

12/21/20

Investigator Calvin Rockholt
10th District Attorney General's Office

Dear Calvin,

Though I know I've sent some information over email prior to this, I wanted to ensure I'd provided you with the latest information regarding the missing surveillance cameras at the Athens Police Department. I apologize for the informal format of this letter, but my email at the Police Department can be viewed by personnel at City Hall, as can my work computer with my department letter head. Our reporting system is also vulnerable, as it can be viewed by any police officer. I will maintain copies of this letter and translate the information to the appropriate reporting systems once the investigation is no longer at risk.

The facts of the incident, thus far, are as follows:

On Thursday, November 19, 2020 I received information indicating that the camera in the Police Department evidence room was malfunctioning, and that it might take some time to remedy the situation (this turned out to be a false alarm). To address the issue, I approached Detective Blake Witt and asked that he use the Police Department's "Nest" cams to address the issue. The Department has a set of two wireless cameras. When I was last aware, one of them was mounted in the police department lobby, due to a man who had been threatening our clerk. We had placed it there to obtain video and audio evidence should he return. The other camera was locked in the Police Department "Sergeant's Closet", available for investigative use by our Detectives. The Sergeants' closet is located beside the exterior entrance to the Department. It's across from the "Sergeants' Desk", where the Watch Commander often works and where officers typically congregate to receive their initial shift assignments. This is a locked door area, and generally it is supervisors who have keys and access to it. It houses things such as the key rack for patrol cars, jump boxes, etc.

Detective Witt advised that he didn't have the cameras, as the City Manager had come and requested them some time ago. I then contacted the City Manager and asked for the cameras. I advised Detective Witt claimed that he'd turned them over to him. Mr. Sumner said that Detective Witt was wrong, and that he did not "take possession" of the cameras.

In following up with Police Department personnel, I found the following: Detective Witt said that Mr. Sumner came over and asked about the cameras. He told Mr. Sumner that one of them was in the closet and the other was being used in the lobby. Mr. Sumner told him that he would need the cameras, so Detective Witt took the lobby camera down and, several days later, gave the box and both cameras to the City Manager. Detective Witt also advised that he had written down the Department's camera account information and password on a piece of cardboard for him. I also spoke with LT Schultz, who supervises Det Witt. He advised that he distinctly remembered Det Witt advising him that Mr. Sumner was taking the cameras, and he remembered seeing Blake in the lobby with a ladder, taking that camera down. Capt Garren also claimed that he remembered Det Witt asking about the location of a ladder and explaining he needed to retrieve the camera at Mr. Sumner's request, but could not remember specifics.

Detective Witt tried to log into the Police Department's account for the Nest Cameras, in hopes of tracking them or otherwise gaining further information. We had hoped that we could see where they were pointed, or that the system would perhaps give us the IP address or GPS coordinates of our cameras. He said that the account seemed to no longer exist, and was likely deleted by someone who had the account information. I instructed Det Witt to attempt to obtain further information about the cameras' location, the fate of the PD Camera Account, or any other available information from Nest.

One or two days later, I called Finance Director Mike Keith and asked to speak with him in his office. I advised him what had transpired, and asked what I needed to do to appropriately report the missing property. He advised that, since the item was not of great enough value, it didn't have an asset number and the rule associated with such items wouldn't be in play. He suggested that I and the other involved officers write memos about what transpired and that he would attach these memos to the receipt and purchase paperwork when we purchased replacement cameras. He stated this would provide appropriate documentation of the loss of the property. When I exited Mr. Keith's office (the door was closed), Mr. Sumner was standing at one of the clerk's desks (who wasn't there), holding a paper. He and Department Heads do have to sign bills on a weekly basis, but I've never seen a Department Head or him do this on one of the clerks' desks. They typically stand somewhere outside the Finance Office (such as the exterior part of the customer window). Given that I've never seen him do this before, it led me to believe that he was likely doing so in order to listen to the conversation I had with Mr. Keith.

