

July 18, 2023

# LOS ANGELES FIRE COMMISSION

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July 10, 2023

BOARD OF FIRE COMMISSIONERS  
FILE NO. BFC 23-065

TO: Board of Fire Commissioners

FROM: Independent Assessor

SUBJECT: REVIEW OF THE LAFD'S RESPONSE TO THE IA'S 2021 ANNUAL REVIEW  
OF LAFD'S HANDLING OF COMPLAINTS OF MISCONDUCT

FINAL ACTION:  Approved  Approved w/Corrections  Withdrawn  
 Denied  Received & Filed  Other

## SUMMARY

At the Board Of Fire Commissioners (BOFC) meeting held on April 12, 2023, the Department presented the Department's Response to the Independent Assessors Audit - 2021 Annual Review of LAFD's Handling of Complaints of Misconduct (BFC # 23-037) to the Office of the Independent Assessor's 2021 Annual Review of LAFD's Handling of Complaints of Misconduct (BFC #22-101). Commission President Jimmie Woods-Gray noted a discrepancy between the number of cases awaiting a Board of Rights as reported in the Office of the Independent Assessor's (OIA) report BFC #22-101 and the Department's response BFC #23-037. The Commission requested that the Independent Assessor(IA) review BFC #23-037 reconcile any differences; and report back any conflicts, discrepancies or concerns.

## RECOMMENDATION

That the Board:

Direct the Department to provide a timeline in which they will update the Discipline Tracking System in order that the information designed to be maintained in the tracking system is available to department managers and reviewers.

## INTRODUCTION

On October 12, 2022, the IA reported the following in BFC #22-101:

*"As of September 1, 2022, **more than 72 cases** were waiting for a hearing before a Board of Rights (BOR). The Department has failed to update information for all open cases in the DTS system, therefore neither the Department nor the OIA were readily able to determine if **another 40 cases** are pending a BOR."*

On April 12, 2023, the Department reported, "Since the submission of the OIA's audit, the number of pending BOR has been reduced from 83 to 55."

The OIA would also like to acknowledge the milestones achieved by the Department as reported in BFC #23-037 as "accomplishments over the past year":

- PSD completed four BOR hearings and are in various stages with an additional three
- Reduced pending BOR from 83 to 45 (+10 vaccine mandate BOR's) for a total of 55
- 18 members have rescinded their BOR requests and accepted their discipline
- Six (6) members have retired in lieu of going to a BOR
- One (1) member was terminated at a BOR
- PSD negotiated and is working on the completion of nine(9) settlement agreements

## **DISCUSSION**

The OIA requested and was provided by the Department's Professional Standards Division (PSD) a spreadsheet (Excel Format) listing 90 Boards of Rights. The OIA compared the 90 names to 186 cases open in DTS as of August 22, 2022, and the 72 cases that the OIA referenced in BFC #2-101 "as of September 1, 2022". In addition, the OIA reviewed 249 cases open in DTS as of June 5, 2023.

The IA identified a few challenges early into the review. Each of the lists (spreadsheets, tracking systems) included different and/or overlapping information. In addition, they began and ended on different dates. It was time consuming and difficult to make sure that all cases were compared to the various lists.

Also, the Discipline Tracking System which contains or should contain all of the cases and related data was not promptly updated to include all the data related to each case or open/closed status.

During this review, The OIA identified two pending Boards of Rights cases that were included in the OIA's list of 72 cases but absent from the Department's spreadsheet listing 90 cases.

The first case (Case A - 2011) involved an incident that was recorded in 2011; the second case (Case - B 2012) was recorded in 2012. Both cases were pending Boards of Rights that were requested by the members (or, Opted Board) to dispute the findings and/or dispute the Department's penalty.

When asked about the two cases, the Department (PSD) responded they had "no record of pending BORs prior to 2015" and they would look into them<sup>1</sup>.

Case A - 2011 was closed in DTS shortly after the OIA's report BFC #22-101 was heard. Also, Case A - 2011 involved a member who had an additional, unrelated (and, not similar conduct) case that was first recorded in 2015 and was settled with a reprimand between the Department and the member between the time the OIA's report BFC #22-101 was heard and the Department's response BFC # 23-037 was heard.

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<sup>1</sup> Because of scheduled vacations/time off, PSD has not provided the information as of July 6, 2023.

Case B - 2012 remains open in DTS and the last comment entry made (January 3, 2019) indicates that a settlement is pending and suggests that DTS will remain open until the settlement is signed. DTS remains open.

**CONCLUSION**

The Discipline Tracking System should afford Department managers and reviewers the ability to track all aspects of disciplinary cases. In addition to maintaining historical and present Board of Rights information, all disciplinary case information should be available as the current system allows.

The OIA is aware that the Department is in the very early stages of identifying a new tracking/database system for complaints and discipline. However, the current systems must be maintained and current if there is any hope to export any historical data to a new system<sup>2</sup>.

Further, it would be prudent to anticipate that it will be at least a year and possibly several years for a new system to be in place.

I am available to provide any additional information the Commission may require.

Respectfully submitted,



TYLER IZEN  
Independent Assessor  
Board of Fire Commissioners

c: Kristin M. Crowley, Fire Chief

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<sup>2</sup> A report of cases in DTS (1/1/2012 – 7/6/2023) with a penalty of “Board of Rights” revealed only 22 cases and none of the cases originated after 2020.