

# Hiawatha Fire & Rescue

Policy 107  
Rules and regulations  
Complaints against Hiawatha Fire and Rescue Staff  
5/25/2001

## I. **Scope**

This standard establishes guidelines for the receipt, investigation, and resolution of complaints received by the department concerning the professional conduct, behavior, action, or inaction of one or more members and those complaints that concern the department as a whole. It was created to ensure that a thorough investigation be conducted for every complaint received by the department; that the innocent be exonerated and the guilty be properly punished.

## II. **General**

- A. Complaints that arise from the daily conduct of business fall into one of two major categories:
  - 1. Complaints against the department as a whole; and
  - 2. Complaints against one or more individual members
- B. Complaints generally allege a violation of departmental rule, policy, procedure, or general order. A complaint may also allege that there has been a violation of a federal, state, or local statute or ordinance.
- C. The department will hear all complaints against its members that have been initiated by any person who is found to have standing for such a complaint. Persons other than those who are actually affected by the actions of a member shall have no standing for a complaint, with the exception of cases that involve juveniles. In such cases, the parent or legal guardian shall be required to file the written complaint.

## III. **Complaint Procedure**

- A. Complaints must be made in writing and shall be signed by the person making the complaint. The complaint need not be in affidavit form but should be filed on the Complaint Form.
- B. Complaints may be accepted by any officer. The officer who receives the complaint shall conduct an initial investigation to obtain as much information as possible and then forward the complaint directly to the Fire Chief in the most timely manner.
- C. A signed letter of complaint may be accepted in lieu of the Complaint Form if the officer has verified that the letter is not fictitious and is able to verify the name of the complainant.
- D. If the complainant does not wish to file a written complaint or does not wish to sign the complaint form, he / she may still voice his / her complaint to the supervisor. The supervisor shall record the information and forward an account of the complaint or the unsigned form to the Fire Chief.
- E. On receipt and review of an oral or written complaint, the fire chief shall assign the investigation of the complaint to an internal affairs investigator (preferably another chief officer).
- F. An investigator may also be sent to the complainant's home or place of business, if necessary or so requested, to accept a formal written complaint or to obtain additional information.
- G. Where there are mitigating circumstances, a complaint may be initiated by telephone. A tape recording of the initial recording shall be made (if possible), and should be retained by the officer. The complaining party should be asked to submit his / her complaint in written form as soon as possible.
- H. A copy of the written complaint shall be given to the accused member at the time that the member is requested to make a written reply to the allegations.
- I. When the act described in the complaint is a crime, the circumstances will be immediately explained to the fire chief. The fire chief should then determine whether or not the member should be suspended pending any further investigation. The fire chief shall also contact local law enforcement officials.

## IV. **Resolution of an investigation,**

- A. On conclusion of the investigation, the complaint shall be classified as one of the following:

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1. Unfounded: The allegation has been proved false or there is a lack of factual evidence to support it.
2. Exonerated: The incidents cited did occur, but the actions were lawful or followed proper procedures.
3. Not sustained: there is insufficient evidence to prove or disprove the allegations.
4. Sustained: the allegations are supported by sufficient evidence and the complaint will be upheld.

B. Resulting Action:

1. When an investigation results in the determination of *unfounded, exonerated, or not sustained*, the fire chief will notify the accused member that no further action will be taken against him / her. The member shall return to duty.
2. When an investigation results in a determination that an allegation is supported by sufficient evidence, the appropriate action will be taken in accordance with the department's disciplinary policy.

V. **Format**

- A. The officer who accepts the original complaint or conducts the initial investigation shall make his report as complete as possible prior to submitting it to the fire chief.
- B. All internal affairs investigators shall use the following format for conducting their investigations:
  1. Record the facts surrounding the incident. What took place when and who was involved? Be brief.
  2. State the allegations in detail. What does the complaint allege and against whom?
  3. Record the process used to investigate the complaint. What did you do as the investigator? What did you learn from talking to all parties and witnesses? List them.
  4. Record all findings and conclusions reached. What did your investigation reveal based on the facts extracted from the evidence?
  5. Include a written recommendation to the fire chief.

VI. **Exceptions**

- A. A complaint should be referred to the fire chief or other senior staff members in those cases where the complainant prefers to speak only to those entities.
- B. If a complaint is filed against a chief officer the president of the Hiawatha Firefighters Association receive the complaint, conduct an initial investigation, then submit the complaint and investigative statements to the mayor of the municipality.
- C. Internal investigations may also be conducted concerning a member's conduct whenever the fire chief has reason to believe doing so is warranted.
- D. The procedure in Section III, above, may be waived if the fire chief determines that the mitigating circumstances warrant such a waiver.
- E. When complaints involve members of the Hiawatha Fire Department, not including chief officers, the fire chief shall have absolute and final authority in determining whether a disciplinary action should be taken.

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## Hiawatha Fire and Rescue Complaint Form

I, _____, wish to make a complaint against _____ . I am alleging that the member _____ based on the following facts.		
Date Occurred:	Time Occurred:	
Explain:		
It is an offense if a person, with the intent to deceive and with knowledge of a statement's meaning, makes a false statement. Doing so may result in disciplinary action.		
Signature of complainant	Date	Telephone #
Supervisor taking complaint	Date	Time
Supervisory investigatin g	Date Completed	Date/time complainant notified
<b>NOTE:</b> Attach all statements, investigative reports, and recommendations.		
Complaint Declared: <input type="checkbox"/> Unfounded <input type="checkbox"/> Exonerated <input type="checkbox"/> Not Sustained <input type="checkbox"/> Sustained		