence referral

service designed to identify and deter meth cookers as they attempt to purchase the precursor chemicals to make meth. The Governor's Methamphetamine Task Force, in which TBI Director Mark Gwyn was a member, was instrumental in assisting the Tennessee Legislature in generating a comprehensive set of legislative initiatives to address Tennessee's meth epidemic.

In March 2005, the DID co-hosted the Second Methamphetamine Awareness Conference. This conference, which had almost 700 attendees, provided training and education to law enforcement, social workers, health, and mental health care professionals. Expert facilitators from six different states were brought in to provide the training.

### **Prescription Drugs**

Seizures of prescription drugs, including the increasingly problematic painkiller OxyContin, continue as a result of aggressive pursuit of drug diversion leads by Division investigators. This trend will continue as the Division directs its resources to meet both the new and the old components of this drug threat.

### **Drug Investigation Programs**

In addition to its general enforcement responsibilities, the Division has a leadership role in several programs that are integral to Tennessee's drug enforcement community.

#### *Appalachia High Intensity Drug Trafficking Area (HIDTA)*

In April 1998, the U.S. Office of National Drug Control Policy (ONDCP) officially designated areas within Tennessee, Kentucky and West Virginia as the Appalachia High Intensity Drug Trafficking Area (HIDTA). This designation was the result of a threat assessment by ONDCP that identified this tri-state area as one particularly vulnerable to certain types of illegal drug activity. The federally funded HIDTA program enhances and coordinates drug control efforts among local, State, and Federal law enforcement agencies. The program provides agencies with coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States.

The Appalachia HIDTA is comprised of sixty-five counties located within the states of Kentucky, Tennessee, and West Virginia; twenty-nine of these counties are in Tennessee. The designated region is located within easy reach of several large major population areas of the United States. At the same time, the area consists of predominately rural and rugged terrain with soil, temperature, and other climate conditions ideally suited for marijuana production. Demographic conditions of the Appalachia HIDTA, including relatively high unemployment and low median family income, create an environment where illegal activities and corruption can flourish.

The eight Tennessee Bureau of Investigation special agents assigned to the Appalachia HIDTA during the fiscal year were instrumental in opening 121 cases and making 334 arrests. These same agents were responsible for the seizure of 2,170 marijuana plants and a total of 3,326.3 pounds of processed marijuana. Additionally, 298 firearms and 147 vehicles, valued at a total of \$852,796, were seized. \$1,364,697 in real property and

\$1,373,423 in currency were also seized. Investigations in which these agents were involved resulted in the seizure of 103,642.1 grams of cocaine, 1,269.1 grams of crack cocaine, 367.5 grams of heroin, and 18,368 prescription pills. These agents assisted in the execution of 65 search warrants, in conducting 35 Title III telephone intercepts, and 70 pen registers.

Currently, the DID Assistant Director serves as Chairman of the Appalachia HIDTA Executive Committee.

#### Middle Tennessee HIDTA Task Force

At the direction of ONDCP, the Appalachia HIDTA was required to form regional task forces in the states of the Appalachia HIDTA. As a result of this requirement, the TBI was designed as the lead agency in forming a Middle Tennessee Task Force (MTTF). This task force is in the counties of Middle Tennessee as identified by the Appalachia HIDTA. These counties take in three Tennessee Judicial Districts. These districts include Fentress County in the 8th Judicial District; Clay, Overton, Pickett, White, Putman and Cumberland Counties in the 13th Judicial District; Jackson and Macon Counties in the 15<sup>th</sup> Judicial District. At the present time the MTTF is made up of two HIDTA funded TBI Special Agents, and officers from local law enforcement agencies. The official start date for the MTTF was on June 1, 2003, and it is targeting large drug dealers in the MTTF area.

In January 2005, SAC Joe Copeland was selected as the AHIDTA Officer of the Year in Tennessee for his work during 2004. The award represented the excellent work that the Middle Tennessee Task Force, under SAC Copeland's supervision, performed during 2004. During the year, the Middle Tennessee Task Force opened 50 investigations and closed 28, disrupting 17 drug trafficking organizations and dismantling two. A total of 100 people were arrested, 19 vehicles and over \$250,000 in currency and other assets were seized by the task force. Additionally, 21 firearms were seized.

#### Governor's Task Force on Marijuana Eradication

The Governor's Task Force on Marijuana Eradication (GTFME) was created by Executive Order No. 51 in 1983. The Tennessee Bureau of Investigation is an integral member of this task force. The primary objectives of the GTFME are as follows:

- Seek out and eradicate marijuana found growing in the State of Tennessee;
- Arrest and prosecute individuals and groups who knowingly participate in this illegal activity;
- Collect and utilize intelligence data;
- Maintain accurate records of results and expenditures connected with this program; and
- Continually seek to eliminate or disrupt illegal acts against the citizens of Tennessee related to marijuana cultivation through new methods and technology.

Four state agencies, the Tennessee Alcoholic Beverage Commission, the Tennessee Highway Patrol (THP), and the Tennessee National Guard (TNG), provide the bulk of the personnel and equipment for this program. The commitment by these agencies is substantial, since the operation runs from May until October of each year. Other activities such as planning, procurement, training, indoor grow investigations, case prosecution, and intelligence-gathering go on year-round.

The GTFME is truly an example of the benefits of cooperative law enforcement. A large number of other agencies participate in the program in addition to the state agencies noted above. These agencies include sheriff's offices, municipal police departments, judicial district drug task forces, the federal Drug Enforcement Administration, and a number of other federal and state agencies. This cooperative effort also extends to the military support role to the law enforcement effort.

During Fiscal Year 2004–2005, the GTFME investigative personnel were instrumental, with the assistance of local and federal agencies, in eradicating 400,193 outdoor marijuana plants found in 2,418 plots. These law enforcement personnel also seized 6.5 pounds of processed marijuana that was ready for sale on the streets with 44 arrests. An additional 1,241 indoor plants and 9 weapons were seized.

#### *Drug Task Force Liaison*

On June 1, 2002, the Drug Investigation Division of the TBI hired an additional Assistant Special Agent in Charge (ASAC). The ASAC in this position served as a liaison between the TBI, the Office of Criminal Justice Programs (OCJP), the District Attorney's General Conference, and the twenty-three Multi-Jurisdictional Drug Task Forces (DTFs) operating throughout Tennessee. This position was funded through an Edward Byrne Memorial Grant administered by the Office of Criminal Justice Programs.

The DTF Liaison took significant steps towards the goals of encouraging interagency cooperation and participation in the DTF program, serving as a clearinghouse for DTF related information, and becoming a point of contact between the TBI, OCJP, the DTFs and the DA's Conference. Additional objectives of this position included, but were not limited to, the following:

- Working in conjunction with the Steering Committee and the DTFs to develop and/or update a standardized policy and procedures manual for the task force directors;
- Planning and implementing training in consultation with the drug task force directors;
- Increasing the capacity for communication, planning, and consistency among task forces by updating DTF directors regarding technological developments;
- Fostering a coordinated and cooperative approach among criminal justice agencies, as well as between the task forces and the communities they serve;
- Identifying successful approaches, tactics, and technology used by individual DTFs and sharing these accomplishments with other DTFs statewide;
- Reviewing new drug and violent crime case law and legislation and providing timely updates to task force directors; and



- Supporting, promoting, and/or encouraging the development of specialized drug enforcement programming where appropriate.

