

1.4 ORGANIZATIONAL INTEGRITY

1.4.1 Employee Complaints

All complaints against the Miami County Communication Center or its employees will be investigated in a fair and impartial manner. Any complaint will be documented on a MCCC Complaint Form (refer to the Appendix for Section 1) and submitted to the Director, who will determine the appropriate party to investigate the complaint. Supervisors or others assigned to investigate a complaint report to the Director.

- A. Whenever a complaint alleging employee misconduct is received, whether verbally, through the mail or electronically, the complainant will be advised that they will be updated on the status of the investigation within five (5) days. Supervisors will document in their initial Complaint Form that the complainant was made aware that they would be re-contacted within five (5) days.
- B. Complainants will be notified within five (5) days of the results of the investigation or the need for an extension of time. If a supervisor believes a time extension is necessary, they must review the circumstances with the Director and gain approval. A revised completion date will be established. The complainant will be notified in writing of the revised date and the reason for the time extension.

Minor complaints: Minor complaints are generally violation of rules or policies that may lead to a low to moderate level of corrective action or discipline for a first offense, if it is proven to be true.

- A. Supervisors who become aware of minor complaints shall notify the Director no later than the next business day that a complaint was received and it is being investigated. Examples of minor complaints, where there has been no obvious detrimental impact to a scene or responder as a result, are, but not limited to:
 1. Reports of improper procedure by a staff member
 2. Failure to conduct appropriate caller interview
 3. Improper use of a call type
 4. Failure to follow correct procedures
- B. Supervisors will complete a Complaint Form documenting a minor complaint. The documentation will include the information regarding the complainant and the involved employee, the details of the allegation and a conclusion based on the facts gathered and documented.
- C. The supervisor will review the Complaint Form with the Director, and based on the report and the involved employee(s) current active work/disciplinary record, determine the appropriate corrective action.

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- D. Minor complaints involving supervisors will be documented and forwarded to the Director for investigation and disposition.
- E. Non-criminal complaints will be investigated within five (5) days of receipt and the complainant notified of the findings. If the investigation will take longer than five (5) days, the complainant will be notified by the fifth day that the investigation will take a longer period of time and they will be given a date, not more than five (5) days later that they will be updated on the status of the investigation.

Major Complaints: Major complaints are either criminal in nature or of such an egregious nature that, if proven, may result in a suspension or termination, even for a first offense.

- A. Supervisors will complete a Complaint Form documenting a major complaint and immediately notify the Director. The Director will determine the appropriate person or entity to complete the investigation. Examples of major complaints are, but not limited to:
 - 1. Serious misconduct
 - 2. Possibility of involvement in criminal activity
 - 3. Situation where error results in further damage, injury or harm to a citizen, property or user agency personnel
- B. The Director will determine whether it is suitable for the employee to continue to work during the investigation and consult with the Miami County Prosecutor and Board Chairman if it is believed to be in the best interest of the community that an employee be placed on administrative leave.
- C. If the allegations are of a criminal nature and occurred at the Center, the Miami County Sheriff’s Office will be contacted to initiate an investigation. Otherwise, the appropriate law enforcement agency will be contacted.
- D. Major complaints of a non-criminal nature will be investigated as promptly as possible, but not to exceed 5 days, usually by a supervisor; a detailed Complaint Form will be completed and forwarded to the Director who will determine the appropriate corrective action.
- E. Criminal complaints will be investigated, as they relate to the disciplinary code of conduct, by the Communication Center staff after the appropriate law enforcement agency has completed their investigation.

A report will be prepared annually summarizing the internal investigations for the preceding year. This report is available to all employees and the public upon request.

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1.4.2 Employee Notification

Employees involved in an internal investigation will be notified in writing by the Director of the allegations and the employee's rights and responsibilities relative to the investigation. If an outside agency is involved in the internal investigative process, prior to any written notice being formulated, consideration must be given to the recommendation of the investigating agency regarding disclosure of the information.

1.4.3 Conditions of Investigation

Allegations involving possible criminal activity of any Miami County Communication Center employee will be researched and reviewed by the Director. The Director will immediately report all suspected criminal activity involving the Miami County Communication Center or its employees to the appropriate law enforcement agency based on the jurisdiction of the alleged offense.

- A. Prior to interviewing a MCCC employee as part of a non-criminal investigation, the employee will be issued a written Garrity Warning Form, as approved by the Miami County Prosecutor's Office and maintained by the Human Resources Department. Both the employee and the interviewer will sign and date a copy of the warning, which will be included in the investigation packet.
- B. A Miami County Communication Center employee involved in an investigation may be requested to submit to certain investigative procedures. Failure to submit to the requested procedure(s) may result in disciplinary action within the MCCC and/or court action in a criminal matter.

1. Possible conditions of an internal investigation:

- a. Blood, breath, or urine tests shall be conducted for any employee accused or suspected of being under the influence of alcohol or a controlled substance while on duty. Specimen tests may be required of any employee accused or suspected of using any controlled substance whose possession is illegal whether use is on or off duty.
- b. Employees may be required to submit to a photographic or in-person lineup if the procedure is necessary to establish certain identification of an employee involved in a matter subject to an investigation.
- c. Employees may be required to submit to financial disclosure statements if the nature of the complaint is one indicating illegal financial gain on the part of the employee. Members of an immediate family of an employee shall not be required to give a financial statement regarding an internal affairs investigation, when the employee is the subject of the investigation.

