

Internal Affairs Investigation Check List.

(developed from SOP 01.03.03, and Virginia Code 9.1-300)

If you are representing someone involved in an internal investigation, please reference SOP 01.03.03, be sure to notify them of the items below.

- 5 day Written Warning Form FRD 297 Firefighter Bill of Rights**
Before going to investigation be sure the member has received an FRD 297, giving them the 5 day advance written notice required. Get a copy for yourself, to help with defense. DO NOT BE BULLIED OR INTIMIDATED, the only exception to the 5 day rule is; *“unless there is a clear need.”* To me this means, life or death criminal consequences, so be assertive. The person being investigated does not have to come in on their own time; they should be detailed out of operations. (The County is not required to detail the observer, but you may request it.)
- Wear appropriate attire**
Remember you are representing your members, and the Union. Do not let shorts or “unprofessional attire” detract from yourself, or your client. IA is judging everything.
- The Investigated person is NOT allowed an attorney or representation**
They may seek the advice of an attorney prior to the interview if they wish but the attorney cannot be present. The observer is just that, they may not intervene.
- They are allowed an observer:** as long as getting that observer does not delay the interview.
- Bring a recording device**
The person Interviewed has the right to a copy of their interview tape and/or a transcript; however, under VA code only one person has to know about a recording device so the Observer should bring their own. This will help cut down on the bureaucratic wait time for copies. There are recording devices you may borrow at the union office, or there are several Smartphone recording applications you may use.
- THEY ARE NOT to be mistreated or coerced**
VA code states: *“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.”*
- Tell the truth**
The SOP states the interviewed must *“answer fully and truthfully all questions asked by the investigating authority pertaining to the investigation.”*

Incriminating or not, they DO NOT have the right to refuse to answer questions, as it pertains to the 297. These administrative investigations/interviews are not eligible for use in criminal proceedings. However, as stated in the SOP above they must be *pertaining to the investigation*. You should NOT have to answer offensive or non relevant personal questions. USE GOOD JUDGMENT.
- NOTIFY Grievance Director**
Send the Grievance Director a copy of the FRD297.
Inform Grievance Director of meeting and report any needed information.

*When the investigation is complete, the investigated employee will be provided a copy of that investigation’s findings. Forward a copy of these findings to Grievance Director.