


LOS ANGELES FIRE DEPARTMENT



KRISTIN M. CROWLEY
FIRE CHIEF

February 24, 2024

BOARD OF FIRE COMMISSIONERS
FILE NO. 24-027

TO: Board of Fire Commissioners
FROM:  Kristin M. Crowley, Fire Chief
SUBJECT: DISCIPLINE SERVED PRIOR TO BOARD OF RIGHTS
COMMENCEMENT

FOR INFORMATION ONLY:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

At the direction of the Board of Fire Commissioners (BOFC or Board), the Department has prepared this report to outline the discipline process adopted by the approval of the recommendations of the Office of the Independent Assessor in BOFC Report 22-046, dated May 9, 2022. The development of the following procedures is in alignment with City Charter 1060 and based on the direction of the BOFC to follow City Charter 1060 as the approved discipline process for the Department.

RECOMMENDATION

That the Board:
Receive and file.

DISCUSSION

The goal of the Professional Standards Division (PSD) is to support the LAFD as a self-disciplining organization that seeks to maintain public trust through both accountability and behavior modification. With a record number of 716 complaints in 2023, the PSD recognizes the need for streamlining disciplinary procedures to improve efficiencies while managing an ever-increasing number of cases year after year. The PSD has taken a measured approach toward managing the disciplinary process to ensure that reforms implemented have the effect of achieving efficiency, fairness, and alignment with City Charter 1060. The need for disciplinary reform is summarized as follows:

Importance of Disciplinary Reform

1. **Efficiency Enhancement:** The current number of BOR cases poses a significant challenge to the timely resolution of disciplinary matters. By imposing discipline immediately after the Skelly Hearing, unnecessary delays can be mitigated, ensuring swift resolution of cases.
2. **Reduction of BOR Cases:** Serving discipline upfront will dramatically reduce BOR cases. By providing members with clear consequences and incentivizing settlement agreements following the Skelly Hearing, the need for prolonged BOR proceedings can be minimized.
3. **Maintaining Accountability and Integrity:** Imposition of discipline in close proximity to the offense contributes to maintaining the accountability and integrity of the department's disciplinary system. It sends a clear message that misconduct will be promptly addressed, fostering a culture of compliance and professionalism.
4. **Equitable Application of Discipline:** The reforms will ensure members receive discipline according to agreed upon and recognized guidelines.

City Charter 1060 states: (b) Temporary Relief from Duty; Suspension. After following pre-disciplinary procedures otherwise required by law, the Fire Chief may:

(1) Temporarily relieve from duty any member pending a hearing before and decision by a Board of Rights on any charge or charges pending against the member; or

(2) suspend the member for a total period not to exceed 30 days with loss of pay and with or without reprimand, subject to the right of the member to a hearing before a Board of Rights. In the event the member files an application for a hearing before a Board of Rights as provided in this section, the suspension shall automatically become a temporary relief from duty pending hearing and decision by the Board of Rights.

This allows the Fire Chief to impose discipline following pre-disciplinary procedures and pending a hearing before any decision by a Board of Rights on charge(s) pending against the member. PSD has confidence that if the Department imposes discipline immediately (after the Skelly Hearing), the number of Board of Rights cases will be reduced dramatically. This process will also contribute to maintaining the accountability and integrity of the system since the prescribed discipline is being administered swiftly without delays.

All sustained discipline under 30 days will be taken after the member is served their Skelly Hearing and Disciplinary Packet (Second Half Skelly). Members who request a Board of Rights (BOR) as part of the disciplinary appeal process will serve their discipline prior to the commencement of their BOR. This is in alignment with City Charter 1060 and the direction of the Board who, approved the recommendation of the LAFD Independent Assessor's Office (BOFC Report 22-046) that states in part

“implement charter section 1060 and discontinue the practice of revoking suspension days when members request a hearing before a board of rights.” Members who receive a Department Directed Board of Rights (suspension greater than 30 days) will have their Board selected within 120 days of their Skelly Hearing. Members will still have retained all of the rights afforded to them by the City Charter and the Firefighter Bill of Rights.

Proposed Process Overview:

1. **Skelly Hearing and Disciplinary Packet:** Following the Skelly Hearing, members receive their disciplinary packet outlining charges and proposed disciplinary action.
2. **Option for BOR Request:** Members retain the right to request a BOR within five days of receiving their disciplinary packet.
3. **Settlement Agreement Discussions:** If a BOR is requested, members, along with their chosen representation, can engage in settlement discussions. If no agreement is reached within 30 days, members serve discipline immediately while awaiting BOR proceedings.
4. **Resolution through BOR:** Upon completion of the BOR, the discipline will either be upheld, members will serve additional suspension days or receive back pay for any reduced suspension period.

In the event that the member fails to apply for a hearing within the period prescribed, he or she shall be deemed to have waived the hearing and the suspension shall remain effective, unless the Fire Chief requires that a hearing be held.

CONCLUSION

The proposed reform aligns with City Charter 1060 and aims to further improve the timeliness of disciplinary procedures. By serving discipline prior to BOR commencement, the LAFD can enhance efficiency, reduce caseloads, and maintain timely accountability. Collaboration between PSD, Union representatives, and Department leadership will be essential for successful implementation. This reform represents a proactive step towards improving disciplinary procedures, ensuring fairness, and upholding Departmental standards.

Board report prepared by Kristina Kepner, Assistant Chief, Commander
Professional Standards Division.

Attachment

**"Discipline served prior to Board of Rights"
Matrix**

**PSD Battalion Chief XO
Report Adjudicated**

PSD Commanders' Review/Approval

**Member Requested
Board of Rights
(< 30 Days)**

The Department may deny the request for a settlement agreement and the member will serve their discipline immediately while awaiting their BOR's.

Upon completion of the Board of Rights the discipline will either be upheld, the member will serve additional suspension days or receive back pay for any suspension that was reduced by the Board.

Member/Representative may engage in Settlement Discussion. (must occur within 5-day period after Skelly Hearing)

Dept agrees to Settlement. Member still files for BOR & Dept has 30 days to complete settlement.

If an agreement cannot be reached within 30 days, the member will serve their discipline and **await their BOR's.**

Proposed Discipline (Suspension)

1st Half Skelly - Unsigned
Serve Member Proposed Discipline w/Skelly Hearing Date

Post Skelly Hearing, Skelly Officer can recommend a lesser penalty or Uphold penalty. Final Decision determined by Fire Chief

2nd Half Skelly – Signed

- Serve member in-person (or send via certified mail)
- File with Fire Commission within 5 days after service

Accept Discipline – PSD to Schedule ASAP Request BOR - Member has 5 calendar days to request BOR.

Department Directed Board of Rights (+30 Days)

Department Directed BOR will be selected within **120** days.

Member/Representative can still engage PSD in settlement discussions.

Members will still have all of their rights afforded to them by the City Charter and the Firefighter Bill of Rights.

Accept Verdict by Board Members?