

Scotts Valley Fire Protection District	Policy: 903
Subject: Complaints and Complaint Investigation	DATED: January 12, 2005

Policy 903: Complaints and Complaint Investigation

Any employee or member of the public who believes that a member of the District has violated these policies, or the laws, ordinances, or orders governing the Scotts Valley Fire Protection District, may make a complaint to that member's supervising officer, or may make written charges against such member to the chief (Refer to Policy 803: Open Reporting). A complaint may be written or oral.

Complaints made to any member of the District alleging misconduct of District personnel will be treated with serious consideration. Any such complaint will be immediately made known to the ranking duty officer.

If received orally, the employee receiving the complaint shall document the complaint including date, time and details of what occurred. A detailed report is imperative. In such cases, the complainant shall cite the rule, law, ordinance, order or instruction violated, specify the date, time and place, and shall when possible, list the names and addresses of witnesses. Any attempt by employees at evasion of this witness duty of members is itself a subject for disciplinary action.

Complaints from citizens should be received to accomplish the following:

1. Screen to make sure that District personnel are involved. (i.e.: fire personnel from another agency, ambulance medic, police officer, etc.)
2. Ascertain if there is validity to the complaint as opposed to a lack of understanding of District procedures. If a misunderstanding, the complainant may be satisfied with an explanation of procedures and processes.

Investigation

Upon knowledge of a complaint or wrongdoing, District supervisors and management are obligated to thoroughly investigate any incident or allegation of wrongdoing by District personnel. Thorough and complete documentation of the investigation and related facts is paramount to a fair and objective investigation.

Investigations will be conducted discretely so as not to cast aspersions on complainants. There is no tolerance for retaliation, discrimination, or other related actions as a result of a complaint.

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The level of investigation will be determined by the following factors:

- o Type of allegation
- o Fairness and impartiality of staff investigation
- o Potential for conflict if allegation is against the fire chief or other chief officer
- o Need for outside/impartial investigation
- o Implications of criminal act
- o Exposure/risk to the District

Investigator(s)

Based on the above criteria, an investigator or investigation team will be appointed by the fire chief. The investigator/investigation team will be selected from those with an objective view removed from the incident. The investigator/team members must be able to document facts and have the ability to sort through pertinent information. They must be fair and consider multiple points of view. In cases where the allegations are against the fire chief, he/she will not be the investigator.

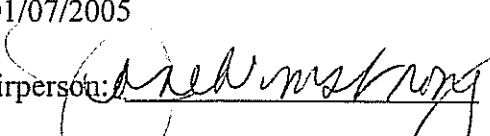
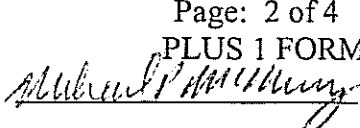
Based on the nature of the allegation and who it is against, the team may include a member from one or more of the following sources:

- o Chief officer (Internal)
- o Private investigator(s)
- o District's workers compensation carrier
- o District's liability insurance carrier
- o Law enforcement

Investigation Process

The investigator(s) shall be well versed in documentation, investigation procedures and interview techniques.

Interviews of all witnesses shall be completed as soon as possible after the allegation as practical. A guideline for the investigator(s) to use for the interview process can be found in Standard Operating Procedures. Interviews may be tape recorded as evidence at the discretion of the investigator.

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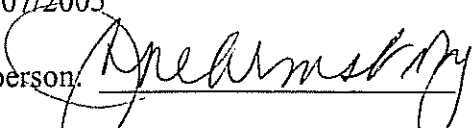

Interrogations and Representation.

When a firefighter is under investigation and subjected to interrogation that can lead to punitive action, the interrogation shall be conducted at a reasonable hour, preferably at a time when the firefighter is on duty, or during the normal waking hours for the firefighter, unless the seriousness of the investigation requires otherwise. The firefighter under investigation shall be informed prior to the interrogation of the nature of the investigation. The complete interrogation of a firefighter may be recorded; however, if a tape-recording is made of the interrogation, the firefighter shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The firefighter being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation. Whenever an interrogation focuses on matters that are likely to result in punitive action against a firefighter, that firefighter, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation.

Investigation Findings

One of the following findings will be made based on the investigation:

1. **Unfounded:** The investigation proved that the acts complained of did not occur or were misconstrued. This finding also applies when the individual employee(s) named in the complaint was/were not involved.
2. **Not Sustained:** The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
3. **Exonerated:** The acts which provided the basis for the complaint occurred, but the investigation showed such acts to be justified, lawful, and proper.
4. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation made in the complaint.
5. **No Finding:** The complainant failed to disclose promised information to further the investigation; the investigation revealed that another agency was involved, and the complaint or complainant has been referred to that agency, the complainant wishes to withdraw the complaint, the complainant is not longer available for clarification.

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Completed Investigation

Appropriate actions will be taken by the District based on the findings of the investigation. In cases that are Sustained, appropriate disciplinary action will be taken based on policies regarding disciplinary action.

Confidentiality

Complaints regarding District personnel are confidential and are to be treated with discretion.