In May 2005, this position was converted to a Methamphetamine Training Coordinator position in an effort to meet the needs of law enforcement and other stakeholders.

## **Initiatives and Goals of the Drug Investigation Division**

### Personnel Allocation

It is not presently possible to assign a TBI drug agent to each county in the State, since there are only 33 agents statewide. Likewise, individual agents cannot be assigned to each of the Judicial Districts and DEA Task Forces operating in Tennessee. Instead, each TBI drug agent is assigned an area of responsibility generally encompassing several counties, or an entire Judicial District. This arrangement makes the most of current staffing levels. This way, each of the ninety-five counties in the state has a specific and identified contact within the Drug Investigation Division.

The type of cases currently being pursued is labor intensive. Methamphetamine labs typically are time-consuming requiring four certified agents due to safety regulations. Electronic surveillance requires monitoring and ground teams. Prescription drug cases usually involve paper trails that cannot be concluded in a single day or week. In addition, eight of our agents are designated High Intensity Drug Trafficking Area (HIDTA) agents funded by HIDTA with their investigative initiatives being controlled by HIDTA. This is separate from our responsibilities on the Governor's Task Force for Marijuana Eradication.

### Ongoing efforts to stem the tide of clandestine methamphetamine manufacture

**Continued development of MethWatch program.** The MethWatch hotline and related database are key components of the MethWatch program. Information taken from calls to the hotline is relayed to the appropriate police and sheriff's departments and judicial drug task forces as well as to the appropriate DID supervisor. This information is also entered into a database maintained by TBI to better track information pertaining to labs and suspected methamphetamine manufacturers.

In 2004, the DID and TBI Information Systems also created a MethWatch web page within the TBI's website. The intent of this web page is to provide information about the MethWatch program, the drug itself, ingredients used to manufacture meth, state and federal laws pertaining to meth, and information on how to report suspicious activities. The web page also allows for links to other state MethWatch programs.

**Task Force for Western Tennessee.** In the fall of 2004, representatives of the DID, along with representatives of the U.S. Attorney's Office for the Western District of Tennessee, Tennessee National Guard, and Drug U.S. Enforcement Administration (DEA), and law enforcement agencies from the twenty-two counties in western Tennessee created a methamphetamine task force similar to that of the South/East Tennessee Methamphetamine Task Force.

**Drug-endangered children.** The DID plans to continue discussions with representatives of the Department of Children's Services to establish a Tennessee Alliance for Drug Endangered Children (DEC) Program. Such a program will allow for a structured protocol for law enforcement, state and federal prosecutors, DCS, and the medical and mental health fields to work together when children are found to be in the presence of meth labs or impacted by any illegal drug activity. It will be important to identify the appropriate stakeholders and to establish communication within these stakeholders for the purpose of setting up such a statewide program.

In 2004 and 2005, the DID worked closely with the Department of Children's Services, U.S. Attorney's Office for the Eastern District of Tennessee, and other groups such as firefighters, emergency medical technicians, hospital emergency room staff, and others dealing with children harmed by meth and other drugs in participating in seminars to establish protocols dealing with these children. Three seminars, covering over two dozen counties, were held during the fiscal year. Additional seminars are scheduled for the fall of 2005.

Contact has been made with the National Alliance for Drug Endangered Children to plan seminars in December 2005 to provide additional training throughout the state.

#### Continuing Emphasis on Conspiracy Investigations

One strategy that has been used to increase the effectiveness of the present number of TBI drug agents has been to direct more operations towards mid-level and major criminal organizations that are involved in multi-jurisdictional drug trafficking activities. These investigations, while time-consuming and complex, generally maximize returns of high-level convictions and assets seized per agent/hour.

Conspiracy investigations allow an organization to be dismantled from top to bottom, preventing the organization from growing again. In addition, long-term documentation of drug dealing activity for a conspiracy charge allows the ultimate criminal penalties to reflect the full culpability of the members of the organization, not simply the amount of drugs they had with them when arrested.

It should be noted that while conspiracy investigations are the growing trend in the Drug Investigation Division, the Division continues to render assistance to sister law enforcement agencies in whatever form the needs of those agencies take.

#### Prescription Drug Diversion

In July 2004, the DID Assistant Director made a presentation to the National Association of Drug Diversion Investigators (NADDI) about prescription monitoring programs (PMP) and how such a program could benefit the state of Tennessee. The DID Assistant Director also accompanied representatives from other state agencies to Kentucky and Nevada to learn about the PMPs in those respective states. The DID also works with the TBI's Medicaid Fraud Control Unit (MFCU), OIG, and Tennessee Board of Pharmacy during diversion investigations.

