

# LOS ANGELES FIRE DEPARTMENT



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FIRE CHIEF

December 4, 2015

BOARD OF FIRE COMMISSIONERS  
FILE NO. 15-131

TO: Board of Fire Commissioners

FROM: *RMT* Ralph M. Terrazas, Fire Chief

SUBJECT: ARSON/COUNTER-TERRORISM AUDIT REPORT UPDATE

FINAL ACTION:	<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 Withdrawn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

In December 2014, the Office of the Independent Assessor (OIA) completed an audit of the Arson/Counter Terrorism Section (ACTS) and reported its findings to the Board of Fire Commissioners (Board). The audit was conducted to assess the status of recommendations made during the 2008 LAPD audit, assess the quality of ACTS investigations, and determine background and training standards. On May 5, 2015 ACTS presented a status report to the Board on progress made at ACTS regarding the audit.

## RECOMMENDATION

That the Board:  
Receive and file.

## DISCUSSION

By power of the City Charter, the LAFD has the authority to investigate all fires that occur within the City of Los Angeles. The LAFD has a signed Memorandum of Agreement with the LAPD stating that "the Fire Department shall retain responsibility for all arson investigations, as well as any arson/insurance fraud occurring within the City, with the Police Department acting in a supportive role. When another crime is identified, i.e. arson/murder, the appropriate entity within the Police Department shall have the investigative authority."

In May 2014, the OIA began a review of ACTS. The audit was conducted to:

- Assess the status of implementation of recommendations from the LAPD Audit,
- Assess the quality of recent ACTS investigations, and
- Determine if members working in ACTS possess the requisite background qualifications and firearms training required for the assignment.

The audit was presented to the Board of Fire Commissioners on December 16, 2014.

The OIA Audit objectives were:

- Objective 1: Policies and Procedures
- Objective 2: Quality of Investigations
- Objective 3: Investigative Training
- Objective 4: Supervisory Oversight
- Objective 5: Background Investigations and Firearms Qualifications for Peace Officers

The OIA made several recommendations. The audit reinforces and supports actions currently in motion by ACTS supervision to address deficiencies and improve performance. Work addressing the audit had already begun and continues to fall in line with the recommendations in the audit report.

Listed below are the steps being taken to address each audit recommendation:

1. Update and maintain an Arson Procedures Manual.
  - Not complete: The Arson Procedures Manual was found to be in need of several updates. Progress is slow due to staffing shortages and a lack of subject matter experts (SME).
  - There are 23 Arson Procedures Bulletins (APB) used to provide structure and continuity to daily arson related activities. To date, 15 APB's have been updated. The following APB's have been updated and are attached for the Board's consideration:
    - APB #06 – Authorized Uniforms Attire; update November 13, 2015
    - APB #08 – Structure Fire Fatality Report; update November 13, 2015
    - APB #21 – Wearing of Body Armor; update November 13, 2015
2. Develop policies reflecting the responsibilities of first responders and ACTS investigators regarding engaging in activities that will lead to more thorough and complete investigations (i.e., crime scene preservation, canvassing for witnesses and surveillance cameras, obtaining contact information, and interviewing all witnesses).
  - Complete: ACTS has revised and posted the Arson Reference Guide. This information lists the criteria necessary when contacting the ACTS.
3. Add "Canvassing for Witnesses" heading to APB #13.
  - Not complete: Subject matter experts are currently reviewing APB #13 for practical application in a field setting. The APB will include a heading titled "Canvassing and Witnesses".

4. Update Notification Protocols.
  - Complete; APB completed and approved.
5. Record (audio and video) and book into evidence suspect interviews.
  - Not complete: APB #13 is currently being evaluated including language that suspect interviews should be recorded (audio and video) and that the recordings should be booked into evidence.
6. Greater detail conducting in-person interviews with material and percipient witnesses.
  - Complete: All arson investigators trained regarding interview techniques to include adding language when not conducting in-person interviews.
7. Formalize partnerships with LAPD and/or other law enforcement agencies.
  - Complete: A thorough and collaborative process exists between the ATF and LAPD Major Crimes Detectives on LAFD arson related cases. ACTS has two members assigned to the Joint Terrorism Task Forces within the FBI and LAPD Major Crimes Division.
8. Adopt formal investigative training requirements and standards.
  - Complete: ACTS received training in the following areas: NFPA 921/1033 *"Guide for Fire and Explosion Investigations"*, Use of Force Training, Developing Confidential Human Informants Training, Evidence Collection, Undercover Officer Perkins Training and Tools for Tolerance for Law Enforcement Training.
9. Supervisor approval on investigative reports ensuring accuracy and completeness.
  - Complete: ACTS supervisors are actively reviewing reports for accuracy. Areas of focus include adherence to policies, evidence preservation, witnesses, interviews, notifications, and case management.
10. Comply with 2011 Letter of Agreement (LOA); Psychological Evaluations.
  - Complete: Full compliance on this recommendation.

11. Ensure compliance with all LAPD policies related to firearms qualifications.
  - Complete: LAPD Use of Force Policy – Directive No. 1, Directive No. 5, and Special Order No. 36, and LAPD Special Order No. 24 Qualification Schedule.
12. Ensure weapons qualifications standards including corrective action.
  - Complete: ACTS Captains track, record, and document all firearms training.

