



# *City of Winter Park Fire-Rescue*

## *Standard Operating Guideline*

# 100.08

**Title: Internal Affairs Procedures**

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**Purpose:** To define methods of investigation and discipline to ensure the protection of all employees through conscientious investigation and ultimate disposition of each allegation and or complaint. This procedure shall ensure the integrity of the Department by establishing a process that provides thorough investigations of any matter that might effect the efficient, professional operation of the Department and mandates compliance with all rules, regulations, general orders and policies.

**Scope:** This procedure is to be followed by the delegated Department Internal Affairs Officer. Authority to deviate from this procedure rests with the Fire Chief or his/her designee, who is solely responsible for the results of any deviation.

**General:** The intent of this guideline is to outline the procedures involved in conducting a formal internal affairs investigation. Internal affairs investigation made include, but not limited to serious incidents or allegations of major misconduct or misconduct that would result in the loss of privileges to suspension and/or dismissal.

### **100.08.01. Internal Affairs Officer:**

The Winter Park Fire Department will have an Internal Affairs Officer. The Internal Affairs Officer will be appointed by the Fire Chief and shall report directly to the Fire Chief concerning the progress and findings of internal affairs investigations. The Internal Affairs Officer shall be responsible and accountable for the internal affairs functions of the Fire Department.

It is the function of the Internal Affairs Officer of the Winter Park Fire Department to receive and investigate complaints related to internal discipline in a manner that will assure the community of prompt, corrective action when Fire Department personnel conduct themselves improperly, while also protecting Fire Department personnel from unwarranted criticism pursuant to the discharge of official duties.

The activities of the Internal Affairs Officer will include the receipt, recording, investigation and disposition of complaints and allegations of misconduct involving both civilian and members of the Winter Park Fire Department. The Internal Affairs Officer will be responsible for supervising, controlling and maintaining the confidentiality on internal affairs investigations and records.

Serious incidents or allegations of major misconduct or misconduct that would result in the loss of privileges, suspension and/or dismissal will be investigated by the Internal Affairs Officer.

**100.08.02. Complaint Process:**

A written record of all complaints against the Fire Department or its employees shall be maintained regardless of the nature, scope or reasonableness of the complaint. If the complaint or incident warrants an internal investigation the Internal Affairs Officer shall maintain the investigative file in a secured area, separate from the records section. The files will be maintained and information disseminated to the public, pursuant to Florida State Statutes (Open Government Laws).

A citizen alleging misconduct on the part of any member or employee of shall be directed to the on-duty Battalion Chief regardless of the time of day. The Battalion Chief shall be responsible for the completion of the Citizen complaint Form and shall forward this form to the Internal Affairs Officer without delay. Should the Battalion Chief feel the complaint is of such a serious nature that it deserves immediate attention or they need assistance they should contact the Internal Affairs Officer who can then determine if the complaint requires the immediate assistance or assignment of Internal Affairs.

In the event a citizen directly contacts the Internal Affairs Officer registering a complaint, the Internal Affairs Officer will be responsible for the completion of the Citizen Complaint Form and any other necessary documentation.

**100.08.03. Use of the Citizen Complaint Form:**

Supervisors receiving the complaint shall have the citizen sign the complaint form in their presence. The substance of the complaint shall be documented in the appropriate section of the form.

Under no circumstances shall the citizen complaint form be used as a means to threaten, intimidate, harass, or discourage a citizen from making a complaint.

Should the citizen refuse to sign the complaint form, the receiving supervisor shall complete the form documenting the refusal to sign the form and sign the form at the bottom. This form, along with a memorandum concerning the allegations made, shall be forwarded to the Internal Affairs Officer without delay.

The Internal Affairs Officer shall establish a file of refusals.

If the Internal Affairs Officer is not immediately available to receive the citizen's complaint form, it shall be forwarded to the Fire Chief and/or designee to be maintained in a secure location on City property.

The Fire Chief may exempt the necessity for the Citizen Complaint Form should:

1. The allegation be a serious, major misconduct
2. The allegation be of a criminal nature
3. The allegation be made by a law enforcement officer of another jurisdiction or an employee of the City of Winter Park

Written verification in the form of a receipt shall be furnished to persons initiating complaints alleging misconduct on the part of the agency or an agency employee. It shall be the responsibility of the officer that receives the complaint to ensure a receipt is given to the complainant. The procedure does not apply to any anonymous complaints.

The complainant shall be contacted by the Internal Affairs Officer concerning the status of the investigation within ten (10) working days from the receipt of the complaint. In the event the investigation has not been completed, the Internal Affairs Officer shall ensure that the complainant is again contacted when the investigation has been completed.

#### **100.08.04. Internal Affairs Complaint Procedure**

In furtherance of the intent of the procedure, any employee may submit a written statement documenting employee misconduct directly to the Internal Affairs Officer who shall process the complaint in accordance with this procedure.

All complaints and allegations of misconduct by Fire Department personnel which appear to warrant punitive action and all citizen complaints which are indicative of inadequacy or improper applications of the rules, orders, policies or procedures shall be investigated, documented and brought to the attention of the Fire Chief by the Internal Affairs Officer. Complaints or allegations which are likely to have a serious, adverse impact upon the Fire Department shall be reported to the Fire Chief without delay by the Internal Affairs Officer.

**100.08.05. Definitions:**

Non-disciplinary incidents or complaints shall mean complaints or allegations which do not involve violations of rules, General Orders, or procedures of the Fire Department.

