



# Carroll County Department of Fire & EMS

<b>Standard Operating Procedure: 2.07</b>	<b>Effective Date: June 8, 2023</b>
<b>Subject: Internal Administrative Investigations</b>	<b>Section: Human Resources</b>
<b>Authorized: Chief Michael Robinson/MWR</b>	<b>Revision Date: March 1, 2024</b>

## I. Purpose

To ensure the integrity of the Carroll County Department of Fire and Emergency Medical Services (DFEMS) by establishing procedures for investigations. This procedure will be used to produce reliable documentation to reveal whether any policy violations have occurred, identify (or exonerate) specific employees who are alleged to have violated policy, support management actions and put a stop to further wrongful actions.

This procedure is based on the fact that DFEMS recognizes its responsibility, both to itself and the public, to investigate thoroughly all misconduct complaints brought against its employees. DFEMS employees are in a unique position of public trust and responsibility. The public and the Department have a vital interest in expecting employees to reply honestly to questions directly related to the performance of their official duties and fitness to hold public employment. These considerations promulgate this policy.

Matters involving the actions of individuals serving under a volunteer agency will be handled within the particular volunteer organization.

## II. Definitions

- A. Complaint – An allegation of misconduct against DFEMS employees, activity, or operation.
- B. Employee – All Fire and EMS employees who are qualified operational responders who perform emergency operations as defined under Chapter 37 of the Carroll County, Maryland Code of Ordinances.
- C. Misconduct – Improper, unlawful, or malfeasant conduct or behavior.
- D. Incident – Alleged or suspected misconduct, which may include, but is not limited to, violations of policy, procedure, statute, law, or ordinances or charges of poor or inadequate performance of duty.
- E. Investigator – A DFEMS officer, normally a Shift Commander, Chief Officer, or designated Law Enforcement officer appointed by the Fire Chief or designee in conjunction with a Human Resources representative.

### III. Incidents to be Investigated

- A. Situations that generally call for investigations are:
  - 1. A formal complaint is received.
  - 2. An employee is suspected of misconduct.
  - 3. Allegations of violations of statutes, ordinances, operating procedures, or departmental policies, rules, and regulations.
  - 4. Performance issues.
- B. Any incidents believed to be criminal or violated local, state, or federal criminal statutes shall be immediately referred to an appropriate law enforcement agency.
- C. Complaints involving minor infractions of policy, procedure, or other regulations that can generally be handled at the lowest possible supervisory level typically do not require the assignment of an investigator.

### IV. Procedures

- A. Formal complaints should be received in writing; however, verbal complaints and anonymous complaints are not excluded from an investigation.
- B. Complaints should be delivered to the immediate supervisor(s) of the employee alleged of the misconduct.
- C. Upon receipt of a complaint, the supervisor shall immediately email their assigned Shift Commander with copy to the Director of Human Resources, or designee. The email should contain the following information:
  - 1. Name of employee alleged of misconduct.
  - 2. Date and time complaint or report of misconduct was first received.
  - 3. Summary of alleged misconduct
- D. Within 24 hours of receiving the complaint, the Shift Commander and a Human Resources representative will determine if the matter requires a formal investigation. If so, the Shift Commander and Human Resources will work directly with the immediate supervisor of the employee accused of the misconduct and if necessary, assign an investigation team. The immediate supervisor will act as the lead investigator.
- E. If a formal investigation is not necessary, the Shift Commander and Human Resources will determine the next steps and communicate directly with the immediate supervisor.
- F. Formal Investigations:
  - 1. The lead investigator shall inform all parties in the investigation that confidentiality shall be maintained to the greatest extent possible.
  - 2. The Lead Investigator shall have the Notification of Investigation form completed by the accused employee. (Attachment A)
  - 3. The lead investigator and/or investigation team will determine who needs to be interviewed.
  - 4. Interviews shall be conducted by the lead investigator with at least one DFEMS management employee or Human Resources representative present.
  - 5. The investigation shall be completed within 30 days, barring extenuating circumstances.
  - 6. The investigation findings will be presented to the Shift Commander who will forward them to the Director/Chief and the Director of Human Resources, or designees.