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- d. Any employee who is the subject of, or witness in, an internal affairs investigation, may be required to submit to a polygraph or computer voice stress analyzer examination. The questions asked in such an examination shall be specific to the subject of the investigation.
 - i. When an employee is required to submit to a polygraph or computer voice stress analyzer examination, the information developed will only be used for administrative purposes, and will not be used in any subsequent criminal proceedings.
 - e. Employees will be required to submit to any other type of medical or laboratory examination needed for the investigation and pursuant to criminal rules of procedure.
2. Failure to submit to an ordered examination or procedure listed above will be considered insubordination and cause for disciplinary action.

1.4.4 Relieved From Duty

MCCC employees may be relieved from duty when in the best judgment of the Director it appears such relief from duty is in the best interest of the Miami County Communication Center and staff. In the absence of the Director, the on-duty supervisor may initiate the relief from duty for up to 1 day, with pay, to allow the investigative process to begin and the proper authority to be informed. In this situation, the supervisor should immediately notify and advise the Director of the circumstances surrounding the incident and any action taken.

- A. Emergency / Relief from Duty may be administered for but not limited to:
 - 1. Unfit for duty due to physical condition (intoxication, etc.)
 - 2. Psychological reasons
 - 3. When an employee’s conduct personally observed by the supervisor is extremely serious in nature and/or creates an unwarranted and actual or potential harm to the employee or others
- B. If the circumstances so require, the supervisor may require immediate surrender of the employee’s keycard and/or a MCCC identification card.

1.4.5 Conclusion of Fact

Allegations of misconduct or error on the part of the MCCC personnel will require a conclusion of fact, which will be documented in the “Findings” field on the Complaint Form at the conclusion of the investigation.

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- A. The following findings of fact will be used:
1. Sustained – The investigation has disclosed sufficient evidence to determine the complaint is substantiated
 2. Exonerated – The investigation has determined the incident did occur but the employee involved acted properly in accordance with policy and lawfully
 3. Not Sustained – The investigation has been unable to substantiate the complaint. There was insufficient evidence to prove or disprove the allegation
 4. Unfounded – The complaint is false or not factual; the incident did not occur as reported and there was no misconduct/error
 5. Misconduct/error not based on Complaint – Substantiated employee misconduct not previously alleged in the complaint, but determined through investigation
 6. Violation of Policy/Procedure – Minor violations generally unintentional or due to lack of experience or training
 7. Failure of Policy/Procedure – The employee acted within policy or procedure guidelines, or the issue in question does not fall within the scope of existing policy/procedure. The situation indicates the need for review and change of appropriate procedures or drafting of new policy
- B. Disposition: Based on the conclusion of fact, appropriate corrective action will be taken for those complaints which qualify as “sustained” or “misconduct/error not based on complaint”. The MCCC complies with all aspects of the disciplinary process as outlined in the Miami County Personnel Policy Manual and/or the current collective bargaining agreement. Based upon the seriousness of any offense the MCCC disciplinary process may begin with a verbal counseling session, written warning, written reprimand, suspension and possible termination of employment pursuant to the Miami County Personnel Policy Manual and/or current collective bargaining agreement.
- C. The MCCC Director or designee will file the results of an investigation in the employee’s personnel file, or in cases of Unfounded/Exonerated complaints, alternate files for record keeping purposes. All complaints that have been documented, reviewed, investigated and logged are treated as confidential and secured as such by the MCCC supervisory staff. These files are maintained according to the Miami County Personnel Code and are available for review by the Director as needed.

1.4.6 Procedures on Complaints are Public

The MCCC maintains a web page to advise the public of the procedure for registering complaints or inquiries regarding the MCCC activities and/or personnel. All agency

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personnel are instructed as to the procedures in place to facilitate the handling of complaints and inquiries in order to gain public confidence. A Citizen Survey is included on the MCCC website to aid in this regard. The survey assists the agency in seeking information on the level of satisfaction and how services may be improved.

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Miami County Communication Center Complaint Findings Conclusion of Fact

1. Sustained – The investigation has disclosed sufficient evidence to determine the complaint is substantiated
2. Exonerated – The investigation has determined the incident did occur but the employee involved acted properly in accordance with policy and lawfully
3. Not Sustained – The investigation has been unable to substantiate the complaint. There was insufficient evidence to prove or disprove the allegation
4. Unfounded – The complaint is false or not factual; the incident did not occur as reported and there was no misconduct/error
5. Misconduct/error not based on Complaint – Substantiated employee misconduct not previously alleged in the complaint, but determined through investigation
6. Violation of Policy/Procedure – Minor violations generally unintentional or due to lack of experience or training
7. Failure of Policy/Procedure – The employee acted within policy or procedure guidelines, or the issue in question does not fall within the scope of existing policy/procedure. The situation indicates the need for review and change of appropriate procedures or drafting of new policy

Summary of Conclusion: