

PHOENIX FIRE DEPARTMENT

VOLUME 1 – Operations Manual

Complaint Management Process

MP 102.05B 1/22 – R

PURPOSE

A complaint management process is an important part of holding ourselves accountable to the public and ensure we are achieving our organizational values. A thorough review of all complaints will provide valuable prompts to review organizational performance, including the conduct of the members and employees who work within the organization.

POLICY

It is the policy of the Phoenix Fire Department to thoroughly investigate all allegations of misconduct.

DEFINITIONS

Administrative Investigation: Investigations conducted by department management, personnel representatives, and/or City Human Resources in response to complaints or concerns that generally are personnel related and non-criminal in nature.

Admonishment: Is a verbal or written warning to employee(s) not to share or discuss information related to the fact-finding/investigation or retaliate in any manner against other employee(s), investigator(s), or supervisor(s) involved in the fact-finding/investigation.

Complaint: Is an expression of dissatisfaction from ANY source, internally and externally.

Fact-Finding: Is an initial review of allegation(s) or incident(s) that arise, to determine not only what happened, but to assess the employee(s) involvement and determine the need for an administrative investigation.

Garrity Protection: Is afforded to a member who may be compelled during the course of an administrative investigation to give incriminating statements under threat of discipline or discharge from the city and those statements may not be shared or used in a criminal prosecution of the individual member.

Notice of Finding (NOF): Is a brief written summary to the member(s)/employee(s) that details the final disposition of the investigation as it relates to the allegation(s). This summary lists the specific policy(s) and/or procedure(s) violation(s) that support the findings.

Notice of Inquiry (NOI): An NOI will be used to clearly put members/employees on notice that they are under investigation that could result in discipline, inform them of the nature of the allegations against them, and inform them of their right to union representation.

Office of Special Investigations (OSI): OSI is located within the PFD Personnel Section and Special Investigators (SI) work directly for the Fire Chief and/or designee and conduct fact finding and administrative investigations.

Personnel Rule 21b16: An employee failed to cooperate in an administrative investigation by refusing to attend scheduled meetings, refusing to answer questions to the best of their knowledge, or willful obstruction of an investigation.

Preponderance of Evidence: Requires that evidence and witness testimony show that a greater than 50 percent likelihood the alleged incident/conduct/policy violation occurred.

Subject Matter Expert (SME): Is an individual with a deep understanding of a particular job, process, department, function, technology, machine, material or type of equipment.

Weingarten Rule: An employee has the right to request Union representation prior to an administrative interview in which a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his/her conduct, and the employee has a reasonable belief that discipline, or discharge may result from what she/he says.

COMPLAINTS

Acceptance of Complaints:

Complaints may be accepted in person, over the telephone, in writing, via email or mail, internal or external, anonymously or any other means possible and may come from a variety of sources. No employee should attempt in any way to discourage, interfere, or delay an individual from filing a complaint.

Types of Complaints:

Complaints will be triaged into the following sub-categories

Formal Complaint	An allegation of violation of a department policy.
Customer Service	An allegation(s) of conduct where there is no clear violation of policy. The customer's expectation of service was not met but would like to discuss the matter with a supervisor.
Information Only	An allegation of conduct where there is no clear violation of policy. The customer's expectation of service was not met, and the customer does not want contact.
Projects	Projects involve missing property or some other administrative tasks.

Disposition/Finding:

The appropriate disposition of the allegations(s) will be determined using the below findings. Did the investigation establish a **Preponderance of Evidence** to support the allegation(s)?

Substantiated	The preponderance of evidence makes it more likely than not that the infraction happened.
Partially Substantiated	The preponderance of the evidence makes it more likely than not that a part of the infraction happened; or that the infraction happened, but not as described.
Unsubstantiated	You have no evidence that the infraction happened, nor evidence to the contrary.

Inconclusive

There is some evidence to suggest that the infraction may have happened, but not enough to meet the preponderance of evidence standard.

PROCEDURE

Complaint Procedure

1. **All** complaints received will be documented on complaint form #0000 and forwarded to OSI to be triaged and disseminated.
 - o All associated information received during the acceptance of the complaint, including recorded audio files, written documents, email, etc. will be forwarded with the complaint form to OSI.
2. Complaints received during normal business hours will be referred to OSI.
3. During non-business hours, or in the event OSI is unavailable, complaints will be referred to a departmental supervisor.
 - o If a supervisor is not available, the employee receiving the complaint should document the complainant's contact information, reason for complaint, and forward the information to OSI.
4. OSI will catalog the complaint, assign it a case number, and contact the complainant to ensure all facts and allegations are understood and documented.
5. All complaints of a serious or criminal allegation **will** be managed by OSI.
6. All complaints involving a violation of department policy **will** be managed by OSI.
7. OSI will forward a **Complaint Form** to the appropriate Deputy Chief/Section Head.
8. The assigned investigator will initiate contact with the complainant within 72 hours of receiving the complaint.
9. The assigned investigator will review all relevant facts related to the complaint (fact finding).
10. During the fact finding, if the investigator determines a violation of department policy, the investigation will be forwarded to OSI.
11. If a policy violation is identified, a Notice of Inquiry (NOI) will be issued detailing the complaint and allegations. (Unit 5 M.O.U. Section 1-4. E.)
12. At the conclusion of the investigation, the investigator will thoroughly document the findings and provide a final report (investigative summary/findings memo) to the appropriate Deputy Chief/Section Head for review.
13. The Deputy Chief/Section Head will determine if the facts support the findings.
14. The Deputy Chief/Section Head will approve the final report and forward to OSI.
15. OSI investigator will determine if the facts support the findings.
16. OSI investigator will update the complaint log with the findings of the investigation.
17. In conjunction with the Personnel Chief, the Deputy Chief/Section Head will determine the appropriate corrective action i.e., remedial training, coaching/counseling, discipline, etc.
18. The Executive Chief over personnel will approve all findings, and appropriate corrective action i.e., remedial training, coaching/counseling, discipline etc.
19. The accused employee will be provided a Notice of Findings (NOF).
20. If requested, employee(s) who receives a written reprimand or suspension may request a copy of the information upon which the written reprimand or suspension was based, pertaining to what was specifically cited in the discipline at no cost to the employee. (Unit 5 M.O.U. Section 1-4. E.)
21. The final report of findings and any discipline notices will be filed appropriately (supervisor's file, employee HR and/or personnel file, etc.).
22. When possible, all complaint investigations should be completed within 90 days of assignment.
23. It is the responsibility of the Deputy Chief/Section Head to ensure investigations are completed and the disposition/finding(s) is returned to OSI.

24. If necessary, contact the complainant and inform them your investigation is concluded.
- **Note: the results of the investigation should not be shared with the complainant, only that the investigation is complete, and all appropriate actions are being taken.*
 - If the complainant demands to know the findings of their complaint, direct them to: <https://www.phoenix.gov/firesite/Pages/servicesPublicRecords.aspx>.
 - This will allow the department the ability to redact all sensitive and protected information.

Addendum A – Investigative Process

- Addendum A, the Investigative Process, is not part of the Complaint Management Policy but is a reference on how to conduct an investigation.