### V. Shift Commander Responsibilities

- A. The Shift Commander shall ensure a complete and expeditious investigation of all cases referred to him/her. He/she shall request assistance from other departments and agencies as necessary.
- B. The Shift Commander or designee shall coordinate with Human Resources.
- C. The Shift Commander shall assign a lead investigator and coordinate with the lead investigator in assigning an investigation number.
- D. Once the investigation is complete, the Shift Commander is responsible for forwarding the investigation findings to the Director/Chief and the Director of Human Resources, or designees.
- E. The Shift Commander will assist with the dissemination of the outcome of the investigation, as requested.

#### VI. Lead Investigator Responsibilities

- A. Assemble an investigation team as directed. The team shall consist of a minimum of two DFEMS employees (the Lead Investigator being one of them) at or above the rank of Lieutenant.
- B. Assign roles within the investigation to team members.
- C. The Lead Investigator shall immediately report any finding during the investigation that may require immediate removal from the workplace or alleged activity that may result in the involvement of law enforcement to the Shift Commander.
- D. The investigation team shall meet with any complainant(s) to review the specific details of the complaint(s).
- E. The Lead Investigator is responsible for retaining all evidence and documentation gathered during the investigation in a secure location until the investigation is complete. The report of the investigative findings is prepared unless such evidence is turned over to law enforcement as part of a criminal investigation.
- F. Upon completion, all investigation documentation and a Investigation Report (Attachment B) shall be forwarded to their assigned Shift Commander.
- G. The Lead Investigator will communicate with the Shift Commander if additional time will be needed and provide updates as requested.

#### VII. DFEMS Employees Responsibility

- A. All DFEMS employees shall cooperate fully during investigations.
- B. Any DFEMS employee(s) under investigation shall be afforded due process of the law as defined in the U.S. Constitution.
- C. During internal investigations, employees will not be permitted to have an attorney or other representative present.

#### VII. Classification of Investigation Results

- A. Upon completion of an investigation, the Chief/Director, or designee and Human Resources will determine the final disposition of the investigation as follows:
  - Unfounded* – The complaint investigation indicates that the incident did not occur.
  - Not Sustained* – There is insufficient evidence to prove or disprove the misconduct complaint.

*Sustained* – The investigation disclosed sufficient evidence to show that misconduct occurred clearly.

*Exonerated* – The incident did occur, but the accused's actions were justified, lawful, and proper.

- B. Each complaint of misconduct investigated shall be so classified and appropriate disciplinary action, if any, shall be determined and administered.
- C. Upon completion of the investigation the Chief/Director, or designee and/or Human Resources will communicate directly with the assigned Shift Commander to ensure dissemination of the investigation results to applicable parties.

## VII. Maintenance of Files

- A. All final investigation files, to include the following will be maintained in a locked file cabinet in the office of the Director/Chief. Human Resources will have a key to access the file as needed.
  - 1. All interview notes.
  - 2. All communications with accused and/or witnesses.
  - 3. All written accused and/or witness statements.
  - 4. All documents that support/refute the allegation.
  - 5. The investigator's report.
  - 6. Any recorded statements and transcripts.
  - 7. Relevant policies.
  - 8. Notice of closure to applicable parties.



**DFEMS**  
**NOTICE OF INVESTIGATION**

TO:

SUBJECT: Investigation (Confidential)

DATE:

It has been alleged that you engaged in conduct that is inconsistent with the expectations, policies or procedures of the Carroll County Department of Fire and EMS. We are responsible for fully, fairly, timely and reasonably investigating these allegations. We will consider all facts and will speak to all available witnesses who have information related to the investigation. We may need to disclose certain information, including details and nature of the complaint to those with legitimate need to know and in order to conduct a full investigation. Confidentiality will be kept to the extent possible.

I ask that you not engage in workplace discussions that could create a conflict of interest in the investigation, lead to destruction of evidence, or impair the recollection of any potential witnesses. Please be prepared to provide us with all of the information or documentation you believe may help us in conducting the investigation.

Please feel free to contact me directly during the investigation process should you wish to talk or should you have further information to give me.

