

**PHOENIX FIRE DEPARTMENT**  
**Volume 1 – Management Procedures**  
**COMPLAINT MANAGEMENT PROCESS**

<b>M.P. 102.05B</b>	<b>Date Revised: 08/2025</b>
This policy is for internal use only and does not expand an employee’s legal duty or civil liability in any way. This policy should not be construed as creating a duty to act or a higher duty of care with respect to third-party civil claims against employees, the Phoenix Fire Department (PFD) or the City of Phoenix. A violation of this policy, if proven, can only form the basis for non-judicial administrative action by the employer in accordance with the laws and rules governing employee discipline.	
Related Policies: 102.05 Employee Discipline	

**PURPOSE**

A complaint management process is an essential part of holding ourselves accountable to the public and ensuring we achieve our organizational values. A thorough review of all complaints provides valuable insights into organizational performance, including the conduct of the members and employees within the organization.

**POLICY**

It is the policy of the Phoenix Fire Department (PFD) to thoroughly investigate all allegations of misconduct. All investigations shall follow the procedures established in this document. This policy clarifies **jurisdiction, investigative procedures, employee rights, and documentation standards** to improve accountability and fairness within the Phoenix Fire Department.

**DEFINITIONS**

**Administrative Investigation:** A non-criminal investigation into employee conduct or performance conducted by OSI in coordination with the Human Resource Department, the Equal Opportunity Department (EOD), or other relevant city departments.

**Admonishment:** A verbal or written directive instructing employee(s) not to discuss an ongoing investigation or retaliate against individuals involved.

**Complaint:** An expression of dissatisfaction from any source, internal or external, regardless of how it is received.

**Fact-Finding:** A structured review of allegations to assess employee involvement and determine if an administrative investigation is necessary.

**Garrity Protection:** Legal protection for employees compelled to provide statements in administrative investigations, ensuring those statements are not used in criminal proceedings.

**Notice of Finding (NOF):** A written summary detailing the final disposition of an investigation and any applicable policy violations.

**Notice of Inquiry (NOI):** A formal notification informing employees of an investigation that may lead to discipline.

**Office of Special Investigations (OSI):** The PFD unit responsible for handling fact-finding and administrative investigations.

**Preponderance of Evidence:** The standard of proof requiring that an allegation is more likely than not to have occurred.

**Weingarten Rule:** The right of employees to request union representation during investigatory interviews where discipline may result.

## **COMPLAINTS**

### **Acceptance of Complaints:**

Complaints may be received via any method (in-person, phone, email, mail, anonymous, etc.). Employees shall not discourage, interfere, or delay a complainant from filing a complaint.

### **Types of Complaints:**

1. **Formal Complaint:** Allegation of a department policy violation.
2. **Customer Service:** No clear policy violation; complainant requests discussion with a supervisor.
3. **Information Only:** No policy violation; complainant does not want contact.
4. **Projects:** Involves missing property or administrative tasks.

### **Disposition/Finding:**

1. **Substantiated:** A preponderance of evidence supports the allegation.
2. **Partially Substantiated:** Some aspects of the allegation are supported by a preponderance of evidence.
3. **Unsubstantiated:** No evidence supports the allegation.
4. **Inconclusive:** Insufficient evidence to meet the preponderance standard.

## **PROCEDURE**

### **Complaint Procedure:**

1. Complaints shall be documented on the [PFD Complaint Form](#) and forwarded to OSI for triage. The complaint form will be retained in the case file, in all cases.
2. All supporting information (recorded files, emails, written statements, etc.) shall accompany the complaint form.
3. Complaints received during business hours shall be referred to OSI; after-hours complaints shall be documented and forwarded the next business day.
4. OSI shall assign a case number and conduct fact finding. The Deputy Chief of Human Resources will determine if an administrative investigation is warranted.

5. If a criminal element is identified, OSI **must** immediately refer the case to **the Special Investigations Division (SID) of the Police Department**.
6. Investigations may follow the **structured interview sequencing**: Complainant → Witnesses → Respondent.
7. OSI or the assigned Investigator shall initiate contact with the complainant within **72 hours** of receiving the complaint. All communication with complainant, witnesses and respondent shall be documented in a contact log and retained in the case file. The contact log should include the name of the person interviewed, and the time, date, method and outcome.
8. Investigations should be completed within 90 days with extensions granted only in complex cases, including documented reasons for delay.
9. Investigators shall document findings in a **final report**, which shall undergo review by the Deputy Chief/Section Head and OSI.
10. All investigations requiring corrective action shall be reviewed by the Deputy Chief of Personnel.

#### **Employee Rights & Representation:**

1. Employees must be **notified of their right to representation** but must **request representation** for investigatory interviews.
2. NOIs shall be issued only when there is **reasonable belief** that discipline may result.
3. Garrity protections shall be provided when applicable, ensuring compliance with legal standards.

