



POLICIES AND PROCEDURES
MONTGOMERY COUNTY
DEPARTMENT OF FIRE AND RESCUE SERVICES

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DATE September 9, 1997
DIRECTOR APPROVAL
[Signature]

TITLE INTERNAL AFFAIRS

PURPOSE

- 1.0 To establish procedures for investigating complaints about employees of the Department of Fire and Rescue Services (DFRS) both on duty and off duty.
- 1.1 To ensure prompt and thorough investigation of allegations, determine if an alleged infraction did occur, and determine if disciplinary action is warranted.

APPLICABILITY

- 2.0 This policy applies to all DFRS employees.

DEFINITIONS

- 3.0 Complaint - An allegation of misconduct made against an employee.
- 3.1 Incident - Alleged or suspected misconduct which includes, but is not limited to, violations of policy and/or procedure, statute, law, or ordinance by any employee, and charges of poor or inadequate performance of duty by any employee.
- 3.2 Internal Affairs Investigator - A DFRS employee assigned to the Director's Office, responsible for investigating complaints and incidents involving DFRS personnel.
- 3.3 Exonerated - The incident did occur but the actions of the accused employee were justified, lawful and proper.
- 3.4 Unfounded - The investigation of the complaint indicates the acts complained of did not occur.
- 3.5 Not Sustained - There is insufficient evidence to either prove or disprove the allegation of misconduct.
- 3.6 Sustained - The investigation disclosed substantial evidence to clearly show the misconduct occurred.



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3.7 Minor Infraction - An allegation, which if sustained, would be appropriately disciplined through the imposition of counseling, oral admonishment, or other progressive disciplinary action as outlined in Personnel Regulations (27-3).

POLICY

4.0 The Department of Fire and Rescue Services is committed to investigating all written complaints of incidents brought to its attention. Investigations involving misconduct of an employee will be handled at the lowest possible supervisory level.

4.1 Incidents investigated by the Internal Affairs Section may include but are not limited to:

- a. Those actions of an employee which appear to be in violation of law, Department policy and procedure, or other statute which could result in suspension, demotion, or dismissal.
- b. Alleged misconduct or violations of policy and procedure reported in writing to supervisory personnel, and referred to the Internal Affairs Section by a Senior Career Officer, which could result in suspension, demotion, or dismissal.
- c. Citizen complaints referred to the Senior Career Officer of a serious nature or a citizen complaint referred to the Internal Affairs Section from outside DFRS.

4.2 Allegations should be in writing, however, verbal complaints and anonymous complaints are not excluded from investigation, at the discretion of the Director.

4.3 Incidents typically investigated and resolved at the Duty Station to District or Division Level may include:

- a. Incidents involving minor infractions of policy, procedure, and regulations and;
- b. Complaints regarding differences of opinion between an employee and a



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citizen arising from performance of duty.

- 4.4 Supervisors must report all complaints requiring investigation to their Senior Career Officer.
- 4.5 Senior Career Officers must report all complaints involving incidents as identified in Section 4.1 above to the Director.
- 4.6 All employees must cooperate fully with the Internal Affairs Section during an investigation. An employee who fails or refuses to answer valid employment-related questions of an Internal Affairs Investigator is considered insubordinate.
- 4.7 The accused employee may be required to submit to mental and physical testing; voice analysis and handwriting analysis; photographs and line-ups. Consultation with the Director, must take place before any employee is tested.
- 4.8 The Internal Affairs Section must maintain a confidential control log of cases handled by their section containing the following information.
 - a. date and nature of the complaint;
 - b. control number; to include "E" for external complaint and "I" for internal complaint;
 - c. complainant name;
 - d. name of person against whom the complaint is lodged; and
 - e. findings and case status.
- 4.9 Access to the Internal Affairs control log is restricted to:
 - a. the Director;
 - b. the Internal Affairs Section supervisor or designee; and
 - c. other personnel as authorized by the Director.
- 4.10 Employees are required to truthfully and promptly answer questions concerning performance of duty, adherence to Department procedures, or suspected misconduct.



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RESPONSIBILITY

- 5.0 Employee. Employees must cooperate fully with personnel assigned to the Internal Affairs Section, or other authorized personnel conducting internal investigations.
- 5.1 Internal Affairs Investigator (IAI). The IAI is responsible for investigating those complaints which are conducted by the Internal Affairs Section. All Internal Affairs Investigators are acting under the authority of the Director.
- 5.2 Supervisors. Supervisors are responsible for reporting all complaints to be investigated to their Senior Career Officer.
- 5.3 Senior Career Officer. - The Senior Career Officer is responsible for reporting all complaints involving incidents as described in Section 4.1 to the Director.
- 5.4 Assistant Fire/Rescue Chief and Above. - Assistant Fire/Rescue Chiefs and above receiving complaints involving incidents identified in Section 4.1 are responsible to report them directly to the Director.
- 5.5 Internal Affairs Officer. - The Internal Affairs Officer is responsible for ensuring a complete and expeditious investigation of all cases referred to the Internal Affairs Section. The Internal Affairs Officer must apprise and update the Director of all Internal Affairs Investigations.
- 5.6 Director. - The Director will have full and final authority and responsibility over all matters relating to the Internal Affairs Section.

PROCEDURE

- 6.0 Supervisors who receive a complaint involving incidents as identified in Section 4.1 must notify their Senior Career Officer.
- 6.1 Senior Career Officers who receive a complaint involving incidents as identified in Section 4.1 must notify the Director for a determination as to whether the complaint will be investigated by the Internal Affairs Section.



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- 6.2 At the Director's discretion, affected employees may be reassigned to other duties, placed on administrative leave, or suspension, pending the outcome of the investigation.
- 6.3 Independent investigations conducted by the Internal Affairs Section may take the form of transcribed statements, memoranda, narrative reports, tape and/or video recorded interview from the accused employee. Employee interviews must be conducted in a manner approved by the Director.
- 6.4 Upon completion of an Internal Affairs investigation, findings shall be classified in the following manner:
- a. Exonerated - The incident did occur, but the actions of the accused employee were justified, lawful, and proper.
 - b. Unfounded - The investigation of the complaint indicates that the alleged acts did not occur.
 - c. Not Sustained - There is insufficient evidence to either provide or disprove the allegation of misconduct.
 - d. Sustained - The investigation disclosed substantial evidence to clearly show misconduct occurred.
- 6.5 Only allegations determined to be "Sustained" may be included in an employee's personnel file as provided for in Section 2-4(a) of the Personnel Regulations.
- 6.6 For incidents resulting in "Sustained" findings, the Internal Affairs Officer, will ensure the appropriate documentation for the Director's signature is completed.
- 6.7 The Director will forward "Sustained" cases requiring counseling or oral admonishments to the employee's Bureau Chief for appropriate action.
- 6.8 A final report must be compiled when the Internal Affairs investigation is completed. The report must include:



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- a. a summary of events;
 - b. classification of the findings as described in 6.4;
 - c. when sustained, the policy violated and the nature of the violation or misconduct; and
 - d. where appropriate, recommendations on the modification of Departmental policies and procedures.
- 6.9 Results of Internal Affairs investigations will be released only to the following personnel:
- a. the Director;
 - b. the Internal Affairs Section supervisor or designee; and
 - c. other personnel as authorized by the Director.

CANCELLATION

7.0 DFRS Policy #529, Internal Affairs, dated November 7, 1990 is rescinded.

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