



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF SAFETY

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THP TERMINATES LIEUTENANT RONNIE SHIRLEY FOLLOWING PROBE *DUE PROCESS LETTER OF TERMINATION SERVED*

Nashville, Tennessee --- Today, the Department of Safety served Lieutenant Ronnie Shirley with a “minimum due process letter for termination” surrounding the on-going investigation into Shirley’s alleged unauthorized access to the Integrated Criminal Justice Web Portal (ICJWP).

“I recommended to Commissioner Dave Mitchell that Lieutenant Shirley be terminated for gross misconduct and violating the public’s trust as a Tennessee State Trooper,” stated Colonel Mike Walker. “The recommendation to terminate was based upon evidence developed during an investigation conducted by the Department of Safety’s Office of Professional Responsibility (OPR) and the Criminal Investigation Division (CID). Lt. Shirley’s conduct and actions relative to this investigation are unacceptable for a Tennessee State Trooper. This type of behavior overshadows the majority of Troopers who are true professionals, dedicated to protecting the citizens of Tennessee with respect to their civil liberties.”

On July 2, 2008, Commissioner Mitchell referred the investigation to the THP Criminal Investigation Division (CID) as the lead agency, after information of Lt. Shirley’s possible violation of the ICJWP access agreement was first discovered in the OPR investigation. Expert assistance was also requested of the TBI to conduct forensic searches of all state computers available to Lt. Shirley and for the FBI to conduct a complete and thorough search of the FBI’s National Crime Information Center database located in West Virginia. In addition, Commissioner Mitchell contacted the Davidson County District Attorney’s Office and the United States Attorney’s Office to present the initial facts surrounding Lt. Shirley’s investigation to ensure that this investigation was appropriately reviewed for all potential criminal violations.

“The investigation determined there was no political motive behind the actions of Lt. Shirley nor was he acting at the direction of any other individual,” stressed Department of Safety Commissioner Dave Mitchell. “No politicians or known elected public officials were among the individuals checked. There is no evidence whatsoever of any political motivation behind the unauthorized checks conducted by Lieutenant Shirley.”

THP Colonel Mike Walker and Safety Commissioner Dave Mitchell made the announcement during a news conference this morning at Safety Department Headquarters. The announcement follows an investigation by

OPR initiated in June of this year after it was discovered that Lt. Shirley queried information from the ICJWP portal on a member of the Department of Safety. At the conclusion of this on-going criminal investigation by CID, the Department of Safety will request a prosecutorial opinion from both state and federal prosecutors.

The CID investigation has determined that 182 individual names were accessed through the ICJWP portal from October 19, 2006, when Lt. Shirley first accessed the portal, to July 3, 2008, when his access was terminated. These inquiries included access of the Tennessee Department of Safety's Driver License records, the Tennessee Department of Revenue's Title and Registration records, the Tennessee Department of Correction's Tennessee Offender Management Information System (TOMIS) and the Tennessee Bureau of Investigation's Sexual Offender Register.

To date, 139 individuals have been interviewed. 132 of these individuals stated they did not authorize, request, or consent to Lt. Shirley accessing their records, and only seven of these individuals requested Lt. Shirley access their information. 43 individuals have not been interviewed, and seven of them were determined to be deceased. The investigation has determined that Lt. Shirley engaged in criminal activity in violation of T.C.A. 39-14-602, *Unlawful Access of a Computer*, by his unauthorized access of these records. The majority of Lt. Shirley's queries were to view photos and driver license records of citizens that are protected by the Federal Driver Privacy Protection Act (DPPA). Certain data queried is federally protected. All queries of this nature must be for legitimate law enforcement purposes. Lt. Shirley did not have a legitimate law enforcement purpose to check the records of these 132 individuals.

The timeline of the investigation to date is as follows:

- On June 6, 2008, the Information Technology Division contacted OPR regarding an employee's driver license information being accessed through the ICJWP portal. OPR instructed the IT Division to determine who accessed the employee's information.
- On June 12, 2008, the Information Technology Division informed OPR that the employee's driver license information had been accessed by Lt. Shirley.
- On June 16, 2008, OPR investigators interviewed Lt. Shirley.
- On June 24, 2008, OPR received additional documentation from the IT Division that Lt. Shirley had accessed a significant number of individuals' records.
- On July 2, 2008, Commissioner Mitchell referred the investigation to the THP Criminal Investigation Division (CID), after information of Lt. Shirley's possible violation of the ICJWP access agreement was first discovered in the OPR investigation. CID requested a complete history from ICJWP of all queries made by Lt. Shirley.
- On July 3, 2008, Lt. Shirley's access to the ICJWP portal was suspended. CID investigators receive requested information from the ICJWP portal and begin the time-consuming manual process of categorizing, tabulating, and then sorting the database information into a spreadsheet to accurately identify the names of the individuals Lt. Shirley accessed.

- On July 23, 2008, CID requests the IP addresses used by Lt. Shirley from the IT Division.
- On August 7, 2008, CID interviewed Lt. Shirley.
- On August 18, 2008, Commissioner Mitchell asked the Tennessee Bureau of Investigation to conduct off-line searches to determine if Lt. Shirley made unauthorized criminal history checks using the National Crime Information Center (NCIC). The Federal Bureau of Investigation (FBI) has provided an initial report to the TBI that Lt. Shirley did not conduct any unauthorized criminal background checks through the NCIC database.
- On August 19, 2008, Lt. Shirley was placed on administrative leave with pay pending the on-going investigation.
- On August 22, 2008, Commissioner Mitchell asked the TBI to conduct forensic examinations on the state-issued computers and other electronics Lt. Shirley had access to. The TBI is continuing a forensic search of the state computers Lt. Shirley accessed.
- On August 27, 2008, CID investigators presented initial findings surrounding the investigation of Lt. Shirley to the Davidson County District Attorney's Office. Assistant DA James Sledge continues to advise the Department of Safety that the list of 182 individuals in this investigation can not be released. This remains a pending criminal investigation.
- This morning, an initial investigative report was provided to the District Attorney's Office in Davidson County and the United States Attorney's Office, Middle District of Tennessee, for review.

“Actions of this nature will not be tolerated by members of the Department of Safety,” emphasized Commissioner Mitchell. “Since Governor Bredesen appointed me as Commissioner 20 months ago, the Department of Safety has made significant changes in the investigation of serious misconduct and criminal activity and that has not and will not change.”

The Office of Professional Responsibility (OPR) was established in March 2007 and the Criminal Investigation Division (CID) was reorganized in September 2007. Since then, twelve State Troopers have been terminated and three Troopers resigned in lieu of termination.

Pursuant to Department of Personnel rules and regulations, Lieutenant Shirley is entitled to due process.

The Tennessee Department of Safety's mission is (www.tennessee.gov/safety) to ensure the safety and general welfare of the public. The department encompasses the Tennessee Highway Patrol, Office of Homeland Security and Driver License Services. General areas of responsibility include law enforcement, safety education, motorist services and terrorism prevention.

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