



Scarborough Fire Department

Scarborough, Maine



Standard Operating Procedures

Book:	Organization
Chapter:	Personnel, Policies, & Procedures
Subject:	1300 – Incident/Complaint Reporting & Investigation Policy
Revision Date:	10/07/2016
Approved by:	<i>B. Michael Thurlow</i>

PURPOSE

- A. The incident/complaint reporting and investigation process is designed to fully document and investigate complaints, maintain an objective viewpoint, seek truthful and factual information and knowledge, identify problems, discover reasonable alternatives for problem-solving, and implement solutions that respect the honorable service provided by our personnel, while respecting the needs of the organization to deliver services that meet professional standards.
- B. This policy outlines procedures for performance improvement through incident/complaint review and investigation. Investigations will focus on developing mechanisms to improve the department's operations and procedures either through system-based changes or through individual mitigation plans aimed at offering individual members support when necessary.

POLICY

The department's investigations policy will ensure the honesty, integrity and professionalism of the department by assuring compliance with rules, regulations, policies, and expectations. This professional standards system requires several key components: an organizational commitment to the professional standards philosophy, clear rules and regulations, trained investigators, an investigation process, and thoughtful adjudicators. Trained investigators will initiate the investigative process by accepting and reviewing incidents and complaints, conducting an investigation as necessary, creating an investigative report, and recommending courses of action.

SCOPE

This policy applies to all SFD members regardless of rank or employment group.

DEFINITIONS

- A. Coaching - a mentoring discussion between members, or members and officers intended to offer advice and guidance to improve performance. No disciplinary documentation will be required for this event.
- B. Complaint – an internal or external report of a concern, allegation, or incident that requires an additional layer of investigation beyond coaching. All complaints will be documented, logged, and investigated.
- C. Complaint Review – initial review of a complaint to determine the need for an investigation. Complaint reviews are most generally conducted by a company or safety officer to determine the need for further actions.
- D. Good Faith Report - a report made with the honest and reasonable belief that a violation of law, policy or other instance of non-compliance or related misconduct may have occurred.
- E. Incident – an unplanned, undesired event that hinders the completion of a task and may cause injury, illness, or property damage.
- F. Investigation – a process for thoroughly determining the facts of a complaint. Investigations may range from an informal gathering of facts to a formal process including witness testimony and collection of evidence.
- G. Retaliation - materially adverse action against an individual because of the individual's good faith report.

PROCEDURES

- A. General Guidelines for Incident/Complaint Reviews and Investigations
 - a. Incident/Complaint reviews and investigations shall ensure the honesty, integrity and professionalism of the department by following a process that provides thorough investigations of matters that may impact the department's efficient and professional operations.
 - b. This policy outlines the basic procedures and methods of incident review and investigation to ensure the protection of employees and the department. This is accomplished by the use of a thorough investigation method and ultimate disposition of each complaint within the department.
 - c. Members of the Professional Standards Committee will be assigned by the Fire Chief to conduct incident/complaint reviews and investigations that can't be handled at the lowest level.
 - d. A review will commence when an incident report or complaint is submitted.
 - e. Employees may file incident reports or complaints without fear of retaliation.
 - i. Retaliation, whether actual or threatened, destroys a sense of community and trust that is central to a quality environment. Therefore, acts or threats of retaliation are a violation of policy. A member who retaliates against an employee who reports a suspected violation in good faith and/or who participates in an investigation may be subject to disciplinary action.
 - ii. If an employee believes that he/she has been subjected to retaliation, it should be immediately reported to the Fire Chief. If the accused includes the Fire Chief, employees may contact the Human Resource Director and/or the Town Manager.

- f. Members of the department, who are not the subject of any criminal investigation where they could potentially incriminate themselves, may be compelled to answer any and all questions truthfully and directly as they may relate to any departmental investigation. No member shall obstruct, hinder, or impede any department investigation. Failure to cooperate with an investigation may be grounds for disciplinary action due to insubordination.
 - g. Members of the department who may be subject to a criminal investigation are entitled to all the rights and privileges guaranteed by the laws and constitution of Maine and the United States including the right not to be compelled to incriminate themselves. The results of any internal investigation by the Professional Standards Committee are legally protected and cannot and will not be shared with any entity involved in a criminal investigation as outlined in state or federal law.
 - h. Complaints from the general public shall be forwarded to the Duty Officer who shall obtain the pertinent contact information and forward the information to the Chief's Office for follow up. In the event the complaint involves the Duty Officer or Deputy Chief, the complaint will be forwarded to the Deputy Chief or Chief as appropriate.
- B. Incident/Complaint Reporting Procedure
- a. All members should promptly submit, in writing on Form # 1590 (attached), the full details of any incident, accident, problem, injury, complaint, or any other situation when the incident occurs, or when requested by a supervisor.
 - b. Members shall contact their immediate supervisor, or in their absence the Duty Officer, to report all accidents and/or injuries as soon as possible directly or through dispatch if necessary.
 - c. If the incident involved a potential infectious disease exposure, contact the Infectious Disease Control Officer as soon as possible and fill out an exposure reporting form. These reports will be stripped of the involved staff member's names for privacy reasons prior to releasing the report to anyone other than to occupational health staff.
 - d. Once signed by the supervisor, the report will be immediately forwarded to the Chief's office.
 - e. Any personnel submitting an incident report in reference to an on the job injury shall also immediately fill out all required paperwork for filing a Workers Compensation First Report of Injury regardless of the need for medical evaluation or treatment. A copy of this paperwork will be forwarded to the Human Resource office at Town Hall.
- C. Incident/Complaint Review Process
- a. Any reported incident/complaint will be documented and reviewed using the process outlined in this policy.
 - b. After a complaint review, a determination will be made as to the need for an investigation or if the situation can be resolved administratively.
 - c. Complaints serve as an opportunity to improve operations.
- D. Incident Investigation Process
- a. The Fire Chief shall cause incident/complaint reports to be reviewed or investigated by a member(s) of the Professional Standards Committee as a primary tool in accident prevention as it relates to the Fire Department's risk management plan.