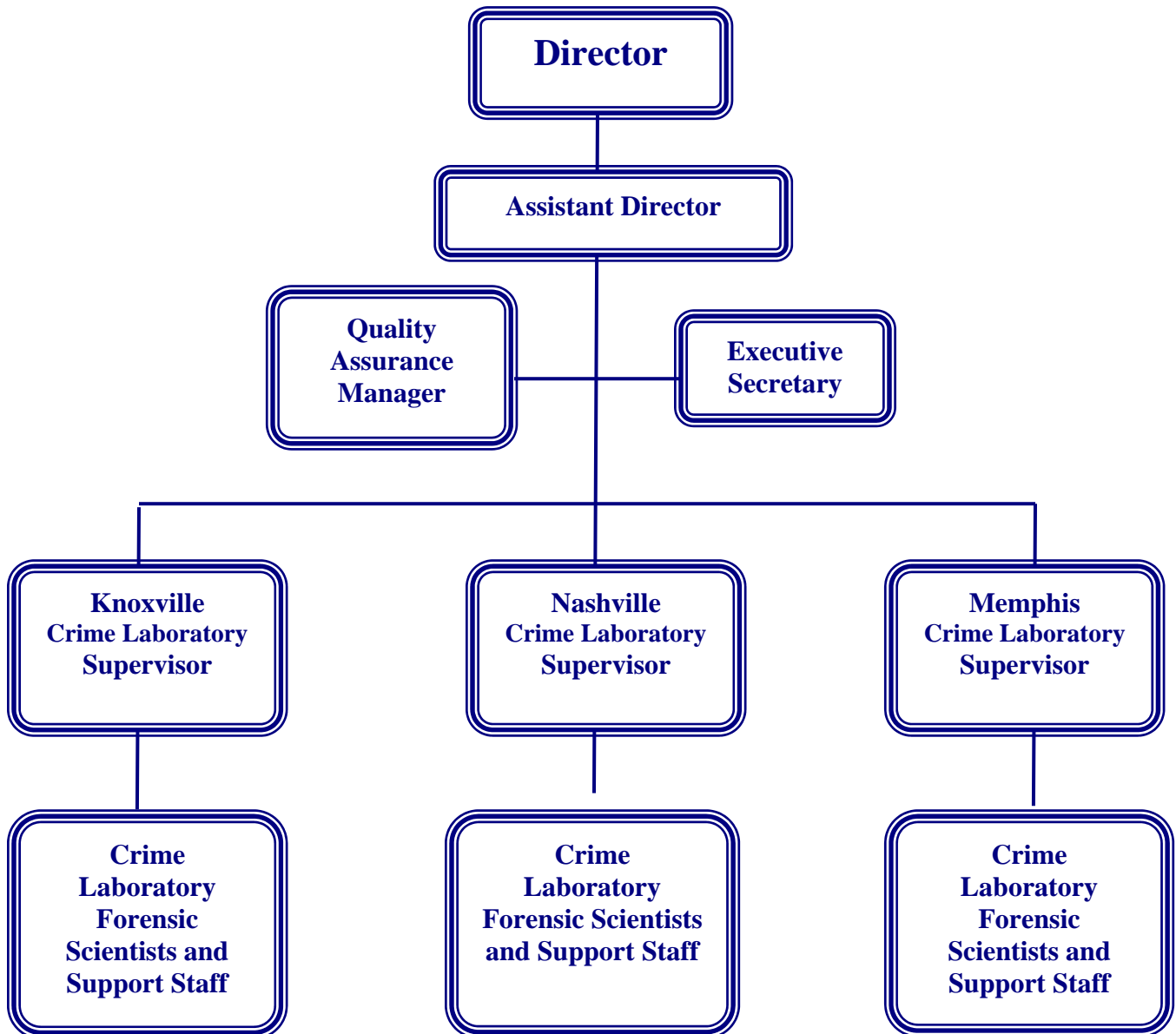




# FORENSIC SERVICES DIVISION



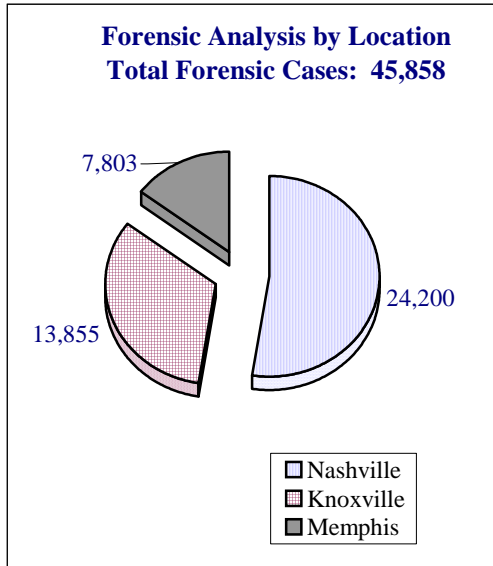
## Chain-of-Command and Functional Organization





# FORENSIC SERVICES DIVISION

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Forensic Science, the application of science to the law, has emerged as a major force in the attempts of the criminal justice system to control crime and to ensure a high quality of justice. The TBI Forensic Scientists possess a wide array of analytical skills and they direct their expertise to problems of reconstructing criminal acts, identifying and comparing physical and biological evidence, linking offenders with their victims and exonerating falsely accused persons. The TBI's Forensic Services Division (Crime Laboratory System) provides forensic science services to any law enforcement agency or medical examiner in our state (T.C.A. §8-6-103, 38-7-110, 5510-410).

A Forensic Scientist must be skilled in applying the principles and techniques of the physical and natural sciences to the analysis of the many types of evidence that may be recovered during criminal investigations. However, in doing this, the scientist must also be aware of the demands and constraints that are imposed by the judicial system. The procedures and techniques that are utilized in the crime laboratory must rest on a firm scientific foundation and satisfy the criteria of admissibility established by the courts. Because of this range of requirements, all TBI Forensic Scientists are commissioned by the Director as Special Agents, have earned a minimum of a baccalaureate degree in chemistry or a closely related scientific field, and have completed extensive training related to forensic science and crime scene investigation. During the fiscal year, the Forensic Services Division conducted tests in 45,858 cases received from law enforcement agencies and medical examiners across the state.

The TBI Forensic Services Division is comprised of a central laboratory in Nashville and two regional laboratories in Memphis and Knoxville. Specialized units of these laboratories provide forensic analysis of biological, chemical, and physical evidence.

## National Laboratory Accreditation

The TBI's Forensic Services Division has achieved re-accreditation through the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB).

The ASCLD Laboratory Accreditation program is a voluntary program in which any crime laboratory may participate to demonstrate that its management, operations, personnel, procedures, equipment, physical plant, security and personnel safety procedures meet certain national standards. Accreditation is part of a laboratory's quality assurance program which, when combined with proficiency testing, continuing education,

in addition, other efforts, helps TBI's crime laboratories to provide better overall service to Tennessee's law enforcement agencies and the criminal justice system.

One objective of TBI in obtaining accreditation of its crime laboratories was to offer to the citizens of Tennessee and the users of TBI's laboratory services a form of proof that the TBI's forensic laboratories meet established national standards.

### **Nashville Laboratory**

The Nashville Laboratory serves all ninety-five (95) counties in Tennessee and performs a wide range of analyses within the following units:

- *Drug Chemistry Unit*

The Drug Chemistry Unit analyzes any substance seized in violation of laws regulating the sale, manufacture, distribution and use of abusive type drugs.

- *Toxicology Unit*

The Toxicology Unit conducts analysis of blood and other body fluids for alcohol, drug, or poisons, in conjunction with persons arrested for traffic charges (DUI) or to assist medical examiners in death investigations.

- *Breath Alcohol Unit*

The Breath Alcohol Unit administers and maintains Tennessee's breath alcohol testing program. Scientists assigned to this unit certify and calibrate evidentiary breath alcohol instruments throughout the state. The staff are responsible for training law enforcement personnel as operators on the instruments. In Fiscal Year 2004-2005, the unit began a complete upgrade of all instruments. Over 200 new instruments will be installed and thousands of operators will be trained by the completion of this process.

- *Latent Print Examination Unit*

The Latent Print Examination Unit provides analysis of physical evidence for invisible fingerprints and/or palm prints and comparison of latent prints developed with the inked impressions of suspects. A workstation of TBI's Automated Fingerprint Identification System (AFIS) is located in this unit, allowing latent lifts of unidentified latent fingerprints obtained from crime scenes or developed on evidence submitted to the laboratory to be searched against the database of fingerprint records maintained by TBI. In addition, the latent print unit has the capability of submitting unidentified latent prints from major crime scenes to the FBI for a fingerprint database search.

- *Firearms Identification Unit*

The Firearms Identification Unit's principle function is to determine if a bullet, cartridge case, or other ammunition component was fired from a particular weapon. The science of firearms identification extends beyond the comparison of bullets to include knowledge of the operation of all types of weapons, the restoration of obliterated serial numbers on weapons and other evidence, the detection and characterization of gunpowder residues on garments and around wounds, the estimation of muzzle-to-garment distance, and the detection of powder residues. In October 2002, a National Integrated Ballistic

Information System for confirming bullets and cartridge cases became an integral part of the Firearms Unit.

