
**Ames Fire Department
Standard Operating Guidelines**

Book: 1 - Organization

Section: VI - Rules and Regulations

Chapter: 1 – **Complaint Investigations**

Date Approved: 10-08-2007 Revision No.:New Approved by: 

PURPOSE:

The purpose of this policy is to establish procedures related to receiving, processing, and investigating complaints against Ames Fire Department personnel.

POLICY:

Effective May 15, 2007, the General Assembly of the State of Iowa enacted section 80F.1 Peace Officer, Public Safety and Emergency Personnel Bill of Rights. The rights enumerated in this section are in addition to any other rights granted pursuant to the Agreement: City of Ames and International Association of Firefighters Local 625 or any other applicable law. This procedure is not applicable to a criminal investigation or where other investigations pursuant to state and federal law require different investigative procedures.

Every effort shall be made to investigate complaints against fire department employees. Investigations shall be conducted to ensure that corrective action is taken when personnel may have conducted themselves improperly.

PROCEDURE:

Complaints

In the event that a complaint is alleged against an officer:

- The officer who is the subject of the complaint, shall at a minimum, be provided with a written summary of the complaint prior to an interview.
 - If a collective bargaining agreement applies, the complaint or written summary shall be provided pursuant to the procedures established in the collective bargaining agreement.
 - If the complaint alleges domestic abuse, sexual abuse, or sexual harassment, an officer shall not receive more than a written summary of the complaint.
- A polygraph may not be required as part of the investigation process against the will of the officer.

False Complaints

If a complaint is determined by the investigating officer to be false:

- An officer shall have the right to pursue civil remedies under the law against a citizen filing the false complaint.
- The investigating officer shall be responsible for filing the necessary paperwork with the county attorney's office.

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Informal Inquiries

In the event a complaint is alleged against an officer that constitutes an infraction of a rule which would *not* result in removal, discharge, suspension, or other disciplinary action against the officer:

- Supervisory or command personnel may meet informally with the officer who is the subject of the allegation.
- The purpose of such a meeting would be to determine resolution of the allegation or the need to commence a formal administrative investigation.

Interviews

In the event a complaint is alleged against an officer that constitutes an infraction of a rule which may be the basis for seeking removal, discharge, suspension, or other disciplinary action against the officer:

- Pursuant to the formal administrative investigation procedures, an interview may be conducted to question the officer who is the subject of a complaint.
 - Interviews may be conducted at any City facility.
 - Interviews with officers shall, at a minimum, be audio recorded.
 - The officer shall have the right to legal counsel present during interviews, at the officer's expense.
 - The officer also has the right to have union representation present during the interview.
 - If not a member of the union, the officer has the right to have a designee present during an interview.
- An officer being interviewed shall be advised by the interviewer that the officer shall answer the questions and be advised that the answers shall not be used against the officer in any subsequent criminal proceeding.

Formal Administrative Investigations

In the event a complaint is alleged against an officer that constitutes an infraction of a rule which may be the basis for seeking removal, discharge, suspension, or other disciplinary action against the officer:

- A formal administrative investigative process may be conducted by a superior officer or designee.
- Formal administrative investigations include questioning of an officer that is intended to gather evidence to determine the merit of a complaint against the officer.
- If a formal administrative investigation results in the removal, discharge, suspension, or other disciplinary action against an officer, copies of any witness

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- statements and the fire department's report shall be provided to the officer, upon his/her request.
- Formal administrative investigations shall be commenced and completed in a timely fashion, and the officer pertaining to the investigation shall be immediately notified of the results when the investigation is complete.

Retaliation

An officer shall not be discharged, disciplined, or threatened with discharge or discipline in retaliation for exercising the rights of the officer enumerated in this policy.

Policy Violations

If a formal administrative investigation results in the removal, discharge, suspension, or other disciplinary action against an officer, and the officer alleges in writing a violation of this policy, punitive action shall be withheld for a period of 10 days.

In instances where violations to this policy are alleged, due consideration shall be given to properly authorized appeals or grievances exercised by an officer.

DEFINITIONS:

Complaint: a formal written allegation signed by the complainant or a written summary by an officer receiving an oral complaint stating the complainant's allegation.

Formal administrative investigation: an investigative process conducted by a superior officer or designee during which questioning of an officer is intended to gather evidence to determine the merit of a complaint against the officer.

Informal inquiry: meeting by supervisory or command personnel with an officer who is the subject of an allegation, for the purpose of resolution or determination of the commencement of a formal investigation.

Interview: the questioning of an officer who is the subject of a complaint pursuant to the formal administrative investigation procedures of the investigating agency. This does *not* include questioning as part of any informal inquiry or questioning related to infractions of agency rules which will not result in removal, discharge, suspension, or other disciplinary action against the officer.

Officer: firefighters employed by the City of Ames.

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Statement: the statement of the officer who is the subject of an allegation in response to a complaint.

REFERENCES:

Agreement: City of Ames and International Association of Firefighters Local 625.

Peace Officer, Public Safety and Emergency Personnel Bill of Rights, Section 80F.1 of the Code of Iowa (2007).