

# Organization

Book:	1 Organization
Chapter	V- Personnel Policies and Procedures
Subject	2- Complaints Against Emergency Services Personnel
Code	1-V-2
Revised	10/19/2003

## 2.01 Purpose

To provide policy, guidelines and procedures relative to investigation and management of complaints against Jersey Village Emergency Services Personnel.

## 2.02 Policy

- a. All complaints lodged against Jersey Village Emergency Services (JVES) personnel shall be received promptly and courteously.
- b. Complaints received from a citizen shall be referred to the Fire Chief.
- c. Complaints received by an Officer about another employee or member shall be investigated by the Officer or forwarded to the Fire Chief. If the Officer chooses to investigate the complaint the Officer shall complete an Internal Complaint Form and forward it to the Fire Chief.
- d. Information concerning all aspects of an investigation of a complaint against an employee or member shall be considered confidential and due respect for the rights and dignity of all parties concerned shall be afforded by those involved in the investigation process.
- e. Complaints against the Fire Chief/Fire Marshall shall be referred to the City Manager.

## 2.03 Authority

- a. The Fire Chief shall have the authority to conduct an internal investigation relative to complaints, which may have been filed against any employee or member of the department.
- b. The Fire Chief shall have the authority to designate an investigator, who will be selected from among the employees or members of the department, to conduct an internal investigation related to complaints against other employees or members.
- c. The Fire Chief shall have the authority to seek outside assistance in the investigation of any complaint.

## 2.04 Responsibility

- a. The Fire Chief is responsible for investigating complaints against JVES employees and members.

- b. All Officers are responsible for receiving complaints against another employee or member and initiating the investigation process.
- c. Any member who has been designated, as an investigator for the purpose of conducting an internal investigation shall endeavor to conduct said investigation in a professional manner, seeking to fairly and impartially determine the facts involved.

## **2.05 Complaint Status**

- a. Whenever a formal internal investigation is conducted, an investigative report (containing the particulars of the case) shall be prepared and forwarded directly to the Fire Chief.
- b. One or more of the following findings shall be included in each completed investigative report.
  - 1. Unfounded. The investigation indicates that the act or acts complained of did not occur or failed to involve JVES personnel.
  - 2. Exonerated. Acts reported did occur but were justified, lawful, and proper.
  - 3. Not Sustained. Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
  - 4. Sustained. The investigation discloses sufficient evidence to clearly prove the allegation(s) made in the complaint.
  - 5. Not Involved. Investigation establishes that the individual named in the complaint was not involved in the alleged incident.

## **2.06 Arrested Employee or Member**

- a. Whenever it becomes known that an employee or member of JVES has been arrested by a law enforcement agency, the Fire Chief shall be notified immediately.
- b. The Fire Chief, or his/her designee, shall make contact with the law enforcement agency involved and shall endeavor to obtain as much information as possible concerning the case.
- c. Whenever an employee or member of JVES is arrested in connection with alleged, on-duty criminal activities, the Fire Chief shall be immediately notified and a formal investigation may be initiated.

## **2.07 Criminal Allegations**

- a. Whenever a Police Report has been filed against a JVES employee or member, the Fire Chief shall be notified immediately and a formal investigation may be initiated.
- b. Whenever a complaint lodged against a JVES employee or member indicates a criminal act and there is sufficient corroborating evidence to the extent that an arrest of said employee or member seems likely, the Fire Chief shall be notified immediately.

## **2.08 Procedure**

Fortunately, complaints against employees and members are not very frequent. However, complaints against employees and members do occur and may originate from a variety of sources, including; local citizens, members of the general public who are not local residents, personnel from other departments, etc. Because of the trust placed on all employees and members by the public, complaints should and will receive prompt and efficient handling. The following illustrates the system used for handling complaints against JVES personnel:

- a. All complaints received from citizens shall be referred to the Fire Chief
- b. Non-supervisory employees or members receiving complaints against JVES employees or members from other employees or members shall refer the complaint to an Officer.
- c. The Officer shall determine as much information as possible concerning the complaint and attempt to resolve the complaint in a fair and equitable manner to the satisfaction of all parties.
- d. The Officer shall complete an Internal Complaint Form and forward it to the Fire Chief as soon as possible.
- e. When the Fire Chief becomes involved, he/she may decide (based on the facts) to handle the investigation or to delegate the investigation to another member.
- f. The investigator (either the Fire chief or his/her designee) shall conduct the investigation and shall contact the involved member(s) and question same as to the facts involved.
- g. At the conclusion of the investigation, the investigator will prepare a report and submit it directly to the Fire Chief. Said report will indicate the appropriate standard findings based on the conclusions drawn by the investigator. (See 2.05, Complaint Status)
- h. The Fire Chief will review the report. If the Fire Chief is not in agreement with the report, the investigator will be re-contacted and additional investigation may be warranted. If the Fire Chief is in agreement with the report, he/she shall initiate the appropriate actions to conclude the matter based on the findings within the report.
- i. If the report indicates a finding other than “sustained”, the involved employee or member and the complainant will be informed of the disposition of the matter; and a copy of the report will be placed in an administrative file for a period of not less than one (1) year.
- j. If the approved report indicates a finding, which sustains the allegations against the involved member, the Fire Chief shall make a decision as to whether or not immediate corrective action should be taken.
- k. If immediate action is indicated, the type of action shall be determined by the Fire Chief. Both the involved member(s) and the complainant will be informed of the disposition of the matter, and the formal disciplinary action will be activated. A record of the complaint and the action taken will become a part of the member’s permanent record.
- l. If necessary, the Fire Chief may decide to consult with city administrators or the city attorney before deciding the type of disciplinary action to take.

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## Internal Complaint Form

Date \_\_\_\_\_

Complainant \_\_\_\_\_

Witnesses \_\_\_\_\_

Allegations: \_\_\_\_\_

Findings \_\_\_\_\_

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Disposition \_\_\_\_\_

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Disciplinary Action \_\_\_\_\_

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Complainants Signature \_\_\_\_\_

Involved Members Signature \_\_\_\_\_