

# SOUTH PORTLAND FIRE DEPARTMENT

## STANDARD OPERATING GUIDELINES

<b>Policy #:</b>	5.229	<b>Effective Date:</b>	8/6/2024
<b>Title:</b>	Citizen Complaint Process	<b># of pages:</b>	7
<b>Category:</b>	Personnel	<b>Classification:</b>	Green

1. **PURPOSE:** To provide a mechanism to adequately and fairly respond to complaints from citizens.

2. **POLICY:**

All South Portland Fire Department (SPFD) members should respond to the concerns of the public in a courteous, caring and appropriate manner. All citizen concerns and/or complaints regarding SPFD members and/or service will be addressed in a prompt, courteous and professional manner.

Management and supervisory personnel will attempt to service and resolve complaints/issues at the lowest appropriate level in the Fire Department. Citizens making complaints will be provided with an outline of the SPFD complaint process and asked to complete a Citizen Complaint Form and Affirmation.

The completed forms will be forwarded immediately to the Fire Chief so it can be logged and assigned to the appropriate management or supervisory personnel for fact finding and or investigation.

Complaints alleging serious administrative or criminal misconduct will be referred to Human Resources.

3. **INVESTIGATION:**

Each complaint or issue received by the Department will be investigated thoroughly and promptly. Each complaint should be regarded as an opportunity to examine and develop our internal and external customer service at the point of contact and as an opportunity for improvement.

The Fire Chief will assign fact finding responsibilities to the most appropriate officer.

The assigned fact finding officer will contact the complainant as soon as possible to inform the complainant that their concern is being addressed.

Upon contact, the following steps will be performed:

When contacting the complainant:

- Inform the complainant of your name and rank and how you relate to the area of concern.
- Ask the complainant to explain the issue.
- Restate the complaint as you understand it.
- Ask if your understanding of the complaint is correct.
- Reconcile any discrepancies.

- Ask complainant if they would like you to contact them when fact finding/ investigation is complete.
- Thank the complainant for bringing the matter to your attention.

#### When conducting fact finding:

Interview the individual/crew that the complaint was lodged against or examine the issue, and document the results. Union representation is required for investigations that may result in discipline. Discuss the call/incident/issue that generated the complaint.

- Ask if anything unusual occurred.
- Describe the incident as relayed by the complainant.
- Discuss any discrepancies.
- Determine the appropriate level of corrective action, if needed.

#### 4. FINAL ACTIONS

The assigned fact finding officer will be responsible for contacting the complainant to explain the findings and resolve the issue.

Contact complainant, if previously agreed upon, and provide an explanation that the complaint was investigated and handled appropriately. Details regarding any action related to personnel are confidential and not to be disclosed.

#### DISPOSITION

If the complaint can be resolved at the Department level, the fact finding officer is required to do one of the following:

- If no findings of fault are present, provide a summary of findings of fact and submit to the Fire Chief for review and disposition. The finding should be clearly noted on the disposition of the complaint.

UNFOUNDED	The alleged act did not occur. The alleged act involved a different agency. The alleged act could not be substantiated.
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EXONERATED	The act occurred but was justified, lawful and proper.
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NOT SUSTAINED	The investigation produced information insufficient to prove or disapprove the allegation.
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- If findings of fault are present, proceed in accordance with SPFD Disciplinary Policy FD 5.231.

**SUSTAINED** All or part of the act occurred as alleged. (A finding of "SUSTAINED" must be based on the existence of substantial fact in support of reasonable proof.)

If findings of fault are present that warrant additional investigation, the fact finding officer will consult with the Fire Chief to review the findings of fact and determine an appropriate course of action thereafter.

### DOCUMENTATION

The fact finding officer will provide written documentation of their actions, stating the facts that include the statements of the individual/crew. In some cases, the fact finder will need to obtain written statements from the individual/crew, which will be attached to their summary. Any corrective action taken must be noted.

### FOLLOW-UP

After the fact finder has determined the appropriate "finding," a meeting should be held with the crew/individual named in the complaint, along with the fact finding officer, if requested. The purpose of the meeting is to discuss the finding and any pertinent information. If corrective action is required, it will be outlined at this time.

Many complaints will fall in the "NOT SUSTAINED" and "EXONERATED" category. These incidents should be thoroughly examined from a customer service point of view. The focus of the discussion concerning these incidents should be on how future encounters of a similar nature might be handled to enhance positive citizen interaction.

If the complainant requested follow-up, the fact finder should thank the complainant for sharing their concerns and advise them that the complaint was investigated and proper action was taken.

