
	Department of Public Safety	
	Standard Operating Guidelines	
	Subject:	Investigation Policy
	Section:	Administration
	Guideline Number:	227
	Effective Date:	January 5, 2011
	Reviewed Date:	October 1, 2024
Signature of Approval:	Charles R. Pruitt Director of Public Safety 	

PURPOSE

Members of Accomack County Department of Public Safety (the “Department”) shall comply with county and department expectations for behavior, attendance, and performance at all times. Non-compliance must be remedied with appropriate disciplinary action. When a member is believed to have violated a Standard Operating Guideline, a County Policy or has otherwise engaged in behavior that is not appropriate for the effective performance of his or her job, the matter will be investigated. If any conduct is found to be in conflict with Accomack County policy or the procedures of this Department, the information shall be immediately brought to the attention of the Director of the Department or his designee.

SCOPE

This policy serves as a guide for supervisors to provide consistency, fairness, and structure for investigations.

1) GENERAL

The following is intended to provide guidance to supervisors who investigate misconduct. All members shall cooperate in official investigations. Dishonesty, intentionally withholding or concealing information, pressuring witnesses and other unethical behaviors during an investigation will not be tolerated.

These general terms shall have the following meaning:

- **Accusation of offense or misconduct:** whenever the Department receives a report made by a third-party source (including an anonymous report), a witness, a member of the Department, or when a supervisor has reason to believe from personal observations (or otherwise), that misconduct may have occurred.
- **Interrogation:** the formal questioning of a member regarding an accusation of offense or misconduct when the resulting action could lead to a suspension without pay, demotion, or dismissal.
- **Notice of Formal Investigation:** a form or other written document that provides a member with sufficient detail regarding the investigation/interrogation regarding his or her suspected misconduct. Preliminary fact-finding interviews may be conducted without issuance of Notice of Formal Investigation.
- **Removal of duty:** Supervisors have the authority to suspend a member without pay whenever circumstances warrant it or the Director deems it necessary. The temporary removal of a member from an on-duty assignment (i.e. suspension with pay) may be done without the advance approval of the Director; however, the Director shall be notified immediately following.

- Suspicion to proceed with interrogation: Once the supervisor has reason to believe that an offense involving a member may have occurred based on the information in the accusation of offense or misconduct, and that such alleged conduct if founded would lead to possible suspension without pay, demotion, or termination, then the provisions of §9.1-300 et. seq. of the *Code of Virginia* or this policy will be followed.

2) **DISCIPLINARY INVESTIGATIONS**

If the seriousness of the charge warrants, a member may be suspended with pay from all department activities until completion of the investigation or until permission to return to duty or to an alternative duty assignment is granted by the Director. Suspensions with pay may be ordered by a Battalion Chief or the Director. Suspension without pay may be ordered only by the Director or their designee.

- a) The interrogation of a member shall proceed in accordance with the *Code of Virginia* §9.1-301 (FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS PROCEDURAL GUARANTEE ACT) and/or this policy. The member shall be presented with a Notice of Formal Investigation along with a copy of this policy at least twenty-four hours before the interrogation is to occur; in emergency or other extenuating situations, the twenty-four hour advance notice period may be waived.
- b) The member shall be informed of the name, rank, and unit or command of the officer conducting the interrogation and all persons who will be present during the interrogation.
- c) The member will be afforded the opportunity to learn of the evidence obtained and to offer additional evidence during the interrogation.
- d) The interrogation shall take place at a reasonable time of day, and if possible, when the member is on duty. During the interrogation, the member shall be given reasonable periods of rest.
- e) The Department may choose to electronically record the interrogation or have it recorded by a stenographer. If such recording is done, the entire interrogation shall be recorded and a copy of the recorded or transcribed proceeding will be available to the member upon request without charge.
- f) The supervisor/interrogator shall document the findings and recommend disciplinary action according to the policy.
- g) The Director has the sole responsibility for determining all disciplinary actions taken. The Director shall be guided by the recommendations of the supervisor/interrogator but has the discretion to make the ultimate decision. Should the supervisor/interrogator find the accusations not founded or recommend that no disciplinary action be taken, the supervisor has the authority to take appropriate remedial or corrective actions such as a counseling memorandum. It is the supervisor's responsibility to manage their subordinates and counsel them either verbally or in writing to reward positive behavior and to correct, alter, or admonish inadequate performance.

3) **Grievances:**

Grievances shall be made in accordance to Accomack County Policy 701.0 – Grievance Procedure.

