



Division of Emergency Medical Services Fire Investigative Policy

I. Purpose

To establish guidelines for conducting administrative investigations into allegations of potential violations of the Ohio Revised Code (hereinafter “ORC”) and Ohio Administrative Code (hereinafter “OAC”) Chapters 4765 involving individuals holding certificates of fire service training, certificates to teach fire service training, chartered programs to teach fire training, and applicants for such.

To insure that any person or entity who is the subject of an administrative investigation is afforded a fair, thorough and impartial investigation into any potential violations of the ORC and OAC.

II. Applicability

This policy applies to all Division of Emergency Medical Services (hereinafter “Division of EMS”) employees involved in the investigative process and any State Board of Emergency Medical Services (hereinafter “EMS Board”)/Firefighter and Fire Safety Inspector Committee (hereinafter “FFSI Committee”) members assigned to the Case Review Team or involved in the investigative process.

III. Authority

ORC § 4765.04 and § 4765.55 and the rules promulgated, specifically OAC § 4765-23-02, grants the authority to the Division of EMS Executive Director with advice and counsel of the FFSI Committee, to issue disciplinary action to those individuals who hold fire service training certificates, certificates to teach fire training, institutions who hold a fire charter to teach fire training, and applicants for such. Disciplinary action may include revocation, suspension, disciplinary fines not to exceed one thousand dollars, restrictions on a certificate or refusal to grant a certificate or refuse to renew a certificate. The Division of EMS, under the authority of the Executive Director, conducts such investigations. For purposes of disciplinary actions, FFSI Committee means the EMS Board members who have a seat on the Firefighter and Fire Safety Inspector Training Committee pursuant to R.C. 4765.04.

IV. Mission/Policy Statement

The mission statement of the Division of EMS is *“To promote quality and professionalism in hiring, training, education, and delivery of Fire and Emergency Medical Services with equal consideration given to all diverse populations and constituents.”* By conducting thorough, fair and impartial investigations, the mission statement of the Division of EMS is supported and reinforced.

The Division of EMS, on behalf of the Executive Director, strives to conduct fair, impartial, thorough and consistent investigations of all complaints or alleged rule violations to build public trust and confidence. This promotes the highest professional standards for all fire service training providers.

The authority and duties of the Executive Director, the FFSI Committee (and/or EMS Fire Board Members) and the Division of EMS necessitate prompt and thorough completion of administrative investigations. Division of EMS investigators must approach all investigations with a sense of urgency, recognizing the potential negative impact that long protracted investigations have on complainants, applicants, person(s) subject of a complaint and associated agencies. Unnecessary delays serve to further complicate difficult situations for all concerned. Due process provisions of ORC Chapter 119. shall be followed with adherence to all applicable hearing notices and times frames.

V. Investigative Process

Complaint Process

Pursuant to OAC, § 4765-23-01, all complaints involving fire service certificate holders, fire charters, and fire instructors, shall be in writing. The Division of EMS Complaint Form is available on the Division's website. Anonymous complaints will not be investigated. Some complaints may be generated via media outlets, such as television or newspaper reports. The Division of EMS shall investigate the allegations to determine the authenticity of the complaint and to determine if a violation of Chapter 4765 of the ORC or OAC has occurred. The Division of EMS shall investigate each complaint thoroughly. Not all complaints filed with the Executive Director/Division fall within the jurisdiction of the Executive Director/Division. If the Division does not have jurisdiction to investigate a complaint, the Division may refer the complainant to another agency or organization. The Division only has jurisdiction to investigate complaints regarding conduct that violates the rules and laws set forth in Chapter 4765 of the ORC or OAC.

If the allegation(s) merit further investigation, then the policy outlined herein will be followed.

Complaint Review

The initial review of the complaint will be conducted by the Division of EMS Investigative Staff. The Investigative Staff will generate a case investigation on all formal complaints or observed violations. The Investigative Staff shall assign an appropriate case number to each investigation. This number shall permanently remain as the identifier for the administrative investigation case.

After a case is initiated, then persons, agencies, organizations or institutions subject of the investigation may be notified by the Division of EMS, as permitted by the ORC and OAC. Notification will be made in conjunction with policy as not to jeopardize the investigation. In certain circumstances, notification may not be appropriate or permitted.