- *Microanalysis Unit*

The Microanalysis Unit examines and compares the following types of evidence:

- ✓ Fire Debris Analysis – Debris from fire scenes and other evidence related to a suspected arson are submitted to the laboratory to determine the presence of an ignitable liquid. This includes the products of refined oil and other flammable products such as alcohol.
- ✓ Gunshot Residue Analysis – The presence of gunshot primer residue from a fired weapon can be determined on subject and victim hand swabs and on crime related objects such as the subject's clothing and vehicle(s).
- ✓ Impression Evidence Comparisons – Shoe and tire impressions recovered from crime scenes can be compared to subject shoes and tires. In addition, a tire tread database can be used to determine tire make and models from tire tracks left at a crime scene.
- ✓ Paint Analysis and Comparisons – Paint evidence recovered from any object on which a paint transfer has occurred during the commission of a crime can be compared to known paint samples. A vehicle paint database is also available to provide a list of possible vehicle makes and models from paint evidence left at the scene of hit and run accidents.
- ✓ Glass Analysis and Comparisons – Glass recovered from a crime scene can be compared to glass recovered from objects associated with a subject such as clothing and tools. Order of breakage and glass fracture analysis is also performed.
- ✓ Fiber Comparisons – Individual fibers as well as fabric and carpet are characterized and compared to corresponding materials recovered from a subject or his/her environment.
- ✓ Composite Imagery – The TBI laboratory provides the following art services: Composite drawing, postmortem and skeletal remains facial reconstruction drawings, image modifications and drawings of subject(s) from videotapes.

Other services provided by the Microanalysis Unit include indented impression analysis (writing and shoe), physical comparisons, fracture match analysis, heavy metal analysis, unknown substance determinations and tape comparisons.

- *Serology Unit*

The Serology Unit performs identification and characterization of blood and other body fluids – liquid or dried, animal or human – present in a form to suggest a relation to the offense or persons involved in a crime. This Unit also performs STR-DNA Profiling, the capability to identify specific individuals by comparing biological samples left at a crime scene or from the body of a victim.



- *Evidence Receiving Unit*

The Evidence Receiving Unit receives, inventories, distributes, and stores all evidence submitted to the laboratory.

- *DNA Profiling*

Advances in DNA technology represent one of the most significant forensic breakthroughs of the century by allowing the identification of a murderer or rapist based on trace amounts of biological evidence left at the crime scene. T.C.A. §40-35-321 requires the TBI to establish a DNA database for convicted offenders. The database was established nationally by the Federal Bureau of Investigation to enable crime laboratories to exchange DNA profiles for unknown subjects and convicted offenders.

- *CODIS*

The national index assists agencies in developing investigative leads since evidentiary DNA profiles can be searched against the file of convicted offenders. The TBI currently has 60,105 convicted offender samples on file. In February 2002, the TBI DNA Unit began submitting samples to the national database; 60,895 profiles have been accepted. This year 35 investigations throughout the state and nation have been aided through the use of this database. During the fiscal year, a total of 14,331 specimens from convicted offenders were received by the DNA/Serology Unit for submission to the CODIS database.

### **Knoxville Laboratory**

Drug Chemistry analysis of any substance seized in violation of laws regulating the sale, manufacture, distribution and use of readily abused drugs is performed. Toxicology analysis of blood and other body fluids for alcohol, drugs, or poisons, in conjunction with persons arrested for traffic charges or assisting medical examiners in death investigations is conducted. Breath Alcohol testing, which includes calibration and training of local law enforcement personnel relative to the operation of breath alcohol instruments, is also provided. In addition, TBI forensic scientists perform STR-DNA profiling on violent crime evidence.

### **Memphis Laboratory**

The Memphis Laboratory opened in January 2002. Drug Chemistry analysis is performed on any substance seized in violation of laws regulating the sale, manufacture, distribution, and use of abusive type drugs. Toxicology analysis of blood and other body fluids for alcohol, drugs or poisons, in conjunction with persons arrested for traffic charges or assisting medical examiners in death investigations is conducted. Breath Alcohol testing, which includes calibration and training of local law enforcement personnel relative to the operation of breath alcohol instruments, is also provided. Firearms Identification determines if a bullet, cartridge case, or other ammunition component was fired from a particular weapon. The restoration of obliterated serial numbers on weapons and other evidence, the comparison of tool marks, the detection and characterization of gunpowder residues on garments and around wounds, the estimation of muzzle-to-garment distance and the detection of powder residues are also performed

by the Firearms Identification Section. Fire Debris analysis is performed on evidence removed from a suspect or recovered from a crime scene. Serology/DNA analysis is performed in order to identify and characterize blood or other body fluids present on evidence and to compare those stains to known standards using STR-DNA profiling.

### **Violent Crime Response Teams**

The TBI's Forensic Services Division has become increasingly involved in the investigation of violent crimes. Although the value of physical evidence is often overlooked in other types of crime, it is recognized to be of paramount importance in crimes against persons. Toward that end, TBI has three specially designed crime scene vehicles equipped with the most advanced forensic equipment and materials available. These crime scene vehicles are regionally located in Memphis, Nashville, and Knoxville and are being used by the TBI to assist in processing homicide crime scenes.

<p><b>Forensic Analysis by Case</b>  <b>Fiscal Year 2004–2005</b>  <b>Total Number of Cases Completed – 45,858</b></p>
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<b>Nashville Laboratory</b>	<b>24,200</b>	<b>Memphis Laboratory</b>	<b>7,803</b>
Drug Identification	10,321	Drug Identification	4,056
Alcohol	6,821	Alcohol	1,627
Toxicology	2,702	Toxicology	1,290
Serology/DNA	1,057	Serology/DNA	541
Firearms Identification	610	Firearms	123
Microanalysis	785	Arson	166
Latent Prints	1,904		
<b>Knoxville Laboratory</b>	<b>13,855</b>		
Drug Identification	7,152		
Alcohol	5,119		
Toxicology	1,397		
Serology/DNA	187		

**Forensic Analysis by Test**  
**Fiscal Year 2004—2005**  
**Total Number of Exhibits Tested – 76,333**  
**Total Number of Tests Conducted – 241,740**