On Monday, November 23, 2020 I contacted and spoke with District Attorney General Steve Crump via phone. I advised him of what had transpired. I told him that I was only advising him as a "heads up" at this point, as we were attempting to obtain further information from Nest which could shed more light on the situation. He said that he would advise his investigator of the situation, and asked that I let him know when more information was available.

On November 30, 2020, I contacted General Crump and requested to meet with him about this matter. At 1:45 pm, I met with you and him in the conference room at your office in Bradley County. I advised the DA of the situation and that I had been unable to obtain any further info about the whereabouts of the cameras. I told him that Mr. Sumner claimed to not have taken possession of the cameras and Det Witt claimed to have turned them over to him. I also related the info that was later placed in my memo about the various ways that LT Schultz and Capt Garren were able (to one degree or another) to corroborate Det Witt's story.

I advised that I wasn't requesting an investigation, but felt that I had a moral obligation to advise the District Attorney General's Office of the situation. I asked that General Crump make a determination of what (if anything) to do, and that I would cooperate. He responded that he'd been thinking about how to handle the situation and was going to send a notice to the City saying that his office was reviewing the incident.

On 12/3/20, I emailed memos regarding the missing cameras to Finance Director Mike Keith. I also contacted General Crump on this date to let him know the memos were being sent over.

I purchased, at my own expense, a basic trail camera to place in the Sergeant's closet in case someone attempted to return the missing Nest cameras. I did this due to the fact that, under the City of Athens' current design and arrangement, it would be virtually impossible for the police department to

purchase new cameras without the City Manager knowing about it and I felt that secrecy was prudent to protect the integrity of any investigation. This trail camera arrived at my house on 12/1/20. I left for a State Chief's Conference on 12/2/20 and asked Detective Blake Witt to pick it up from my home and place it in the Sergeant's closet. He did so. This camera was placed on a high shelf, next to a cardboard box and various other items. In the end it was not feasible to hide the camera, so it was readily visible to anyone in the closet.

At a later time, Detective Witt received information from the Nest camera company in response to an inquiry he'd made about potential information regarding our camera account. Based on the limited information he'd been able to give, the company advised that they couldn't locate anything of value. I passed this information on to you when I received it.

I also checked through old emails on my city email account and found numerous alert emails from Nest. The camera system apparently sends out notifications to those listed on the account when the camera goes offline for any reason. There were numerous times that this happened with the camera in our lobby. The first email came on 7/31/19 and the last one came on 11/2/19. I was unable to find any other information to further narrow down the timeframe when the cameras actually went missing.

On Thursday, 12/17/20, City Manager Sumner came to my office. Prior to entering, I saw him walking around in the Police Department hallway. While in my office, he made a comment advising he'd seen that the new patrol cars were in and I offered to show them to him. He said he couldn't stay and left. The incident felt weird, unusual and different from visits he has made to the Department in the past. I contacted Detective Blake Witt and asked him to ensure that the Trail cam was functioning properly and had adequate storage space, as I was concerned, he may have been looking at the area around the Sergeant's closet. Det Witt checked the camera as I'd asked and placed it back into the closet. I also went into the closet to observe the location of the camera before I went home.

On the morning of Friday, 12/18/20 I decided to go into the Sergeant's closet and search to see if the missing cameras had been returned. I looked into a box on a higher shelf and saw that a Nest camera box was inside the cardboard box. This was not visible from the ground, but was visible without even touching the box if one was looking down onto it. This box, whose flaps were open so that the nest cam box was easily visible if one looked down from above it, was just to the left of the trail cam. I also noted that the box had a plastic bag on top of it. The plastic bag contained some sheetrock tape. It also partially contained a scraper/ trowel tool, also commonly used in sheetrock work. These items were on top of the open cardboard box that contained the nest cams, as was a smaller, empty cardboard box. The smaller box was on its side. I also noticed that a plastic bag (similar to the one containing the sheetrock tape) was located several shelves lower. This bag contained a patch kit used for sheetrock work. I found it odd that these items, which appeared to be similar and would have been stored together after their last use, were separate. I also found it odd that the empty, smaller cardboard box would have been tossed on top of the box containing the cameras, as it served no purpose. I took several photos of the scene before moving the box containing the cameras.

