



City of Bath

Fire & Rescue Department

Guide to the Citizen Complaint Process

Our Policy

It is the policy of the City of Bath Fire and Rescue Department to thoroughly investigate all complaints against its employees. To insure the integrity of the Fire Department, procedures have been established which will assure the prompt and thorough investigation of all alleged or suspected personnel misconduct. Such procedures are intended to clear the innocent, establish guilt of wrongdoers, facilitate prompt and just disciplinary action, and uncover improper procedures.

Who may make a Complaint?

Any person who has experienced, witnessed, or has knowledge of fire or EMS employee misconduct, may make a complaint. Complaints can be made by community members, co-workers and other city employees.

The Fire Department will investigate complaints made for alleged violations of Department Policy; of local, state and federal laws; and for other conduct that is deemed inappropriate.

The Fire Department recognizes the need for the filing of legitimate complaints against employees as a means by which they can be held accountable to the public; however, the Department will also seek to hold members of the public responsible for the filing of false allegations. It is against the law to make a complaint that you know to be false.

How do you file a Complaint?

A complaint must be made in person, utilizing the Department's Citizen Complaint Form. The form can be accessed online, picked up at the fire station, or mailed on request.

Complaints are usually received by the Fire Officer on duty and are then forwarded to the Supervisor of the employee(s) affected by the complaint. A person who wants to make a complaint may contact the Department directly for assistance in making contact with a Fire Officer who will receive their complaint.

It is important that the complainant provide as much information as possible about the event in question to aid in a thorough, accurate and timely investigation. At a minimum, the complainant will need to provide the approximate date and time of the incident, the location of the incident, and the name of the firefighter(s) involved (if known). The name or names of other involved persons or potential witnesses, and any other information that might be helpful to the investigation.

The complainant needs to provide a summary of the events in question and needs to specify the reason for the complaint. Follow-up contact may be made with the complainant to clarify points during the investigation. Each complainant will be advised of the consequences for knowingly filing a false allegation of misconduct.

Who Investigates the Complaint?

In most cases, the immediate Supervisor of the employee will conduct an inquiry into the alleged misconduct. In more serious allegations, an independent party outside of the Fire Department will conduct the investigation. A criminal investigation may commence at any point in the administrative investigation process.

What is the Complaint Process?

Supervisory Review

- Any Duty Officer can accept the complaint and it will then be forwarded to the Supervisor of the affected employee(s).
- The Supervisor of the affected employee(s) will interview the complainant, and witness(s) if necessary, and document, in writing, the nature of the complaint and attempt to resolve the concern.
- The Supervisor will then meet with the employee and document, in writing, the employee response to the complaint.
- The Supervisor will then document his/her findings and classify the complaint.
- All documentation, classification, and recommendations will be forwarded to the Fire Chief for final review.
- After final review, the complaint will be kept on file for no less than seven years.

Formal Investigation

When there are complaints of a serious breach of conduct or behavior that may result in criminal charges being filed, these complaints will be investigated by law enforcement or other personnel outside the fire department. The Fire Chief will have the discretion to implement a formal investigation, and an informal investigation can become formal at anytime during the investigation process.

What are the Possible Complaint Findings?

- **Sustained**- Allegations by complainant are supported by sufficient evidence to justify a conclusion that the action(s) occurred and were violations of the City of Bath Personnel Ordinance or Bath Fire Department policy or standard operating guidelines.
- **Not Sustained**- There is insufficient evidence available to prove or dispute allegations made by the complainant. The allegation(s) appeared to have merit, however, there was insufficient evidence to prove or disprove.
- **Exonerated**- Alleged action(s) occurred but were justified, lawful and proper. Employees acted in compliance with rules, regulations and/or policy and standard operating guidelines.
- **Unfounded**- Allegation(s) are false, did not occur or not supported by the facts. The allegation(s) were without merit and did not occur.

If the investigation into the alleged misconduct is **Sustained**, the employee may be disciplined pursuant to the City of Bath Personnel Ordinance and the Bath Fire Department Rules and Regulations.

If the finding is **Not Sustained**, **Exonerated** or **Unfounded**, and if the Fire Chief agrees with the finding, the investigation will be reviewed with the named employee and it will be retained in departmental files as prescribed by law.

What will you be Told?

The Fire Department must comply with state and federal personnel laws pertaining to employee's privacy rights, therefore only final complaint finding will be disclosed.

Our Commitment to You

Complaints about alleged employee misconduct are opportunities for our department to identify actions by our employees that are inappropriate or to educate others about why the conduct was appropriate and within our scope of practice. In either case the community and the City of Bath Fire Department benefit from gaining your input. We are committed to providing quality fire and EMS service to the public. Working with you, we will perform this service professionally and with integrity.



**City of Bath
Fire & Rescue Department
Citizen Complaint Form**

Report of Complaint against Fire or EMS Personnel

Number _____ (office use only)

Name of Complainant: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Date and Time of Incident: _____

Location of Incident: _____

Name(s) of employee against whom complaint is being alleged. If name(s) not known, identifying features such as gender, height, hair color, etc.:

Name(s), Address(s), Telephone numbers(s) or other identifying information concerning witness(s).

Name: _____ Address: _____ Phone: _____

Name: _____ Address: _____ Phone: _____

Name: _____ Address: _____ Phone: _____

Name: _____ Address: _____ Phone: _____

Report of Complaint against Fire or EMS Personnel (cont.)

Statement of Complaint: _____

If further information is needed please attach additional sheet(s)

I understand that this statement of complaint will be submitted to the Bath Fire Department and may be the basis for an investigation. Further, I sincerely and truly, declare and affirm, that the facts contained herein are complete, accurate and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion or promise of any kind.

I understand that under the City of Bath Personnel Ordinance and the Policies of the Bath Fire Department, the employee(s) against whom this complaint is filed may be entitled to request a hearing. By filing and signing this complaint, I hereby agree to appear before any hearing, if requested by the employee and to testify under oath concerning all matters relevant to this complaint. **I further understand that if this alleged complaint which is made to a law enforcement officer is false, then I may be charged with the crime of “Unsworn Falsification” pursuant to M.R.S.A. Title 17-A section 453, which is a class D crime.**

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date and Time Received