Non-punitive incidents or violations shall mean incidents or complaints alleging violations of rules, General Orders, or procedures by Fire Department personnel for which appropriate disciplinary action is limited to counseling and/or verbal or written reprimand. (Command Discipline)

Punitive incidents or violations shall mean incidents or complaints alleging violations of rules, General Orders, or procedures by Fire Department personnel for which appropriate disciplinary response consists of punitive action ranging from loss of privileges to suspension and/or dismissal.

Immediate subordinate shall mean those subordinates within the direct chain-of-command and supervision within a Division of the Fire Department.

**100.08.06. Operational Procedures**

1. Supervisor's Responsibilities are as follows:

Non-disciplinary incidents or complaints shall, when possible, be resolved during the initial contact with the complainant by demonstrating a sincere desire to hear and understand the problem and to convey the appropriate information to the complainant. When non-disciplinary complaints are not resolved during the initial contact a citizen complaint form containing the name and address of the complainant, nature of the complaint, and the disposition of the complaint shall be forwarded through the chain-of-command to the Battalion Chief of the employee to whom the complaint is addressed. In addition, the Internal Affairs Officer shall be notified.

## 2. Non-Punitive Incidents Involving Immediate Subordinates

If the alleged violation involved an immediate subordinate, the supervisor shall take appropriate corrective action (counseling, verbal reprimand). The Supervisor shall notify Human Resources promptly of the incident.

## 3. Non-Punitive Incidents Involving Subordinate Personnel of other Supervisors

The complaint shall be brought to the attention of the immediate supervisor of the person against whom the complaint is being made and to Human Resources

### **100.08.07. Internal Affairs Officer - Role & Responsibilities:**

Punitive incidents or serious allegations of major misconduct will be investigated by the Internal Affairs Officer while complaints of less serious violations will be investigated by the appropriate immediate supervisor in consultation with Human Resources. This assignment shall not relieve the Internal Affairs Officer from lending assistance when requested or monitoring the investigations progress.

All investigations shall be performed under the guidelines of appropriate City policies and Florida Statutes and the Florida Firefighters "Bill of Rights".

When conducting an internal affairs investigation concerning possible violations of criminal law, the investigating Internal Affairs Officer shall notify the appropriate authority having jurisdiction to conduct a criminal investigation as necessary.

All witness interviews should conclude with the submission of all sworn statements of the witness, containing all knowledge and facts known that relate to the investigation. Whenever possible all witness interviews will be taped. A witness shall be advised that the Department shall not permit retaliation against him or her because of his or her participation in the investigation.

### **100.08.08. Internal Affairs Final Report:**

Upon completion of the investigation, the investigator assigned shall prepare and submit an internal investigation report containing:

- The specific designation number and title of each alleged violation.

- The details, in chronological order, addressing each point of accusation.
- A synopsis of each witness statement.
- Mitigating circumstances, if appropriate.
- Recommended classification of the allegations.

#### **100.08.09. Classification of Allegations**

The investigator shall, in the Internal Investigation Report, recommend one of the following four classifications:

1. **UNFOUNDED** - The allegation is false or not factual.
2. **EXONERATED** -The incident occurred but was lawful and proper.
3. **NOT SUSTAINED** - There was insufficient evidence to prove or disprove the allegation.
4. **SUSTAINED** - The allegation is supported by a preponderance of evidence to justify a reasonable conclusion that the incident occurred.

The Internal Investigation Report shall be forwarded to the Fire Chief for approval of the recommended classification. The Fire Chief shall either approve the classification in accordance with the above sections of this SOG or return the report to the Internal Affairs Officer for further investigation.

The Internal Investigation Report, after approval of the Fire Chief, shall be forwarded to the affected employee's supervisor who shall review the report and concur or disagree with the investigation findings and determine the appropriate action. Should the investigation reveal areas of major concern, a separate letter shall be sent to the appropriate Battalion Chief, detailing these concerns through the Internal Affairs Officer. A copy of the letter shall also be forwarded to the Fire Chief.

If the supervisor disagrees with the investigative findings, they shall explain the basis for their dissent in writing and forward the documentation to their Battalion Chief, who shall confer with the Internal Affairs Officer, and resolve the findings. If a resolution cannot be reached, the inquiry shall be reviewed by the Command Staff and resolved.

The employee's immediate supervisor shall have the authority and responsibility to award or recommend action as follows:

1. **Command Discipline** - shall award in writing the level they deem appropriate for the gravity of the offense.

2. **Formal Discipline** - must recommend in writing to the Battalion Chief the level of discipline they deem appropriate for the offense.

The affected employee's Battalion Chief shall have the authority and responsibility to award or recommend, in writing, action as follows:

1. **Command Discipline** - may award the level they deem appropriate for the offense.
2. **Formal Discipline** - may recommend the level they deem appropriate for the offense to the Fire Chief.
  - a. Written Reprimand
  - b. Suspension (one hour through thirty days)
  - c. Demotion
  - d. Termination

***NOTICE: Prior to awarding any level of command disciplinary action or formal discipline, the recommending authority shall contact the Fire Chief in order to determine the record of the offending employee and the consistent level of personnel action or discipline for the violation.***

**100.08.10. Duration of Investigation:**

Once a complaint has been received, the Internal Affairs Officer will ensure the internal affairs investigation is completed within 30 days of receipt of the initial complaint. An extension may be granted by the Fire Chief concerning these cases where extenuating circumstances exist. Status reports shall be submitted to the Fire Chief every seven days to assist him in this determination.



James E. White  
Chief of Department