I then contacted LT Steven Thomas and asked him to accompany me while I secured the cameras and box. One of us contacted Det Witt. Det Witt advised he was certain he had searched the whole closet when the cameras first went missing. LT Thomas advised that he did not remember if he (LT Thomas) searched the closet at all, but recalled walking into the closet for that purpose. Det Witt

was already there and told him he'd already searched it. Det Witt also advised he was certain that he had turned the cameras over to the City Manager as he advised earlier. He stated that he specifically remembered handing them to him while standing next to the corner of the Sergeant's desk. He also remembered pointing out (to the City Manager) that he'd written the Department's Account info and passcode on a piece of cardboard that he put with the camera box.

Given Det Witt's certainty, I cursorily viewed the camera shots from the Trail Cam. I looked rather quickly to see if any shots had been taken of someone holding the Nest Camera box, but did not find any. I also did not observe any photos of the City Manager in the trail cam photos. In addition to searching the Trail Cam photos, I asked LT Thomas to search Department body cam footage for any shots of the inside of the Sergeant's Closet (we were trying to determine whether the cardboard box containing the cameras had been in there prior to the placement of the trail cam). He was eventually able to locate a poor-quality shot from our old body camera system that showed the cardboard box the Nest cams were found in (which had a distinctive paint mark) was in the closet in June 2020. Unfortunately, the shot did not show much of the surrounding areas, so we couldn't see if other items had been moved around.

After my cursory check of the trail cam photos, I began to unpack the items from the box. Wearing gloves, I spread the various items out on the small conference table in my office. I took photos of the items as I removed them from the box, in order to preserve the location of each item for future reference. My office door was closed (but not locked). As I had all of these items spread out, City Manager Seth Sumner tapped on my office door and immediately swung open the door, barging into the office. I immediately approached him and gestured for him to leave as I walked toward him. In the hallway, I told him that I was in the middle of something. He handed me a package that he said was a Christmas gift and told me it needed to be refrigerated. I thanked him for the gift and then I excused myself and went back into the office. I found this to be extremely unusual, as I am not accustomed to him or any other person coming into my office when they don't know if I am even there. He has never done this before.

I contacted you (DA Investigator Rockholt) and advised you of the development. Later that day, I spoke on the phone with DA General Steve Crump and also advised him of the developments. General Crump advised that he was okay with my Department (Det Witt) processing the items for fingerprints and any other potential evidence. He also advised that it was permissible for APD to submit an updated subpoena, attempting to obtain any information that Nest might have about the cameras' last location. (Although one was submitted when the cameras were first discovered missing, no info could be found because we had no way of determining the specific serial numbers for either of the cameras). I advised him that any and all results found from either of these endeavors would be immediately turned over to you as soon as it became available. As we now had numbers from the packaging and camera available, it may be possible to obtain camera footage or locations from the Nest camera company. I packaged all of the items into a bag, which I sealed with evidence tape and marked with my initials/ date. These were placed into a locked closet in my office. I also placed the trail cam on my file cabinet, facing my "main" office door that goes into the Police Department's hallway. The camera was placed so that no one would be able to get near the closet door without triggering the camera.

It should be noted that there was only ONE (1) camera in the box when I located it in the Sergeants' Closet. As I noted earlier, this was a two pack of cameras. This was clearly identified on the box as well. As such, there is still one camera missing at the time of this report.

On Saturday, 12/19/20, I came to my office to check on the evidence that was stored in my locked office closet. The door to the office closet was still locked, and the evidence was still inside the sealed bag with the seal intact. However, I noticed that the secondary entrance to my office was closed, but unlocked. While I could be mistaken, I was fairly certain that I had locked this door in addition to the numerous other security measures I'd taken to secure the evidence. As such, I chose to check the camera footage.

