



# **TENNESSEE BUREAU OF INVESTIGATION**

## *Forensic Services Division*

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### Quality Assurance Manual

### Process Requirements-Complaints

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## **7 Process Requirements**

### **7.9 Complaints**

**7.9.1** A complaint as it applies to this policy will be defined as any concern about the quality system brought to the attention of laboratory management by a customer or laboratory personnel. The TBI-FSD views the receipt of complaints as a way to improve its quality system and customer service. Therefore, each complaint is taken seriously and investigated thoroughly.

**7.9.2** This policy is available to any party wishing to file a complaint. Upon receipt of a complaint, applicable management personnel will confirm the complaint relates to TBI Laboratory activities. If so, the complaint will be handled as outlined below. Applicable management personnel will be responsible for decisions made handling the complaint.

**7.9.3** The following outlines the process for handling complaints:

- a) Complaints concerning the quality system can be submitted to the Quality Assurance Manager by any laboratory employee using the Complaint Form. If the complaint concerns the Quality Assurance Manager, the Complaint Form should be submitted to the appropriate Regional Administrator or designee;
- b) The complaint will be investigated to determine its validity and the outcome documented;
- c) For those complaints deemed valid, the Quality Assurance Manager will initiate actions to resolve the issue. If necessary, corrective action procedures will be implemented;
- d) Communication concerning the outcome of the complaint investigation and resulting actions will be sent to all parties, including the complainant;
- e) Records will be maintained by the Quality Assurance Manager.

**7.9.4** The Quality Assurance Manager may designate managers from the applicable regional lab to conduct the investigation and verify the validity of the complaint;

**7.9.5** The Quality Assurance Manager will acknowledge receipt of the complaint and may provide the complainant with progress reports of the complaint investigation. All communications regarding the complaint will be maintained by the Quality Assurance Manager.

**7.9.6** Actions taken as an outcome of the complaint will be reviewed and approved by appropriate members of the management team;

**7.9.7** If possible, notice may be given to the complainant regarding the outcome of the complaint investigation.



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---

#### **7.9.8 External Investigations: Processing of Complaints and Allegations of Policy Violation**

**7.9.8.1** Upon completion of initial review of complaints and/or allegations of policy violation, if the complaint is found to constitute “serious negligence or misconduct substantially affecting the integrity of forensic results” then it should be referred to the appropriate government entity for external investigation as stated below.

**7.9.8.2** All negligence and misconduct known or suspected by any employee should be reported immediately to the appropriate SAC/ASAC/Supervisor. It shall be the responsibility of the SAC/ASAC/Supervisor taking the complaint to notify their respective Division Manager that negligence and/or misconduct has been reported. The Division Manager shall notify the Assistant Director of Administrative Services. The Assistant Director of Administrative Services will notify the Director.

**7.9.8.3** As required by the Paul Coverdell Forensic Science Improvement Grants Program:

- Complaints of serious negligence or misconduct substantially affecting the integrity of forensic results committed by a TBI employee or contractor shall be referred to the appropriate government entity for an independent, external investigation.
- The Director of the TBI has ultimate responsibility and discretion when there is a question as to whether the allegation is “serious negligence or misconduct substantially affecting the integrity of forensic results” and should be referred for external investigation;
- Oversight responsibility for ensuring proper referral of applicable complaints and allegations made against employees or contractors of the TBI shall rest on the Assistant Director of Administrative Services and the Professional Standards Unit (PSU);
- TBI identifies the following entities with an appropriate process in place to conduct independent external investigations: Tennessee Office of Criminal Justice Programs, Tennessee Comptroller of the Treasury, and the District Attorney General 20<sup>th</sup> Judicial District;
- Allegations rising to the level of serious negligence or misconduct substantially affecting the integrity of forensic results will be reported to the Office of Criminal Justice Programs in accordance with the State of Tennessee, Paul Coverdell Forensic Science Improvement Grant Program, Allegations of Serious Negligence or Misconduct Policy.

The report document should include the following:

1. Agency name;
2. Name and title of individual preparing the report;
3. Date the report was prepared;
4. Date of the negligence/misconduct;

**TENNESSEE BUREAU OF INVESTIGATION**  
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Quality Assurance Manual  
Process Requirements-Complaints

---

5. Name and phone number of witness/witnesses;
6. Name of employee/contractor suspected of negligence/misconduct;
7. Circumstances involved

**7.9.8.4** Allegations rising to the level of serious negligence or misconduct substantially affecting the integrity of forensic results will be reported to the appropriate accrediting or certifying body from which accreditation has been obtained.

**7.9.8.5** TBI will maintain a written record of all suspected cases of negligence and/or misconduct. The written record of an incident should contain case notes, a formal report, a police report (if applicable), any email reporting the incident to a higher authority or to an investigating authority, and any other pertinent back up documentation.