


HR LF	HR HF	Fire Department Town of Belmont NH 03220	<b>GENERAL ORDER</b>	<b>GO NO: GO 12-015</b>
LR LF	LR HF		Title: Confidential investigation	EFFECTIVE DATE: 04/01/2013
				<b>REVISION NO: 00</b>

## I) PURPOSE, SCOPE, APPLICATION

- A) The purpose of the General Order is to identify the process to be followed and the forms to be used when investigating both internal and external complaints. The objectives of the investigation are; protection of the public, protection of the employees, protection of the agency, and to identify policy failure and training needs.
- B) The General order will identify the person(s) responsible for conducting investigations, the approved department forms to be used, and the step by step process to be followed.
- C) This General Order will be followed whenever a formal complaint or concern is brought forward to a member of the department. The compliant may be from either an internal or external source.


## II) REFERENCE DOCUMENTS

- A) N/A

## III) DEFINITIONS

- A) Internal Source- For the purpose of this GO an internal source shall be a member of any division of the Belmont Fire Department or any employee of the Town of Belmont.
- B) External Source- For the purpose of this GO an external source shall be any source not identified as an internal source
- C) Exonerated -A determination that the incident occurred, but the members actions/conduct were justified, lawful and proper.
- D) Sustained -A determination that the allegations are supported by evidence to justify a reasonable conclusion of guilt or sustained acts have been discovered that indicate misconduct not based on the original complaint.
- E) Unfounded -A determination that the allegations are false or not factual.
- F) Un-sustained -A determination that the facts presented is insufficient to clearly prove or disprove the allegations.

## IV) ROLES AND RESPONSIBILITIES

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- A) It shall be the responsibility of the Officer in Charge to enforce this General Order.
- B) All members of the Belmont Fire Department shall know and understand the General Order.

**V) SAFETY**


- A) N/A

**VI) ENFORCEMENT**

- A) Failure to understand this General Order may result in disciplinary action.
- B) Any deviation from this General Order shall require a written report to the Officer in Charge and the Deputy Chief.
- C) This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline

**VII) GENERAL ORDER**

- A) All confidential investigations conducted by the Belmont Fire Department shall be completed by the Deputy Fire Chief.
- B) Criminal vs. Administrative investigation
  - 1) All Criminal investigations will be referred to the appropriate law enforcement agency.
  - 2) Administrative investigations shall be used to investigate employee misconduct that involves a violation of agency rules and regulations.
- C) There are four possible results of administrative investigations.
  - 1) Exonerated
  - 2) Sustained
  - 3) Unfounded

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4) Un-sustained

D) Members:

1) External Complaints

(a) Must regard all complaints as confidential

(b) Receiving complaints from an individual:

(1) Must treat the complaint with courtesy and professionalism at all times

(2) Complete the top portion of the appropriate complaint form.

(3) Forward the complaint form to the Officer in Charge as soon as possible.

2) Internal Complaints

(a) Must regard all complaints as confidential

(b) Desiring to file a complaint against a member:

(1) Complete the top portion of the appropriate complaint form and forward to the Officer in Charge.

(c) Desiring to file a complaint against an Officer:

(1) Complete the top portion of the appropriate complaint form and forward to the Deputy Chief or Chief of the Department.

E) Officers in Charge:

1) All Complaints


(a) Must regard all complaints as confidential

(b) Review top portion of complaint form for completeness and forward to the Deputy Chief or Chief of the Department as soon as possible.

F) Chief Officer:

1) Must regard all complaints as confidential

(a) Review the complaint form and assign an Investigator.

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(b) Receive all requests for Complaints against Officers.

(c) Review completed investigation as submitted by the assigned investigator and take appropriate actions.

G) Investigator:


- 1) Must regard all complaints as confidential
- 2) Assign case number to investigation and create a "Confidential Investigation" Folder
- 3) Review the Complaint Form and investigate the allegations using proper investigative techniques

(a) Track all investigative actions on department Confidential Investigation form

- 4) Complete the bottom portion of the Complaint Form and forward complete investigation folder to the Chief of the Department in a timely fashion

**VIII) RECORDS, REPORTS, CHARTS, FORMS**

- A) BFD Compliant Form Internal
- B) BFD Compliant Form External
- C) BFD Compliant Form Interview
- D) BFD Compliant Form Investigation

<b><u>AUTHENTICATION</u></b>
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