



POLICY MANUAL

Personnel – Discipline Investigations

Revised: 04-08-04

Code: 1 – 8 – 3

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3.0 Purpose: Establish Procedures For Administrative Investigations.

3.01 Scope: All Fire Department Personnel.

3.02 **GOAL**

Administrative investigations are to:

- * Protect the integrity of the department
- * Clear the member when allegations are unfounded
- * Protect the member's reputation
- * Increase the morale and effectiveness of the Fire Department
- * Establish responsibility for the employees' actions
- * Facilitate prompt and just disciplinary action when necessary.

3.03 **ACCOUNTABILITY:**

Directly responsible, the Fire Chief with functional supervision provided to the Battalion Chief, Fire Marshal or assigned supervisor.

3.04 **AUTHORITY:**

Supervisors conducting an investigation will carry the authority of the Fire Chief when conducting assigned duties.

3.05 **ASSIGNMENTS:**

The Fire Chief or his designee will assign cases to be investigated. The investigation will be performed strictly from an administrative standpoint, and assigned supervisors conducting investigations will NOT make decisions or recommendations as to disciplinary action without conferring with the Fire Chief or his designee.



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3.06 **INVESTIGATIVE PROCESS:**

Prior to confronting the employee with an allegation, an effort will be made to contact the complainant and obtain as much information about the allegation as possible.

The employee will be told the following:

- * The allegation or complaint against him/her
- * The date, time and location of the interview
- * The right to union representation (if applicable; i.e., job-related allegation, on-duty allegation) and his/her responsibility to provide their own transportation to the interview
- * The Miranda rights will not be given, and anything divulged in the interview cannot be used against him/her in criminal court.

Interviews will normally be conducted during the employee's scheduled shift. Exceptions to this policy can be made at the discretion of the Fire Chief or his designee.

It will be up to the supervisor to make arrangements for coverage while the employee is absent from his/her work site.

In some cases the employee may be reassigned from a shift assignment to a 40-hour assignment until the investigation is concluded. The determination of reassignment will be made by the Fire Chief or his designee.

Prior to beginning the employee's administrative interview, the employee will read and sign the Administrative Investigation form. Failure to sign this form could result in disciplinary action up to and including dismissal.

The employee interview will involve a detailed accounting of his/her version of the incident.

Names, addresses and phone numbers of anyone who can offer assistance to the employee will be obtained.

Employee interviews may be tape recorded; the employee will be advised when recording will occur.

A summary of the interview will be written. A follow-up investigation of any information furnished by the employee will be conducted and summarized in writing.



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3.07 CONCLUSION

Upon conclusion of the investigation, one of four findings will be made:

SUSTAINED: The employee committed all or part of the alleged act. (A finding of sustained must be based upon the existence of substantial fact in support of reasonable proof.)

NOT SUSTAINED: The investigation provided information insufficient to prove or disapprove the allegation.

EXONERATED: The act occurred but was justified, lawful and proper.

UNFOUNDED: The alleged act did not occur.

In the event of a sustained finding, any corrective action deemed appropriate will be determined by the Fire Chief or his/her designee.

Three factors will be used in determining discipline:

- * The seriousness of the offense
- * The employee's past history with the department
- * The past practice of the Clovis Fire Department in dealing with similar offenses.

In the event of a finding of not sustained, exonerated or unfounded, a letter indicating the finding will be forwarded to the employee.

All administrative investigations will be completed within 30 days. Exceptions to the 30-day completion rule may occur in investigations that involve multiple offenses, several employees or circumstances beyond the investigator's control.

[Problem Identification and Correction Flow Chart](#)



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3.08 INTERVIEW FORM

ADMINISTRATIVE INVESTIGATION ADMONISHMENT

I wish to advise you that you are being questioned as part of an official investigation of the Clovis Fire Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for assignment. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, and to have a representative of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the Fire Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding; however, these statements may be used against you in relation to subsequent departmental charges.

Dated the _____ day of _____, 20_____.

Supervisor

Employee

(Adminves1/95)



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3.09 FORMAT TO BE FOLLOWED FOR ADMINISTRATIVE INVESTIGATION REPORTS:

TO: Fire Chief

FROM: *Investigating Supervisor*

DATE:

SUBJECT: Administrative Investigation Number _____
(The date of the alleged incident, example: 3-1-95)

Personnel Involved:

Complaints:

Witnesses:

Synopsis:

Interviews:
(Please list person's name and address)

Opinions and Conclusions:

Findings:

Recommendation:

Signature: _____

Rank: _____