4) **Member not covered by §9.1-301 of the Code of Virginia.**

Although members such as volunteers and civilian employees are not covered by the " Firefighter and Emergency Technicians Procedural Guarantee Act," their right to due process is still important to the Department. Therefore, the investigations involving non-covered members shall be conducted with respect to those rights

**FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS
PROCEDURAL GUARANTEE ACT**

• **§ 9.1-300. FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS
PROCEDURAL GUARANTEE ACT**

As used in this chapter, unless the context requires a different meaning:

- "Emergency medical technician" means any person who is employed solely within the fire department or public safety department of an employing agency as a full-time emergency medical technician whose primary responsibility is the provision of emergency care to the sick and injured, using either basic or advanced techniques. Emergency medical technicians may also provide fire protection services and assist in the enforcement of the fire prevention code.
- "Employing agency" means any municipality of the Commonwealth or any political subdivision thereof, including authorities and special districts, which employs firefighters and emergency medical technicians.
- Firefighter" means any person who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires, the protection of life and property, and the enforcement of local and state fire prevention codes and laws pertaining to the prevention and control of fires.
- "Interrogation" means any questioning of a formal nature as used in Chapter 4 (§ 9.1-500 et seq.) of this title that could lead to dismissal, demotion, or suspension for punitive reasons of a firefighter or emergency medical technician. (1987, c. 509, § 2.1-116.9:1; 2001, c. 844)

• **§ 9.1-301. Conduct of interrogation**

The provisions of this section shall apply whenever a firefighter or emergency medical technician is subjected to an interrogation which could lead to dismissal, demotion or suspension for punitive reasons:

- The interrogation shall take place at the facility where the investigating officer is assigned, or at the facility which has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.

- No firefighter or emergency medical technician shall be subjected to interrogation without first receiving written notice of the investigation in sufficient detail in order to reasonably apprise the firefighter or emergency medical technician of the nature of the investigation.
 - All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter or emergency medical technician is on duty, unless the matters being investigated are of such a nature that immediate action is required.
 - The firefighter or emergency medical technician under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during any interrogation.
 - Interrogation sessions shall be of reasonable duration and the firefighter or emergency medical technician shall be permitted reasonable periods for rest and personal necessities.
 - The firefighter or emergency medical technician being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.
 - If a recording of any interrogation is made, and if a transcript of the interrogation is made, the firefighter or emergency medical technician under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.
 - No firefighter or emergency medical technician shall be discharged, disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in regard to his employment, or be threatened with any such treatment as retaliation for his exercise of any of the rights granted or protected by this chapter. (1987, c. 509, § 2.1-116.9:2; 2001, c. 844.)
- **§ 9.1-302. Breach of procedures.**
 - Any breach of the procedures required by this chapter shall not exclude any evidence from being presented in any case against a firefighter or emergency medical technician and shall not cause any charge to be dismissed unless the firefighter or emergency medical technician demonstrates that the breach prejudiced his case. (1987, c. 509, § 2.1-116.9:5; 2001, c. 844.)
- **§ 9.1-303. Informal counseling not prohibited.**
 - Nothing in this chapter shall be construed to prohibit the informal counseling of a firefighter or emergency medical technician by a supervisor in reference to a minor infraction of policy or procedure which does not result in disciplinary action being taken against the firefighter or emergency medical technician. (1987, c. 509, § 2.1-116.9:3; 2001, c. 844.)

- **§ 9.1-304. Rights Nonexclusive.**

- The rights of firefighters and emergency medical technicians as set forth in this chapter shall not be construed to diminish the rights and privileges of firefighters or emergency medical technicians that are guaranteed to all citizens by the Constitution and laws of the United States and the Commonwealth or limit the granting of broader rights by other law, ordinance or rule.
- This section shall not abridge or expand the rights of firefighters or emergency medical technicians to bring civil suits for injuries suffered in the course of their employment as recognized by the courts, nor is it designed to abrogate any common law or statutory limitation on the rights of recovery. (1987, c. 509, § 2.1-116.9:4; 2001, c. 844.)



Accomack County Dept. of Public Safety
Notification of Formal Investigation

Employee Name: _____

Date: _____

Nature of Investigation: _____

Officer in Charge of Investigation: _____

Formal Questioning Location, Date and Time:

The following individuals will attend the formal questioning: (include Name, Rank & Assignment)

Any observers to be present:

The possible range of punishment for this offense will be _____ to _____.

I have received this Notice of Formal Investigation on _____ (date) at _____ (time) hours.
I have also received a copy of my interrogation rights under § 9.1-301 of the Code of Virginia as well
as a copy of the Accomack County Dept. of Public Safety Investigation and Discipline Policy.

Employee signature: _____

Presented by: _____
(Signature) (Printed Name, Rank & Assignment)