The footage, unfortunately, did not show anyone entering my office. The camera was not pointed toward the secondary entrance, so it is possible that someone would have entered the secondary entrance, seen the camera, and then left.

The dates on the camera are not set properly. However, I was able to approximate the dates each photo was taken by comparing them to a photo or video of which the actual time was known.

While checking the camera photos, I also chose to examine all of the other photos that I'd cursorily reviewed on Friday. This time, I noticed something unusual. On what should be approximately 12/5/20 at approximately 1 in the morning, Corporal Casey Patterson walks into the Sergeants' Closet. While it is most common for individuals to do something with the car key rack on the far wall, Corporal Patterson appears to be looking (or fidgeting with) something on a mid-level rack to the right of the trail cam. He is standing close to the trail cam at this point. (It should be noted that Corporal Patterson has been working night-shift during this time frame. He is typically the senior officer (supervisor) on duty, and the department is frequently vacant on night shift). The next photo is taken by the camera approximately 17 minutes later. Corporal Patterson is standing in the same place, looking in the same area. Approximately 21 seconds later, the camera takes another photo that appears to show a hand grabbing the camera. What appears to be a long sleeve of a uniform (like that CPL Patterson was wearing) is visible. There are then no photos visible for approximately 56 minutes. The next photo the camera takes appears to be of the edge of the box next to the camera (as if someone just re-activated the camera and put it back in place, or perhaps was moving the box next to the cameras, in which the Nest cam was later found). Given the location of the camera, no one should be able to enter the room and touch it without first having their photo taken (if it was on). Therefore, it appears that CPL Patterson entered the room and acted as if he were looking at items on the shelf very near the camera. He returned a short time later, grabbed the camera, turned it off, and then turned it back on approximately 56 minutes later. There are no further photos for approximately 3 days, until someone seems to walk close enough to trigger the camera with the top of their head. As such, it seems very likely that Corporal Patterson deactivated the camera, put the Nest Cam box back into the Sergeant's closet, and then reactivated the camera.

It should also be noted that Corporal Patterson was the supervisor on duty on Friday night/ Saturday morning, when someone possibly attempted to enter my office through the secondary door.

I contacted DET Witt and asked him to respond to the Police Department. He made a disk copy of all the trail cam photos for me. I told him to keep the information we'd just witnessed confidential while the DA continued investigating. I also called General Crump and informed him of the

development. He said that he'd ask you to call me Monday (12/21/20) morning, so that I could arrange to meet with you and discuss these developments. I also explained that we'd made arrangements to process the evidence and would turn any acquired info to you immediately.

DET Witt and LT Steven Thomas retrieved the evidence from me on Mon, 12/21/20 and processed it in the Athens Police Department's crime lab. LT Thomas was present to avoid any accusations of evidence being mishandled.

On the morning of 12/21/20, I met with LT Steven Thomas and Detective Witt to update LT Thomas on what I'd observed in the trail cam photos on 12/19/20. He advised that he recalled, at some point, that Corporal Regus Nichols approached him and advised the Trail Cam in the Sergeants' Closet was turned and likely not recording. LT Thomas said that he then went into the closet and found the camera turned "to the left" (toward the box). This is consistent with the last photo the camera took on the night it captured Corporal Patterson in the closet. It should be noted that the camera did not take any photos for approximately three days after this. The very next photo it did take was of a grey head of hair, which I recognize as LT Thomas' head. This means that the photos taken by the camera are consistent with LT Thomas' account of adjusting the cam after Corporal Nichols reported it was askew. It should also be noted that LT Thomas has not seen the photo of his head and advised me of this incident before I told him that the camera had gone three days without taking any photos.

I have included a copy of all the trail cam footage (as of 12/19/20) on a disk.

Most Respectfully,


Clifton D. Couch

Chief of Police

Athens, TN