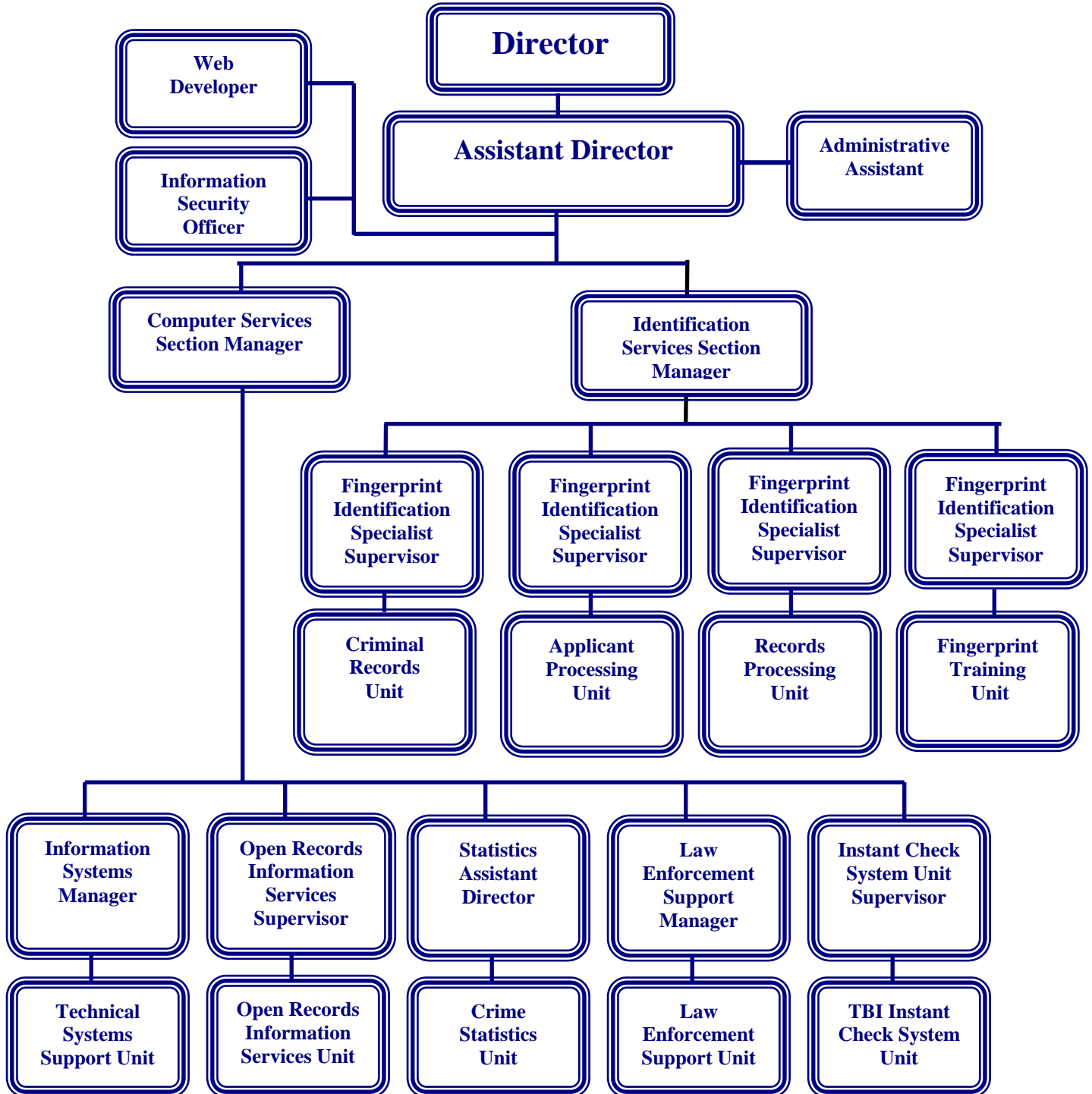
<u>Laboratory</u>	<u>Exhibits</u>	<u>Tests</u>
<b>Nashville</b>	<b>45,051</b>	<b>140,889</b>
Drug Identification	16,579	51,570
Alcohol	7,033	8,556
Toxicology	2,920	12,480
Serology/DNA	4,179	20,563
Firearms Identification	8,235	7,434
Microanalysis	1,829	20,999
Latent Prints	4,276	19,287
<b>Knoxville</b>	<b>18,271</b>	<b>53,763</b>
Drug Identification	10,599	31,848
Alcohol	5,249	5,249
Toxicology	1,457	6,919
Serology/DNA	966	9,747
<b>Memphis</b>	<b>13,011</b>	<b>47,088</b>
Drug Identification	6,102	21,550
Alcohol	1,982	1,953
Toxicology	1,369	6,892
Serology/DNA	2,549	14,093
Firearms Identification	692	1,924
Arson	317	676



# INFORMATION SYSTEMS DIVISION



## Chain-of-Command and Functional Organization





# INFORMATION SYSTEMS DIVISION

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Laws governing the operation of the TBI require the development, maintenance and dissemination of certain information relating to crime and criminal activities for the benefit of all criminal justice agencies in Tennessee. The TBI, in order to fulfill the mandate set forth in these laws, has created and put into operation several applications maintained in the Tennessee Crime Information Center (TCIC). Controls, which apply to the state and federal privacy and restriction laws governing the possession, exposure, use and dissemination of various kinds of crime information, are imposed on the automated systems by the TBI official rules. As technology and criminal justice needs change, the TBI will continue to implement state-of-the-art systems to meet the challenges.

The TBI performs the substantive functions of statewide criminal investigations and forensic services independently and in aid of other agencies. The TBI also performs services to aid other agencies individually and collectively so that all criminal justice agencies benefit from data contributed by all agencies. These services are greatly enhanced by using current technology available in the TCIC automation facilities.

Management Information Systems operations fall within the Information Systems Division with the responsibility to oversee crime information functions for TBI and the entire Tennessee criminal justice community. The Information Systems Division is divided into two sections. The Identification Services Section is made up of the Criminal Records Unit (CRU), Applicant Processing Unit (APU), the Records Processing Unit (RPU), and the Fingerprint Training Unit (FTU). The Computer Services Section made up of the TBI Instant Check System Unit (TICS), the Law Enforcement Support Unit (LESU), the Crime Statistics Unit (CSU), the Tennessee Open Records Information Services Unit (TORIS) and the Technical Systems Support Unit (TSSU).

## **Statutory Responsibilities**

The TBI has the authority to establish a system of intrastate communication of vital statistics and information relating to crime, criminals and criminal activity (T.C.A. §38-10-101 et seq.). In addition, TBI is bound by administrative rules promulgated in March 2002 establishing a criminal justice information system for substantive use by all participants, statistical analysis and use by the government and private sectors. It requires the Director of the TBI to construct crime data elements by specifying the content and form of reports, and to establish the communications system for intrastate submission and sharing of data. The data sharing is extended to federal agencies by agreement between the TBI and the FBI and to all others by agreement with the International Justice and Public Safety Information Sharing Network (NLETS).

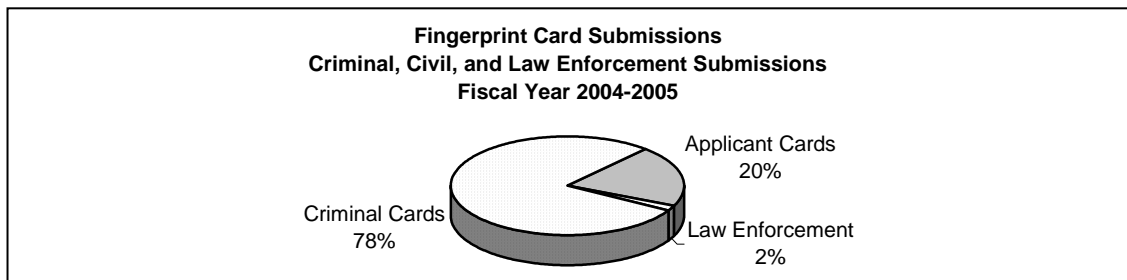
## **Identification Services Section**

The TBI is the agency identified as the state repository of fingerprint based criminal records information for the state of Tennessee. The Identification Services Section is responsible for the processing and maintenance of all information related to the repository as well as for several associated legislatively mandated duties. These duties include processing of all criminal, law enforcement applicant, and civil applicant fingerprint information, and other associated records functions including processing of final court dispositions, applications for pre-trial diversions, court orders for expungement of criminal records, and other matters of clerical maintenance of information in the records repository. The ISS utilizes the Automated Fingerprint Information System (AFIS) to process each submission of fingerprint information to determine the identification of the individual to provide positive identification in order to build the criminal records in the repository. Additionally, this section conducts fingerprint training to any police agency statewide that request the training to insure the quality of fingerprints submitted to the TBI and FBI.