#### **Findings & Notifications:**

1. Investigations shall be concluded with a **Notice of Findings (NOF)** issued to the employee.
2. The complainant shall be informed that the investigation is complete and may request materials in the investigative file.
3. Public records requests for investigation findings shall be **reviewed for legal compliance** before release.

#### **Administrative Leave & Work Reassignments:**

1. Employees may be placed on **At-Home Work Assignments** when their presence jeopardizes the investigation, the department, and the public.
2. The **Human Resource Chief must approve At-Home Work Assignments exceeding 30 days**.
3. Alternative work assignments shall be considered before placing an employee on leave.

# **Addendum A**

## **Investigative Process:**

Any accusation of misconduct involving PFD members will be thoroughly investigated before any discipline is issued. All allegations of misconduct involving PFD members will include notification of the next level supervisor. An investigation is a fact-finding process, and supervisors must be cautioned not to make judgments until the investigation is concluded. For allegations of serious on-duty/off-duty misconduct, the Fire Chief or Designee, has the discretion to place the employee(s) on Administrative Leave (with pay), or Alternate Assignment (AA), pending the outcome of an investigation. Allegations of criminal behavior or misconduct will be assigned by the Personnel Chief and investigated by OSI in conjunction with the appropriate Law Enforcement Agency.

### **Plan the Investigation**

- Develop a plan on how the investigation will be completed.
- Will the interview be conducted in person or by written questions?
- Are you clear on the allegations?
- Who will be interviewed?
- What questions to ask?
- What evidence is available?
- Will assistance be required from a Subject Matter Expert?

### **Conduct Interviews with Complainant/Civilian Witness (s)**

- Interview should determine facts about the allegation(s) (5 W's).
- Resolve any inconsistencies with physical evidence.
- Can the complaint be resolved without a formal investigation?
- Is there an underlying motive for the complaint?
- Recap the interview with the complainant/witness for accuracy.
- Provide contact information.
- Interview should be recorded in its entirety.

### **Conduct interview(s) with Witness Members(s)/Employee(s)**

- Can be Civilian or Sworn.
- Witness(s) should be assured the focus of the investigation is not on them.
- Witness(s) are obligated to fully and truthfully answer **ALL** of your questions.
- Witness(s) have a right to union representation if requested.
- Witness(s) cannot refuse an interview.
- Failure to cooperate is a violation of Personnel Rule 21B16 and serves as a separate basis for disciplinary action, including dismissal.
- Interview should be recorded in its entirety.
- If at all possible, schedule the interview during duty hours.
- At the end of the interview, admonish the employee to not discuss the investigation with anyone other than investigators or union representative.
- Witness credibility assessments, only when needed, will be completed and retained in the case file.

### **Conduct interview(s) with Accused Employee(s)**

- Schedule interview(s) during duty hours if possible.
- If the investigator believes that allegation(s) could result in discipline (a written reprimand or higher) a Notice of Investigation (NOI) will be issued detailing allegation.
- Employee(s) must be offered the right to union representation prior to any interview (Weingarten Rule).

- Questions asked will be narrowly and specifically related to the alleged complaint/conduct.
- Members do not have the right to have an attorney present during administrative interviews.
- Interview should be recorded in its entirety.
- Statements will not be shared with ANY Law Enforcement Agency (Garrity Protection).
- Failure to cooperate in the investigation is a violation of Personnel Rule 21B16 and serves as a separate basis for disciplinary action, including dismissal.
- At the end of the interview, admonish the employee to not discuss the investigation with anyone other than investigators or union representatives.

### **Investigative Summary**

Is a formal written report detailing the completed administrative investigation, to support or disprove the allegations. The investigative summary should support the investigative findings through facts, collected evidence and investigative interviews. The investigative summary should include the following information:

- Details of the complaint as described by the complainant and determined by the investigator.
- A list of the alleged policy violation(s).
- A disposition or finding(s) of the alleged policy violation(s).
- A written summary of the details.

### **Conclusion**

- Deputy Chief/Section Head will determine if the facts support the findings.
- Deputy Chief/Section Head will forward the findings to the appropriate Executive Chief and OSI.
- OSI will determine if the facts support the findings.
- In conjunction with the Personnel Chief, the Deputy Chief/Section Head will determine the appropriate corrective action i.e., discipline, coaching/counseling, remedial training, etc.
- The Executive Chief over personnel will approve all findings involving corrective action i.e., discipline, coaching/counseling, remedial training, etc.
- OSI staff will update the complaint log with the findings of the investigation.
- If necessary, contact the complainant and inform them the investigation has been completed.
- Provide the accused employee with a Notice of Findings or disposition of allegation(s).
- OSI Lead and/or Deputy Chief of HR will confirm the case file includes all investigation materials, NOI's, Supervisory and Investigator Checklists, Findings Memo, Witness Assessments, if necessary, and Notice of Findings at the conclusion of the investigation.
- If requested, member/employee 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 member/employee per Unit 5 MOU.

# Course of Action

