

1.16, Internal Affairs Investigations

Application: To All Department of Children's Services (DCS) Employees.

Authority: TCA 8-30-316 (c), 10-7-504 (a)(8), 37-5-106, 37-5-511: Rules of the Tennessee Bureau of Investigations, Chapter 1395-1-1.07

Standards: COA RPM 2

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Glossary:

♦ Investigative Inquiry

- A review of the facts associated with an event or a situation to determine whether a full-scale investigation is warranted, consultation or technical assistance is needed, or referral to responsible managers for administrative action is appropriate.

Policy Statement:

All investigative activities of the Internal Affairs Division (IAD) shall be limited to matters relating to the management and operation of DCS as authorized by the Commissioner of the Department of Children's Services (DCS) or designee. All practices and the information obtained shall be classified as **CONFIDENTIAL** according to [Tenn. Code Ann. § 10-7-504 \(a\)\(8\)](#) and shall be handled accordingly.

Purpose:

The purpose of this policy is to define the functions of an Internal Affairs Investigation.

Procedures:

A. Investigations and Investigative Inquiries

1. **REQUESTING AN INVESTIGATION:** Anyone may request a DCS Internal Affairs Division Investigation of a DCS employee. DCS employees may make requests via the DCS intranet at: <https://www.teamtn.gov/dcs/quick-links/internal-affairs-referral.html>. Additionally, requests may also be submitted by e-mail to the Internal Affairs Supervisor at EI_DCS.internalaffairs@tn.gov.
2. **AUTHORIZING AN INVESTIGATION:** The IAD Supervisor, on behalf of the

Commissioner, determines when and if an investigative inquiry is appropriate. Only the IAD Supervisor, their chain of command, or the Commissioner can authorize, deny, or terminate an IA investigation. See the [Protocol for Internal Affairs](#) for the procedures to be followed by Internal Affairs investigators.

3. Internal Affairs investigations are to remain private and confidential. Prior to completion of an investigation, IAD Leadership, or their specific designee, may brief others regarding an investigation when deemed necessary to further the investigation or for the good of the service.
4. Any violation of state or federal law, state or departmental policy, rule, practice, protocols, or relevant employee guide may initiate an IA investigation.
5. **ACCESS:** IA investigators are granted access to any records, documents and/or personnel deemed by the investigator to be pertinent to the successful completion of the authorized investigation. The region, facility, or agency will provide a private location to conduct interviews and/or review documentation. All aspects of the investigation must be treated as **CONFIDENTIAL**.
6. **INTERVIEWS:** DCS employees are required to fully participate in any IAD investigation.
 - a) IAD investigations are administrative in nature, not criminal; therefore staff are not allowed representation by an attorney or TSEA representative. Staff are required to be truthful and fully participate in the interview.
 - b) Any DCS employee who willfully refuses or fails to appear before the investigator may forfeit his/her position and may not be eligible for appointment to any position in state service ([Tenn. Code Ann. § 8-30-316 \(c\)](#)).
 - c) Every effort is made to conduct interviews in a private location that protects the integrity of the investigation and interviewee. Investigators shall record all interviews.
 - d) Every effort is made to schedule interviews at a time and place, at the discretion of the IAD investigator, that is reasonable and practical to the efficient completion of the investigation. Employees scheduled for an interview shall report to the designated place in a timely manner.

B. Results of Investigations and Reports

1. Internal Affairs investigations are to remain private and confidential. NO employee, Director, Supervisor, or management representative is allowed knowledge of the details of the investigation at any time unless specifically authorized herein by IAD Leadership, Assistant Commissioner of Continuous Quality Improvement, or the Commissioner.
2. The following individuals are authorized to have detailed knowledge of completed

Internal Affairs investigations:

- ◆ DCS Commissioner
 - ◆ DCS Chief of Staff
 - ◆ DCS Legal Counsel or designee
 - ◆ Assistant Commissioner of the Office of Continuous Quality Improvement
 - ◆ Any Deputy or Assistant Commissioners responsible for the chain of command within which the investigated employee reports
 - ◆ Executive Director of Human Resources or their designee.
 - ◆ IAD Staff
3. The DCS Commissioner shall have sole discretion to grant authorization of detailed knowledge to any person(s) deemed necessary.
 4. Investigative reports, attachments, case notes, etc., are classified as **CONFIDENTIAL** documents and will not be open to inspection by members of the public.
 5. A DCS employee, however, is allowed to inspect such investigative records/reports if the records/reports form the basis of an adverse action against the employee ([Tenn. Code Ann. § 10-7-504 \(a\)\(8\)](#)). The employee must submit a written request for inspection to the IAD Supervisor. After the IAD Supervisor informs the investigator of the need for a record's inspection, the investigator contacts the employee and sets up a time and place for the review. IA investigators will not provide copies of records/reports to anyone without first coordinating with either IAD Leadership or and DCS Legal. Such coordination is obtained via e-mail, and a copy of the e-mail is placed in the case file.
 6. The IAD Supervisor should be informed when disciplinary action occurs during an on-going investigation of that employee, whether that action is related to the specific allegations under investigation. Additionally, if management agrees to accept a resignation from an employee who is under an active IAD investigation, the resignation must indicate the employee is ineligible for re-hire within DCS.

C. Searches and Seizures

Searches and seizure of items on state property, as part of an IA investigation, may not require the person's consent. Before conducting these searches, the investigator shall coordinate with the IAD Supervisor or Assistant Commissioner of Continuous Quality Improvement. The IAD Supervisor may at their discretion escalate the request to DCS legal and involve local law enforcement as necessary and appropriate.

Forms:

<https://www.teamtn.gov/dcs/quick-links/internal-affairs-referral.html>

Collateral Documents:

[*Protocol for Internal Affairs*](#)