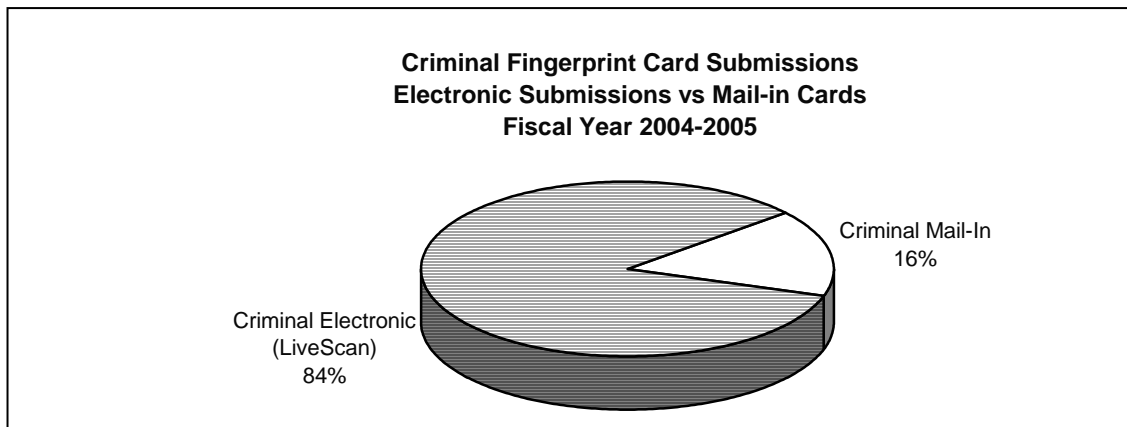
### **Criminal Records Unit and Applicant Processing Unit**

The Criminal Records Unit and the Applicant Processing Unit are responsible for the processing of all criminal and applicant fingerprint based information submissions for the state of Tennessee. State and federal statutory requirements and administrative rules require all arresting law enforcement agencies in Tennessee to fingerprint and submit information for all felony and misdemeanor arrests to the TBI for processing and forwarding to the Federal Bureau of Investigation. The arrest fingerprint information serves as the supporting document for all of the criminal history information. This information is available to law enforcement agencies via the Tennessee Information Enforcement System (TIES) network. Tennessee criminal histories are also available to law enforcement agencies in other states and at the federal level through the International Justice and Public Safety Information Sharing Network (NLETS).

The Identification Services Section received a total of 413,436 fingerprint cards during Fiscal Year 2004–2005. Less than one percent of fingerprints received were rejected and returned to the contributors because of missing, inaccurate or incomplete descriptor or arrest data, or because of unclassifiable fingerprints. Criminal arrest fingerprint cards made up 78% (323,895) of the cards received. Another 2% (6,344) was law enforcement or correction officer applicant prints, and civil applicant prints accounted for the remaining 20% (83,197) of the cards received.



The use of equipment that allows for electronic capture and submission of fingerprint images and associated data to the Tennessee Automated Fingerprint Information System (AFIS) has increased among law enforcement agencies in Tennessee. Electronic submission also includes the ability for TBI to return the identity of the subject to the submitting agency in minutes. This electronic submission is automatically passed on for immediate inclusion of the arrest information in the Tennessee Criminal History Repository and forwarded to the FBI where it is added to the federal criminal history database. At the end of Fiscal Year 2004–2005, 121 booking agencies were submitting fingerprint and arrest information via electronic means. Of the criminal card submissions for the fiscal year, 272,208 fingerprint cards, or 84% of the criminal submissions, were submitted electronically.



On February 23, 2003, Tennessee became an Interstate Identification Index (III) State. The III provides for the interstate exchange of criminal history information. The Federal Bureau of Investigation (FBI) is the agency responsible for maintaining a central repository of fingerprint-based criminal history records for any persons arrested throughout the United States. Each state, in turn has a central repository for this same information for persons arrested in their state. The TBI is the central repository for Tennessee. Prior to May 20, 2005, the FBI only maintained criminal history information for felony and serious misdemeanor arrests, while state repositories retain information on all arrests occurring in the state. As of the above date, the FBI will maintain all arrest information for the state of Tennessee. With the advent of the III program, the FBI system becomes a pointer system, holding only index information concerning the criminal records information held by the states. Law enforcement inquiries are pointed to the appropriate state holding the criminal records instead of providing a potentially incomplete record to the requestor from the FBI database. The III is a day forward program; only new arrests submitted to the FBI are indexed to Tennessee.

The Tennessee Code Annotated mandates fingerprint-based criminal history record checks for a wide variety of occupational and licensing applicants. In the past, the ISS Section has processed these requests from paper fingerprint card submissions by authorized agencies for legislatively mandated purposes such as employees of childcare, day care, teachers, armed guards, and many other purposes. The Tennessee Applicant Processing Services (TAPS) program, which began in July 2002, provides applicants with statewide fingerprinting services and electronic processing of these background



checks by the Applicant Processing Unit (APU). While applicant checks can still be processed by paper card submission, electronic submission and processing of fingerprint card data significantly speeds up the process for applicants and provides responses to the submitting agency in three business days. With the increase in legislation requiring fingerprint-based background checks, TAPS allows ISS to meet the demands and provide quick, efficient, and accurate service to Tennessee applicants, employers, and licensing agencies. During Fiscal Year 2004–2005, there were 83,197 civil applicant cards processed. Of these, 63,320 or 76%, were processed through TAPS.

Current information identifies the following areas as requiring fingerprint-based background checks:

<p><b>Childcare Providers</b>                  Daycare Workers                  Adoption                  After School Care                  Child Care Agency Licensee                  Kinship Foster Care                  Prescribed Child Care Center                  Teachers                  Substitute Teachers                  Bus Drivers                  Custodial Workers                  Cafeteria Workers                  Postsecondary/Higher Education Employees                  Youth Clubs/Youth Sports</p>	<p><b>Dept. Mental Health &amp; Div. of Retardation</b>                  Development Disability Facility Employees</p>
<p><b>Department of Transportation</b>                  Highway Response Operators</p>	<p><b>Department of Safety</b>                  Handgun Carry Permits</p>
<p><b>Department of Commerce &amp; Insurance</b>                  Alarm System Contractor Licensees                  Alarm System Contractor Applicants                  Private Investigators                  Armed Guards                  Unarmed Guards                  Contract Security/Private Protective Services</p>	<p><b>Tennessee Supreme Court</b>                  Court Interpreters</p>
	<p><b>Department of Health</b>                  Nursing Homes/Assisted Living                  Bureau of Health Licensure &amp; Regulation                  Health Care Services</p>
	<p><b>Welfare</b>                  Home Health Hospice                  Adult Day Care Facility</p>
	<p><b>Others</b>                  Tennessee Lottery Corporation                  Vehicles for Hire Drivers                  County Employees                  Municipal Employees                  Private Process Services                  Horse Racing License &amp; Employees                  Adult Oriented Establishment License &amp;                  Performer Applicants                  Contract Personnel</p>

**Records Processing Unit**

The Records Processing Unit (RPU) processes the clerical records related information such as criminal record expungement, applications for pre-trial and judicial diversions, and final court dispositions.

