



KRISTIN M. CROWLEY  
FIRE CHIEF

April 22, 2024

BOARD OF FIRE COMMISSIONERS  
FILE NO. 24-027R

TO: Board of Fire Commissioners

FROM: *KC* 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 Withdrawn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**

Attached for the Board of Fire Commissioners' review is the report identifying the process for Los Angeles City Fire Department (LAFD) members to serve their discipline prior to the commencement of a member-opted Board of Rights hearing. The development of the following procedures is in alignment with City Charter 1060 and based on the recommendation of the Office of the Independent Assessor in the Board of Fire Commissioners Report (BOFC) 22-046, dated May 9, 2022.

**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.

The Professional Standards Division recognizes the need for streamlining disciplinary procedures to improve efficiencies while managing an ever-increasing number of year over year complaints as well as addressing the backlog of cases awaiting a Board of Rights (BOR) hearing. With a record number of 716 complaints in 2023 and an organizational restructuring in 2022 aimed at reducing BOR cases, PSD has experienced progress toward its case management goals. However, PSD also acknowledges that despite these successes, the current operating model lacks long term sustainability.

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 backlog 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 recognized guidelines.

Information provided in Charter 1060\* 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.

In alignment with City Charter 1060 and the recommendation of the LAFD Independent Assessors Office (BOFC Report 22-046), members receiving a suspension under 30 days will serve their discipline prior to the commencement of their BOR, at the discretion of the Fire Chief. This is one strategy to address the backlog of pending "Member Requested" BOR. 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 retain 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.

A Disciplinary Matrix has also been submitted with this recommendation.

\*City Charter 1060

(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.**

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 address inefficiencies and backlogs in disciplinary procedures. By serving discipline prior to BOR commencement, the LAFD can enhance efficiency, reduce caseloads, and maintain 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)**

**1<sup>st</sup> 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

**2<sup>nd</sup> 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?**