By Order Of:



Phil Selberg  
Fire Chief

**South Portland Fire Department  
684 Broadway  
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(207) 799 3314**

## **THE COMPLAINT PROCESS**

Most complaints against employees can be resolved by the employee's supervisor. This is considered an informal investigation. In an informal investigation, the employee's direct supervisor meets with the employee and then determines the appropriate action to take to resolve the complaint.

With more serious complaints of misconduct, a Fire Official will take an initial statement from the complainant and then refer the incident to a Board of Inquiry, which is established by the Fire Chief, for a formal investigation.

## **FILING A COMPLAINT**

The Fire Official will meet with you privately, as soon as practical, to discuss your complaint. Your complaint will be received in a polite, professional manner and you are expected to conduct yourself in a similar manner. If your conduct is considered inappropriate, the Fire Official may insist that you return at another time to discuss the complaint.

You may also file a complaint by writing a letter directly to the Fire Chief. Your letter will be given appropriate attention; however, definitive action can be taken only after a thorough investigation into your complaint. This is a requirement to ensure proper handling of our mutual concerns.

While the South Portland Fire Department does encourage citizens to file complaints, the complaints must be made in good faith. Should the investigation reveal that a complainant or witness made statements known or believed to be false; the Department could pursue criminal charges against that person. Civil action against an untruthful complainant could also be pursued by the employee who is the subject of a false complaint.

## **WHEN YOU HAVE A COMPLAINT:**

- ☐ Ask to speak to a Fire Officer
- ☐ Explain your complaint to the Fire Officer
- ☐ The Fire Officer will attempt to identify the exact nature of your complaint and the identity of those involved.
- ☐ If appropriate, the Fire Officer will resolve the matter directly.
- ☐ If appropriate, or at your insistence, the Fire Officer will begin the formal investigation process with you.

- ❑ An investigator from the Department will contact you to schedule an interview.
- ❑ You will be asked to sign an acknowledgement stating that you understand the consequences of filing a false complaint.
- ❑ You will be given a signed receipt indicating that your complaint has been received by the Internal Affairs Unit for a formal investigation.
- ❑ Once the Board of Inquiry has interviewed all those involved and gathered all the facts concerning your allegations, the matter will be presented to the Fire Chief.
- ❑ The Fire chief will determine, based on a preponderance of the evidence, whether or not the employee violated any of the rules and regulations of the South Portland Fire Department.
- ❑ If the Fire Chief finds that the employee did violate the rules and regulations of the Department, the employee will be disciplined in accordance with those rules and regulations.
- ❑ Your complaint will be reviewed for any way we can improve policies, procedures and or training.
- ❑ You will receive written notification from the Fire Chief regardless of the outcome.

CITY OF SOUTH PORTLAND  
FIRE DEPARTMENT  
CITIZEN COMPLAINT FORM

DATE OF INCIDENT: \_\_\_\_\_

TIME OF INCIDENT: \_\_\_\_\_

DATE OF INCIDENT REPORT: \_\_\_\_\_

LOCATION OF INCIDENT: \_\_\_\_\_

NAME (S) OF PERSONNEL INVOLVED: \_\_\_\_\_

\_\_\_\_\_

DETAILS OF THE INCIDENT: \_\_\_\_\_

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\_\_\_\_\_

COMPLAINTS NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ (H) \_\_\_\_\_ (C) \_\_\_\_\_ (W)

OFFICER RECEIVING COMPLAINT: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

TIME RECEIVED: \_\_\_\_\_

## AFFIRMATION

I, \_\_\_\_\_ DO HEREBY AFFIRM THAT THE FOREGOING INFORMATION PROVIDED BY ME IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE, MISLEADING OR UNTRUE STATEMENT, ACCUSATIONS OR ALLEGATIONS HEREIN MADE BY ME, EITHER ORALLY OR IN WRITING, TO ANY PERSON(S) INVESTIGATING THIS COMPLAINT MAY SUBJECT ME TO CIVIL AND/OR CRIMINAL PROSECUTION.

I REALIZE THAT IT MAY BECOME NECESSARY DURING THE INVESTIGATION OF THIS COMPLAINT FOR ME TO MEET WITH MEMBER(S) OF THE SOUTH PORTLAND FIRE OR POLICE DEPARTMENT TO DISCUSS THIS COMPLAINT, EITHER IN THE PRESENCE OR ABSENCE OF THE ACCUSED MEMBER(S) AT THE DISCRETION OF THE DEPARTMENT.

SIGNED \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF 20\_\_ IN THE CITY OF SOUTH PORTLAND, MAINE.

WITNESS \_\_\_\_\_

WITNESS \_\_\_\_\_