Expungement orders come from criminal courts to the TBI ordering removal of specific information from an individual’s criminal record. The RPU processes these orders and forwards the necessary information to the FBI for removal from the federal criminal records maintained there. The RPU processed 22,426 expungement orders in Fiscal Year 2004–2005.

Criminal history background checks are performed at the request of the court system for persons being considered for pre-trial or judicial diversions. These checks are performed in order to provide information to the court to determine whether the individuals are qualified to receive, and have not previously received, pre-trial or judicial diversion. The RPU tracks each diversion requested as legislatively mandated. The RPU processed 15,611 applications for pre-trial or judicial diversion in Fiscal Year 2004–2005.

The RPU also enters final court disposition information into the Tennessee criminal history repository. Disposition information is supplied to the TBI by law enforcement agencies and the court clerks. Each disposition provides information relative to the outcome of the judicial process for each arrest. The RPU processed 89,459 dispositions in Fiscal Year 2004–2005.

### **Fingerprint Training Unit**

Fingerprint Identification is the method of identification using the impressions made by the minutiae ridge formations or patterns found on the fingertips. The mission of the Fingerprint Training Unit is to provide technical and non-technical training to TBI personnel, law enforcement agencies and fingerprint-based agencies that will improve individual as well as organizational performance and assist in achieving the unit's mission and performance goals. The main focus of the fingerprint training is in the area of taking legible prints (electronically and paper), pattern recognition and types and fingerprint identification.

### **Computer Services Section**

The units which comprise the Computer Services Section, TBI Instant Check, Law Enforcement Support, Crime Statistics, Tennessee Open Records Information Services and Technical Systems Support, are tasked with the responsibility of developing, implementing and maintaining the automated information systems, databases and communication interfaces pertaining to criminal justice functions. These units are logically grouped to facilitate the automated input, maintenance and dispersal of information maintained by the Tennessee Bureau of Investigation as well as provides operational and technical support to end users within the law enforcement community.

### **TBI Instant Check Unit**

The TBI Instant Check System (TICS) began operation on November 1, 1998 and in April 2003 processed the 1,000,000th gun-check transaction. The requirements of the Brady Handgun Violence Prevention Act [18 U.S.C. 922 (t)] were incorporated into the Tennessee gun transfer statute with an amendment to T.C.A. §39-17-1316. This amendment requires that TBI establish and maintain a background check system that meets or exceeds the requirements established by the Brady Act for continuing recipient background checks on all firearm transactions except those specifically excluded by law.

To meet these requirements, TICS accesses the following databases:

<b>TCHR (Tennessee Criminal History Repository)</b>	This file is maintained by the TBI and is supported by arrest fingerprint cards. Persons who are convicted felons cannot legally possess a firearm.
<b>TRAP (Tennessee Repository for Apprehension of Persons)</b>	Tennessee's Wanted Person file includes persons whose crime is not serious enough to cause their name to be posted in the FBI's Wanted Person File. Persons who are fugitives cannot legally possess a firearm.
<b>STOP (State of Tennessee Orders of Protection)</b>	Data is entered, maintained and deleted by Tennessee law enforcement agencies (generally Sheriffs' departments) on persons against whom a restraining order has been issued by a judge. Active protection orders, which meet state or federal laws, will disqualify an individual from obtaining a firearm.
<b>NCIC (National Crime Information Center)</b>	This database maintains files on wanted persons, protection orders, deported felons, U.S. Secret Service Protective (persons who may pose a threat to the President and/or others afforded protection by the U.S. Secret Service), foreign fugitives, SENTRY File (persons currently under supervision of the Federal Bureau of Prisons), Convicted Person on Supervised Release File and the Convicted Sexual Offender Registry.
<b>III (Interstate Identification Index)</b>	This is the national repository for criminal history record information.
<b>NICS (National Instant Check System)</b>	The federal instant background check system maintained by the FBI. It houses databases on Denied Persons, Illegal/Unlawful Aliens, Controlled Substance Abusers, Dishonorable Discharges, Citizenship renunciants and Mental Defectives/Commitments.

All of the above files are checked during the required TICS/NICS background check of any person seeking to purchase a firearm from a licensed firearm dealer or to redeem a firearm from pawn from a licensed firearm dealer.

Licensed firearm dealers in Tennessee can perform a firearms transfer background check by calling a toll-free number that connects the caller directly to the TICS operations center or by use of a point of sale (POS) terminal available to high volume dealers. Use of these POS terminals by high volume dealers allows TICS personnel to process telephone inquiries with a quicker turn-around time.

Approximately 1,126 gun dealers with active Federal Firearms Licenses are registered with TICS and the Bureau of Alcohol, Tobacco and Firearms. On a monthly basis, approximately 910 dealers sell at least one firearm. During Fiscal Year 2004-2005, TICS processed 207,603 total firearm transactions. Of those, 202,602 (97.6%) were approved and 5,001 (2.4%) were denied for one or more reasons, and 96.4% of all transactions were processed in 15 minutes or less. Pawn dealers submitted approximately 29.3% of all transactions. During the same time period, TICS identified 202 wanted persons and 213 stolen firearms, reporting them to the appropriate law enforcement agency. A majority of the wanted persons was apprehended at the scene and most of the

stolen firearms were verified by law enforcement officials and seized for return to the owners.

Thirteen other states have implemented statewide instant check systems similar to TICS, classifying them as Point of Contact (POC) states. Five states choose to let NICS run their long gun queries while performing their own handgun checks. Thirty-two states/territories have elected to have all of their background queries processed through NICS. The more comprehensive background check undertaken by POC states results in a more accurate determination of a person’s eligibility to purchase/possess a firearm.

**Law Enforcement Support Unit**

The Law Enforcement Support Unit (LESU) is responsible for matters related to the Tennessee Information Enforcement System (TIES). The TIES network allows computerized interstate and intrastate communication capabilities for criminal justice and law enforcement agencies at the local, state and federal levels. The electronic access provides communication to several Tennessee databases, including the TBI’s Tennessee Criminal History repository, the FBI’s National Crime Information Center (NCIC), and the National Law Enforcement Telecommunications System (NLETS).

The supervisor and seven LESU personnel provide the administrative, managerial, and technical and liaison service for over 350 agencies that comprise the TIES network. Currently, over 8,000 terminals, mobile units, and hand-held devices in the state access the TIES network. This unit is responsible for conducting triennial compliance audits and quality assurance checks of crime record data as required by applicable laws, rules, regulations and policies. During Fiscal Year 2004–2005, in accordance with the FBI Criminal Justice Information System (CJIS) Division mandates, the unit completed 138 compliance audits. Training was provided in various areas as detailed in the chart below.

<b>Training Attendance and Certification Fiscal Year 2004-2005</b>	
Basic Certification .....	511
TLETA Recruit Training .....	324
In-Service Training .....	172
Terminal Agency Coordinator (TAC) Orientation .....	128
TAC Recertification Classes.....	287
TIES User Group Conferences .....	789
TIES Testing .....	2,941
New Agency Meeting.....	88
Miscellaneous Training .....	38
<b>Total.....</b>	<b>5,278</b>

The TIES Network Operations Center is a part of the LESU. Ten employees work 12-hour shifts to monitor performance of the TIES network. These individuals provide technical support for local, state and federal agencies for connectivity via the state WAN backbone. These users also access NCIC, NLETS and the various Tennessee databases via the TIES. These personnel provide system maintenance and backup functions of all computer information systems housed at the Tennessee Crime Information Center

(TCIC). These employees also assume the emergency communications responsibilities within the TBI.