Federal and state law, as well as state policy, protects individuals from being retaliated against because of their involvement in an investigative process. It is imperative that you refrain from any activity that may appear to be retaliation against anyone participating in this investigation. Failure to abide by this may result in disciplinary action up to and including dismissal.

Please feel free to contact me directly at \_\_\_\_\_ if you have any concerns or questions.

Issued by: \_\_\_\_\_

Lead Investigator Signature

\_\_\_\_\_

Date

Received: \_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date

**To: Name of Director/Chief  
Carroll County Department of Fire and EMS**

**cc: Name of Director  
Carroll County Department of Human Resources**

**Thru: Name of Shift Commander  
Carroll County Department of Fire and EMS**

**From: Name of Lead Investigator  
Carroll County Department of Fire and EMS**

**Date:**

**Subj: Internal Investigation 24-01-01 (Year – Month – Investigation number – sequential number uniquely identifying case)**

The undersigned was directed, per policy, to investigate alleged misconduct involving Firefighter/ EMT John Doe.

The initial information that served as the basis for this investigation was: Firefighter/ Paramedic Jane Doe. Firefighter/ Paramedic Doe's statement was collected by email on Wednesday, December 13, 2023, at 12:05 pm and interviewed on December 27, 2023, at 5:00 pm.

The investigation was initiated on December 27, 2023, and concluded on January 2, 2024.

The list of those interviewed follows (notes of each interview are attached):

1. Name, position (if applicable) or involvement in situation (alleged/witness/complainant).
2. Name, position or involvement in situation (alleged/witness/complainant).

Attached documents and evidence provided to the undersigned and reviewed during this investigation are as follows:

1. Written statements, emails, videos, photos, reports, etc.
2. Written statements, emails, videos, photos, reports, etc.

### **Findings of Fact**

1. The finding of facts must be factual and should not contain your opinions. Use direct quotes whenever possible. They strengthen the factual assertions.

2. Refer to relevant County and Departmental policies, practices, and written procedures when possible. If possible, reach findings supported directly by the information you gathered.
3. Avoid expressing opinions because opinions can quickly be challenged. Once doubt is brought to the expressed views, the report's credibility and investigation may also be questioned. It is better to focus on what the facts show, rather than what you conclude from your inquiries.
4. Avoid inflammatory or judgmental words. The investigation only intends to gather facts, not pass judgments on others. Also, write your investigation facts as if your report will be published. It might be included in documents that are more widely circulated. If you want to assert some aspect of your inquiries, please support it with the facts you gathered.
5. Our goal is only to determine whether the report can be substantiated.
6. Do not make legal conclusions about perceived law violations, breaches of contract, or potential Departmental liability. These conclusions would be outside the scope of the investigation.
7. The investigation's fact findings should also include any contradictions that surfaced during the investigation. Contradictions can exist between documents and interviews, among different witnesses, or when the witness contradicts himself. Please indicate whether, through your efforts, you could resolve any conflicts in testimony or documents.
8. If any documents were used, be sure to mention whether or not their use resulted in any response from the witness, such as an admission. Their use demonstrates how diligently you attempted to get the truth and how professionally they conducted themselves. In a particular case, for example, they could show how, despite all the proof, the witness denied the act or contradicted himself, herself, others, or documents. If a document was used, mention that fact.
9. If an acknowledgment, admission, or confession is made, specify precisely what was admitted. If the individual acknowledged doing two things, write out exactly what happened so that a reader cannot possibly incorrectly believe that he admitted to doing ten or only one.
10. Record any other significant events during the investigation, such as the witness beginning to cry, shouting, or refusing to speak any further.

### **Lead Investigator Summary**

Firefighter/ Paramedic Jane Doe formally reported the above facts on December 13, 2023, at 12:05 pm, to the Shift Commander Lieutenant (Name). The formal complaint was forwarded to Shift Commander (Name) on December 24, 2023, at 1:42 pm. Shift Commander (Name) ordered an investigation per 2.07 Administrative Investigations and assigned the undersign to investigate.

On December 29, 2023, Firefighter/ EMT (Name) was provided and signed the Notification of Investigation form.