

# TENNESSEE BUREAU OF INVESTIGATION

## Forensic Services Division



### Quality Assurance Manual Impartiality and Confidentiality

## 4 General Requirements

### 4.1 Impartiality

**4.1.1** All TBI-FSD activities will be conducted in an impartial manner. This policy applies to testing/calibration activities in the lab and in the field as well as testimonies performed by laboratory personnel.

**4.1.2** TBI-FSD management is committed to the development of impartial laboratory personnel and strives to maintain an impartial environment for all laboratory activities.

**4.1.3** TBI-FSD management will ensure all personnel are free from any undue pressures and influences with the potential to negatively influence the quality of their work (TBI Policy and Procedures). All TBI-FSD personnel are responsible for assuring the integrity of the examination process.

**4.1.3.1** In order to ensure all laboratory activities are conducted in an impartial manner and to help further the ethical development of laboratory personnel, the laboratory management will require the annual review of the 'Guiding Principles of Professional Responsibility for Forensic Service Providers and Forensic Personnel'. The annual review will be documented in the electronic training record.

**4.1.4** The TBI Assistant Director of Forensic Services is in charge of the TBI Forensic Services Division and reports directly to the Deputy Director of the TBI. This ensures independent and impartial activities of the TBI Forensic Services Division from the other divisions of the TBI. If TBI-FSD personnel encounter situations causing them undue pressure and/or adversely affecting the quality of their work, they will inform the appropriate manager.

- Laboratory management will continually monitor laboratory activities/personnel and take necessary measures when the potential for unethical practices exists. This includes, but is not limited to, the lack of impartial and objective testing/calibration activities.

**4.1.5** Laboratory management will monitor possible risks which may impede the impartiality of laboratory personnel.

### 4.2 Confidentiality

**4.2.1** TBI-FSD policies and practices are in place to protect the confidential information of all agencies. These policies and practices include guidance for protecting the electronic storage and transmission of *TBI Official Reports* and Calibration Certificates.

**TENNESSEE BUREAU OF INVESTIGATION**  
*Forensic Services Division*

---



Quality Assurance Manual  
Impartiality and Confidentiality

---

**4.2.2** TBI-FSD case files and calibration records are confidential pursuant to applicable State law(s) and cannot be released without valid court order or subpoena from a court of record.

**Exception:** Applicable State law(s) allows subjects charged with the following offenses Vehicular Assault, Vehicular Homicide, Aggravated Vehicular Assault, Aggravated Vehicular Homicide, and Driving Under the Influence to obtain a copy of their Blood Alcohol/Toxicology report(s). They must make a request in writing and providing two forms of identification.

If any legal obligation requires the release of confidential information, the submitting agency and corresponding District Attorney's office should be informed prior to the release.

In the event the TBI Crime Laboratory is contacted directly by an independent forensic expert seeking FSD case file information, whether in the form of physical documents or otherwise, they shall be referred to the applicable District Attorney General's Office.

Any questions concerning the release of TBI Files or related information should be directed to the TBI Professional Standards Unit.

**4.2.3** If agency information is provided to the laboratory by a third party, the information and the identity of the third party will be held as confidential unless explicitly agreed upon by all parties involved and pursuant to any applicable State law(s).

**4.2.4** All laboratory personnel or any person(s) acting on the laboratories behalf, including but not limited to subcontractors, will adhere to all policies regarding customer confidentiality.