### **Crime Statistics Unit**

The Crime Statistics Unit (CSU), made up of the Statistics Assistant Director, Law Enforcement Information Coordinators and Statistical Analysts, continued operation of the statewide Uniform Crime Reporting (UCR) Program known as the Tennessee Incident Based Reporting System (TIBRS) Program. As of June 30, 2005, all 457 law enforcement agencies were submitting and 80 of the 81 colleges and universities were also in compliance with reporting requirements. Two agencies were not certified as of June 30, 2005. The agencies had not been submitting long enough to be certified. One college had been decertified due to failure to submit data.

The major focus of the unit this fiscal year was ensuring data quality submitted by law enforcement agencies and college/universities to the TIBRS program. The data submitted is used to generate four annual publications including the Crime in Tennessee report that was released in June 2005. This report included additional data on a statewide basis as well as three-year comparisons of state data. The unit also sent the Hate Crime Report and Law Enforcement Officers Killed or Assaulted Report for 2004 to the printer in June 2005. The unit produced the Crime on Campus report for the sixteenth year.

The TBI conducted 198 audits of local law enforcement agencies' TIBRS data. The unit is on track to complete audits of all law enforcement agencies, colleges and universities by the end of 2005 to complete the three-year audit cycle. Results of the FBI audit of the state's TIBRS Program were received during the summer and the program was in compliance with all six areas reviewed.

A total of 2,293 persons received training from TBI staff during the fiscal year for TIBRS, which represented a 14.7% increase from the previous fiscal year. The number of classes held during the year was eighty-two (82). Additionally, another 258 person received training at the annual conference bringing the total number trained to 2,551 persons. The TBI continues to provide training on general data collection practices and use of the software developed by TBI.

Because of the state's involvement with incident based reporting, Tennessee was asked to be a prototype state by the FBI for a new information sharing initiative called the Law Enforcement National Data Exchange (N-DEX). Work continued on the N-DEX project and test files were submitted during the spring of 2005.

### **Tennessee Open Records Information Services (TORIS)**

The Tennessee Bureau of Investigation began offering criminal background information to the public, upon receipt of a proper request and the associated fee, in June of 2004 following the passage of new legislation that made it legal for the Bureau to release Tennessee criminal information from its database. TORIS background checks are 'name based' checks only and do not involve the submission of fingerprints. The information provided to the requestor is Tennessee criminal history information only. During Fiscal

Year-2005, the TORIS unit processed 9,497 requests for criminal background information.

### **Technical Systems Support Unit**

The Technical Systems Support Unit is responsible for the installation and support of all of the TBI's in-house desktop computer hardware and software, local area network (LAN), email functionality, file servers, and application servers. The unit also supports many of the computer systems housed in the Tennessee Crime Information Center (TCIC). The unit's Information Systems Manager, Distributed Programmer Analysts, Information Resource Support Specialists and Network Technical Specialists are responsible for the coordination, design, development, and implementation of all software packages run on TBI's systems.

A brief description of the major systems supported by this unit is given below:

#### Laboratory Information Management System (LIMS)

The Laboratory Information Management System (LIMS) supports the automation of processing all evidence received in the TBI's Forensic Services Division. This processing includes evidence receiving, testing, analytical results, report generation and all other steps in the processing of evidence from intake to reporting for use in court testimony.

#### Automated Information Management System (AIMS)

The Automated Information Management System (AIMS) is the system that contains all information related to TBI's in-house criminal case files. The file server that houses this massive amount of data is located at TBI's headquarters in Nashville. Utilizing Wide Area Network (WAN) connections from each TBI office throughout the entire state, managers, special agents and support staff access this system to record and process all components of the investigation of all types of criminal cases involving TBI resources.



## Glossary of Acronyms

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ACIST	Automated Criminal Intelligence System of Tennessee
ADA	Americans with Disabilities Act
AFIS	Automated Fingerprint Identification System
AIMS	Automated Information Management System
APU	Applicant Processing Unit
ASAC	Assistant Special Agent in Charge
ASCLD	American Society of Crime Laboratory Directories
CALEA	Commission on Accreditation for Law Enforcement Agencies, Inc.
CCH	Tennessee Criminal History File
CID	Criminal Investigation Division
CIU	Criminal Intelligence Unit
CJIS	Criminal Justice Information System
CRU	Criminal Records Unit
CSU	Crime Statistics Unit
DEA	Drug Enforcement Administration
DID	Drug Investigation Division
DUI	Driving Under the Influence
EEO	Equal Employment Opportunity
EPIC	El Paso Intelligence Center
FBI	Federal Bureau of Investigation
FinCEN	Financial Crimes Enforcement Network
FLIR	Forward Looking Infrared System
GTFME	Governor's Task Force on Marijuana Eradication
HCFA	Health Care Finance Administration
HIDTA	High Intensity Drug Trafficking Area
IASIU	Internal Association of Special Investigation Units
INTERPOL	International Criminal Police Organization
LAN	Local Area Network
LEIC	Law Enforcement Information Coordinator
LESU	Law Enforcement Support Unit
LIMS	Laboratory Information Management System
MFCU	Medicaid Fraud Control Unit
NAMFCU	National Association of Medicaid Fraud Control Units
NCAVC	National Center for the Analysis of Violent Crimes
NCIC	National Crime Information Center
N-DEx	National Law Enforcement Data Exchange
NHCAA	National Health Care Anti-Fraud Association
NIBRS	National Incident Based Reporting System
NICS	National Instant Check System
NLETS	National Law Enforcement Telecommunications Systems
OIR	Office of Information Resources
ONDCP	Office of National Drug Control Policy
POC	Point of Contact
POS	Point of Sale



RISS ----- Regional Information Sharing System  
 ROCIC -----Regional Organized Crime Information Center  
 RPU ----- Records Processing Unit  
 SAC ----- Special Agent in Charge  
 STOP----- Tennessee Orders of Protection File  
 TABC -----Tennessee Alcoholic Beverage Commission  
 TAPS----- Tennessee Applicant Processing Services  
 TBCI ----- Tennessee Bureau of Criminal Identification  
 TBI ----- Tennessee Bureau of Investigation  
 TCA -----Tennessee Code Annotated  
 TCIC ----- Tennessee Crime Information Center  
 TCIS----- Tennessee Crime Information System  
 THP ----- Tennessee Highway Patrol  
 THUMP----- Tennessee Homicide, Unidentified Bodies and Missing Persons File  
 TIBRS----- Tennessee Incident Based Reporting System  
 TICS----- Tennessee Instant Check System  
 TIES----- Tennessee Information Enforcement System  
 TNG -----Tennessee National Guard  
 TORIS ----- Tennessee Open Records Information Services  
 TRAP -----Tennessee Repository for the Apprehension of Persons  
 UCR ----- Uniform Crime Reporting  
 VICAP -----Violent Criminal Apprehension Program



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