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State law enforcement not taking notes in internal investigations

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Internal investigations by the Tennessee Highway Patrol and the Department of Safety have been conducted without taking notes or using other methods of documentation, according to a newspaper report.

Interim Safety Commissioner Gerald Nicely has ordered five investigations redone after The Tennessean questioned him last week about the undocumented investigations that have been conducted since he took the post in December.

"I had a meeting yesterday with everybody involved, and letting them know I'm unhappy about these things continuing to happen," Nicely told The Tennessean on Thursday.

"To some extent, you've got to understand the kind of pressure these people have been under the last several weeks or months. Nobody has ever accused me of being light-footed in terms of discipline. But in terms of continuing to pound at those people, I really do believe this was a legitimate, honest mistake."

Gov. Phil Bredesen temporarily moved Nicely to the Safety Department, which oversees the Highway Patrol, after a series of scandals that included troopers with criminal backgrounds, allegations of ticket-fixing and widespread complaints of political favoritism.

Records reviewed by The Tennessean last year showed that two-thirds of Highway Patrol promotions went to officers who gave money to Bredesen's campaign or had family members or political patrons who did. Current and retired troopers have said politics has permeated the agency for decades.

One of the investigations that the Highway Patrol was conducting this month without any note-taking or tape recordings involved troopers assigned to protect the governor and his family.

In that case, Trooper Todd Pitts, the son of former THP commander Lynn Pitts and a member of the governor's security staff, has complained that the bodyguard for first lady Andrea Conte is creating a hostile work environment by receiving preferential treatment.

On Wednesday, the department said that no notes or recordings had been taken during the investigation and the commissioner ordered that the investigation be done over, with witnesses re-interviewed and notes and other documentation created.

Nicely also ordered four other internal investigations be reinvestigated and documented but said none of the investigators responsible for the undocumented cases will face disciplinary action.

The agency, however, does not have plans to reinvestigate the case of Archie Story, a trooper from Jackson who claimed he was retaliated against by his captain for refusing to fix a speeding ticket or alter a crash report.

Department of Safety officials say Story is being reprimanded for not responding properly to two incidents that occurred two days apart in late November.

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"The reason is it's a dismissal situation," Nicely told The Tennessean. "You've already covered it. I didn't want to go back and do that one."

The lack of documentation follows Bredeesen's announcement in August that all harassment investigations would be handled the same way for all state workers, and that documents could no longer be shredded.

In a review last year of 602 workplace harassment case files across all levels of state government, the AP reported that documents were shredded only in high-profile cases.

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