



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 107.02

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Effective Date: October 15, 2008

Distribution: A

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Approved by: George M. Little

Subject: INTERNAL AFFAIRS OPERATIONAL PROCEDURES

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-604, TCA 4-3-606, TCA10-7-504, and TCA 4-3-609.
- II. PURPOSE: To establish standardized procedures to request, approve, and govern the actions; reporting procedures; and authority of the Tennessee Department of Correction (TDOC) Internal Affairs (IA) functions.
- III. APPLICATION: All TDOC employees and employees of privately managed institutions.
- IV. DEFINITIONS:
 - A. Automatic Jurisdiction: Term used to denote incidents or allegations which may call for immediate Internal Affairs response, or for automatic investigative action. Commissioner authorization for incidents and/or allegations of this nature is both implied and understood without written authorization. Prompt notification shall be made to the Commissioner by the Director of Internal Affairs.
 - B. Employee: All fulltime, part time, permanent, temporary, probationary, contract employees, volunteers, and employees of privately or publicly managed institutions and programs that operate under the policies, rules, and regulations of the TDOC.
 - C. Primary Investigation: An informal information gathering process, which may be authorized by the Director or Special Agent in Charge (SAC).
 - D. Subject Investigation: A formal fact-finding procedure and systematic approach for the collection, identification, analysis and collation of evidence. Subject Investigations shall be authorized by the Commissioner or his designee.
- V. POLICY: All subject investigations conducted by Internal Affairs shall be specifically authorized by the Commissioner or his designee and conducted according to established guidelines. Primary investigations may be initiated upon authorization of the Director of IA or SAC. Investigations should be accomplished with the continuing advisement and consultation of the Legal Services Division and shall only be considered as official and complete after having been reviewed and approved by the Commissioner.
- VI. PROCEDURES:
 - A. Investigations shall be conducted as established in Policy #107.01. Requests for investigation may be initiated by any citizen, TDOC employee, or inmate. If sufficient evidence exists to establish reasonable suspicion that there is merit to the allegation an investigation may be conducted. Requests for investigation should be submitted in writing to either the Commissioner or the Director of Internal Affairs.

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- B. The Director of Internal Affairs shall have the authority to initiate investigations without written authorization in matters of "automatic jurisdiction". Once initiated, prompt notification will be made to the Commissioner by the Director of IA. Automatic jurisdiction shall be maintained in the following incidents or allegations:
1. Unattended death
 2. Escape
 3. Court ordered executions
 4. Rape or Prison Rape Elimination Act (PREA) related allegations
 5. Hostage situation
 6. Discharge of a firearm (injury involved)
 7. Illegal drugs or narcotics introduction
- C. Wardens shall submit requests for investigative assistance by submitting the information on Request for Investigative Assistance, CR-3639, to the Assistant Commissioner of Operations who will review and make recommendations to the Commissioner as to a course of action. Requests may also be initiated based on verbal information when a written request is not feasible. The information should clearly identify the issues or allegations involved. Information received from an anonymous source shall be evaluated for validity and its potential for investigation. Once approved the CR-3639 shall become a permanent part of the investigative case file.
- D. Investigations, once authorized, will be conducted in a timely and efficient manner.
1. A primary investigation should be completed in a period of 10-15 days. Upon completion, an appropriate report shall be submitted on the IA Computer Database program to the Director for review and appropriate action. Any information which could have an administrative impact on the facility shall be shared with the respective Warden. No portions of IA files will be permanently maintained at the facilities.
 2. Once initiated, a subject investigation should be completed within a period of 45-60 days. Once completed, a report will be prepared utilizing the IA computer database summarizing the results of the investigation to include the agent's conclusions. In all administrative cases the affected Warden shall be fully briefed on the information obtained and upon approval of the case file by the Commissioner, the agent shall provide the Warden the entire file for review as appropriate. In those cases where additional time may be required to complete an investigation and report, a reasonable extension may be granted upon written approval by the Director of IA.
- E. Special agent reports (SARs) will be completed for each investigation conducted upon the completion of the investigation.
1. SARs shall be prepared in accordance to the format specified by the Director of IA.
 2. The SARs and evidence gathered to prepare the SARs shall be handled in a confidential manner.

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3. SARs shall be submitted to the approving authority within 10 working days of the close of the investigation.
4. The Commissioner must approve all reports before they are considered complete.
5. The Director of IA shall maintain the original SARs after approval, in the IA archive.
6. SARs that are mailed should be sealed in a separate envelope marked confidential and addressed to the intended recipient. The envelope in which the sealed confidential envelope is mailed should be addressed normally and not marked confidential.
7. Upon approval of the SAR by the Commissioner, the Warden of the affected institution will be promptly notified and the case file made available for his/her review.

F. SARs shall remain confidential and will only be disclosed to those authorized.

1. No one shall be permitted to remove or copy SARs or documents, except as designated by the Tennessee Code Annotated. Former IA agents or Wardens who need to review investigative files for court actions or other official reasons will coordinate such activities with the Director of IA. Every attempt will be made to facilitate information sharing with Wardens in administrative matters.
2. The Commissioner, Director of IA and/or Special Agents shall provide copies of files to the prosecuting attorney and/or department legal staff as requested. The requesting office will sign for custody and control of the file, shall make no copies unless appropriately documented and shall protect the file until its return to the IA file depository.
3. The Commissioner is the approving authority for the release of investigative files outside the Department subject to review by TDOC General Counsel.

G. Additional assistance from the IA Unit may be requested at any time by contacting the Director of IA or SAC.

H. Upon request, all employees shall fully cooperate with IA agents conducting an authorized investigation, including but not limited to participating in interviews and providing truthful testimony. Failure to do so will constitute insubordination and shall result in disciplinary action, up to and including termination. Administrative Warning, CR-3640, shall be utilized by agents to document this action.

I. IA agent operation shall be governed by this policy and IA operational protocols approved by the Commissioner.

VII. ACA STANDARDS: None.

VIII. EXPIRATION DATE: October 15, 2011.