Collection of Evidence

The Investigative Staff will conduct a thorough investigation into the allegations set forth in the complaint. They will collect all necessary evidence and witness statements/interviews pertaining to the alleged infractions in order to substantiate if any violations of the ORC or OAC have occurred.

The investigative process may include, but is not limited to, the following: gathering and collecting all pertinent information such as court and police records, dispatch records, medic run reports, hospital records, patient records, personnel and disciplinary records, medical protocols, work assignments, credentials, witness statements, administrative interviews with persons subject of the complaint and any other documents that are relevant to the investigation. The objective is to have a thorough, complete and factual investigation in order for the Executive Director to make the best informed decision about the merits of the allegation(s). Pursuant to ORC § 4765.04, subpoenas may be issued as part of the investigative process.

The availability of records, documentation, witnesses, persons or organizations subject of the investigation and other relevant information will dictate the length of the investigative process. The investigative process will usually involve a minimum of sixty (60) days.

Executive Director and FFSI Committee Action

After the investigation is completed and violations are supported or unfounded, the cases will be reviewed by the Case Review Team which consists of the following: the Division of EMS Office of Investigative Services Designee(s), Division of EMS Assistant Attorney General, at least one appointed EMS (Fire) Board Member. The Case Review Team will make recommendations to the Investigative Staff in regard to how each case will be presented to the Executive Director and FFSI Committee/EMS Fire Board Members. Those Board/Committee members serving on the Case Review Team shall not participate in any deliberation of said cases.

Upon completion of the investigation, the Case Review Team will review the investigation and determine when the case should be brought before the Executive Director and FFSI Committee/EMS Fire Board Members. The identity of person(s) subject of the investigation shall not be disclosed when brought forth. Only the facts and circumstances surrounding the allegation(s) and alleged rule violation(s) shall be presented to the Board. Possible courses of action the Executive Director can take include, but are not limited to the following:

1. Order the case investigation to be closed;
2. Initiate the disciplinary process by ordering a Notice of Opportunity for Hearing;
3. Refer a case to the local agency for investigation and disposition;
4. Order a case to be suspended;
5. Ratification of a Consent Agreement.

Cases which are found to be non-violations of the ORC and OAC will be closed by the Division of EMS and no further action will be taken by the Executive Director and FFSI Committee/EMS Fire Board Members. The Board will be presented with a listing of these cases by case number for ratification purposes.

If the Executive Director orders the issuance of a Notice of Opportunity for hearing, the EMS Board shall afford each individual or organization their ORC Chapter 119. Due Process Rights. Administrative hearings shall be conducted in accordance with Chapter 119. of the ORC and Chapter 4765. of the ORC and OAC.

In the event an administrative investigation uncovers criminal conduct, the case will be presented to the Executive Director and FFSI Committee/ EMS Fire Board Members for referral to the appropriate law enforcement entity or prosecutor

VI. Record Retention

Cases will be kept at the Division of EMS and disposed of in accordance with the Department of Public Safety and Division of EMS record retention schedule.

Closed cases will be reopened only when there is reason to believe new evidence or information substantiates a violation of the ORC or OAC. In any event, the Case Review Team will review the case and determine appropriate action on closed cases. If a closed administrative investigation is reopened, then appropriate notification will be made in accordance with this policy.

VII. Release of Case Information

Case information will be released in accordance with ORC Chapter 149. EMS staff will consult with the Division of EMS Assistant Attorney General or the Division of EMS In-house Legal Counsel and in accordance with Ohio Department of Public Safety Policy in regard to release of case information.

In accordance with ORC § 149.43, the Division will not release information provided by an information source or witness to whom confidentiality has been reasonably promised, when the release of information would reasonably tend to disclose the source's or witness's identity.

Adjudicated cases may be published in summary form utilizing the Division of EMS newsletter, the Division's website or other means as approved by the Executive Director and FFSI Committee. The Division of EMS will classify and tabulate administrative investigations for use in statistical management reports.

VIII. Miscellaneous Provisions

EMS Board Members/FFSI Committee Members, who serve as part of the investigation or are involved with the administrative investigation, shall not participate in any action or adjudication of the specific case investigations for which they were involved, pursuant to Chapter 4765-23 of the OAC.

Administrative investigations are by nature extremely sensitive, therefore, Division of EMS employees who process the documents or conduct investigations are expected to exercise appropriate confidentiality under all applicable laws and Division of EMS policies.

Updated 1/12/2009