- b. The process starts with an informal fact finding inquiry to determine the need for an investigation, the need for representation, or potential discipline.
- c. The investigation of an observed or reported violation of policy or incident will be conducted by members of the Professional Standards Committee. The committee will conduct a thorough investigation into the allegations set forth in the incident/complaint report.
- d. Notification to the employee of an investigation will be made, as appropriate.
- e. Members may have representation during any phase of the investigatory process. Any expenses for such representation, if any, shall be the member's responsibility.
- f. An investigation should:
 - i. Identify all involved parties including obtaining pertinent contact information.
 - ii. Include interviewing involved parties.
 - iii. Include access to any evidence, materials, documentation, witness statements and general information regarding the incident and investigation.
 - iv. As appropriate, obtain photographs and/or the results of any tests conducted.
 - v. If injuries are alleged, ensure medical treatment is afforded, and photographs are taken of injures as appropriate.
 - vi. If property damage is alleged, ensure photographs are taken and damage is documented.
 - vii. Gather and collect all pertinent information such as radio and dispatch tapes/logs, video tapes and reports, court and police records, dispatch records, personnel and disciplinary records, medical protocols, work assignments, credentials, witness statements, administrative interviews with person's subject of the complaint and any other documents that are relevant to the investigation for review.
 - viii. Identify the specific act or action that caused the accident/injury.
 - ix. Inspect equipment, accident site, or other items related to the cause of the accident/injury.
 - x. Identify unsafe condition(s) that caused the accident/injury.
 - xi. Identify other contributing factors (time of day, fatigue, etc.).
 - xii. Identify procedures or policies that apply.
 - xiii. Identify new procedures or equipment that could eliminate or reduce the severity of future incidents.
 - xiv. Provide a brief description of the incident/complaint.
 - xv. Provide a simple diagram of vehicular accidents indicating streets, intersections, direction of travel and vehicle locations.
 - xvi. Specify recommended actions that should be taken to eliminate the occurrence of similar future accidents or injuries.
 - xvii. Take direct action to eliminate hazards and affect safety attitudes.
- g. An investigation generally concludes with a summary report, delivered to the Chief, detailing the facts, findings, and recommended actions.
 - i. In the event that the recommended actions include discipline, SOP 1305 – Disciplinary Process will be followed.

- ii. Recommended actions may include any combination of coaching, counseling, professional development, policy changes, discipline or administrative leave.
- E. Appeal Process
- a. Refer to SOP 1305 – Disciplinary Process
 - b. As applicable refer to the Collective Bargaining Agreement or the Town Personnel Ordinance, Chapter 303.

RESPONSIBILITIES

It is the responsibility of all Fire Department personnel in the Town of Scarborough to adhere to this policy.

REFERENCES

- A. Applicable Scarborough Professional Firefighters Association Collective Bargaining Agreement
- B. The current Town of Scarborough Personnel Ordinance, Chapter 303
- C. SOP 1102 - Professional Standards, Mission, Vision & Core Values
- D. SOP 1305 - Disciplinary Process
- E. Fire Department Administrative Investigations and Enforcing Discipline, Public Agency Training Council, Curt Varone, JD



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Standard Operating Procedures

Book:	Organization
Chapter:	Forms, Records & Reports
Subject:	1590 – Incident/Complaint Report Form
Revision Date:	03/06/2007
Approved by:	<i>B. Michael Thurlow</i>

Run Number: _____

Date: _____

DESCRIPTION OF INCIDENT:

Who, What, When, Where, How

Be factual – Do not use conjecture - Do not blame - Do not recommend

Be Specific / All incidents are subject to review. Use additional sheets if necessary.

Who – *(people involved with the incident)*

When – *(date and time of the incident)*

Where – *(location of the incident i.e. address, incident scene etc.)*

What – *(be as accurate as possible, as to what happen)*

How – *(how did the incident occur)*

Person making report: (print) _____

(signature) _____

Officers Signature: (print) _____

(signature) _____

Reviewed by Professional Standards Committee & recommendations forwarded to the Fire Chief

Professional Standards Committee signature: _____ Date: _____