### **CONCLUSION**

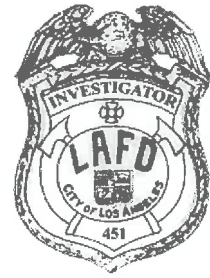
The OIA audit identified areas that require attention and, if implemented, will improve performance, reduce risk management concerns, and enhance accountability. ACTS supervision is working to address these recommendations to enhance investigative practices, improve the quality of work, and heighten the level of service ACTS renders to the community of Los Angeles.

ACTS has completed 9 of the 12 recommendations, although many of the recommendations are on-going efforts. Updating the manuals and policies revisions requires subject matter expertise that has been hindered due to staffing issues associated with long term vacancies and retirements. It is anticipated that all the recommendations will be completed by year end except manual rewrites which may require outside resources.

Board report prepared by Battalion Chief Robert W. Nelson, Commander, Arson-Counter Terrorism Section.

Attachments

# Arson Procedure Bulletin



**Bulletin #06 Revised 11/13/15**

## **AUTHORIZED UNIFORMS/ATTIRE**

Uniforms, uniform maintenance, and grooming standards are the responsibility of each member assigned to the Arson/Counter-Terrorism Section (ACTS). Uniforms shall be maintained as prescribed by the Department and ACTS. Any deviation from wearing authorized attire shall be approved by the Section Commander. The following is a list of approved uniforms/attire for the Investigators, K-9 Handler, and ACTS Supervisors.

### **STANDARD UNIFORM**

As of June, 2014, ACTS members may order black polo shirts with the approved badge logo and khaki colored 5.11 tactical pants on the Department's Supply Requisition System (SRS). *These items were approved by the Department for distribution as being the "ACTS Standard Uniform."* Originally, shirts that were ordered were embroidered with members' last names. In the future, the shirt may be ordered with the last name as an option.

The approved Arson logo is an embroidered badge with "Arson" above the badge and "Counter-Terrorism" below. Only the K-9 handler shall wear K-9 related logos. (See attachment for photos of currently approved standard uniform logo.)

Effective January 1, 2016, the standard uniform shall be worn when working a field assignment (A-Unit 1 or A-Unit 2). Members assigned to a 40 hour work week may wear the standard uniform or optional attire as listed below.

### **Optional Attire in Lieu of Standard Uniform**

- Dockers style slacks (khaki or black) in lieu of 5.11 style tactical pants.
- A suit, or dress shirt, tie, and slacks may be worn.
- Pants suit or skirt (female investigators)
- Appropriate footwear – Department supplied footwear, solid color tactical boots, oxford style shoes, casual leather shoes, or solid color hiking boots.

- Members who are assigned to a 40-hour work week (days) may wear Dockers-type slacks/5.11 pants and a casual concealment shirt, in lieu of the approved polo. The badge or identification card shall be worn in instances when recognition as a member of ACTS is desired (LAPD/law enforcement facilities, District Attorney's Office, etc.).
- The K-9 Handler, due to the special nature of the position, may wear clothing other than the standard uniform, consistent with this policy and/or agreement with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

### **Weapon Concealment**

When the situation warrants the concealment of weapons (restaurants, public assemblages, meetings, etc.), the investigator has the option of wearing a jacket or 5.11 type concealment/cover shirt. However, when wearing a "cover" shirt inside City buildings/offices, Investigators shall have their identification card or badge displayed in a conspicuous manner.

If a concealment/cover shirt is being worn, it shall have a straight hem as opposed to tails which are designed for being tucked in. (See attached photo example.)

When working in the official capacity of an Arson Investigator at scene investigations or during follow-up, and while in and around LAFD/LAPD facilities, the LAFD Badge, logo, and/or identification card shall be displayed.

### **FIRE SCENES**

- ACTS two-piece BDU consisting of black jacket and black pants.
- Standard Uniform. Additionally the black Arson T-shirt may be worn in-lieu of the polo shirt during investigations of a fire scene, special operations, training, and at night.
- BDU jacket or raid jacket with Arson identification if optional attire is being worn. (A 5.11 type concealment shirt shall not be worn at the scene of an incident unless LAFD Arson identification is visible and said member is not assigned to working within the fire scene.)
- Appropriate footwear such as safety boots, turnout boots, brush boots (at fire scene).
- Helmet when working within the IDLH (Immediate Danger to Life or Health)

## **FIRE SCENES (cont'd)**

- Gloves
- Protective Eyewear

## **TACTICAL ATTIRE**

Tactical attire will be worn by members when directed by the Section Commander. Typical situations for tactical attire are when a uniformed appearance is desired at incidents such as search warrant service, arrest warrant service, demonstrations/crowd environments, civil unrest, etc. Tactical attire and other necessary equipment will be delineated in the Tactical Operations Plan for the particular event. Tactical attire may include, but is not limited to:

- Ballistic helmet and goggles (as needed)
- Two-piece BDU
- Black boots
- Body armor with ID carrier
- Tactical gear (web belt/Sam Browne type duty belt, side holster, double magazine pouch, handcuff case, OC spray)
- Flashlight, backup weapon (optional), radios, trauma kit
- In situations where body armor will be worn underneath clothing, a primary consideration should be given to concealment of the vest

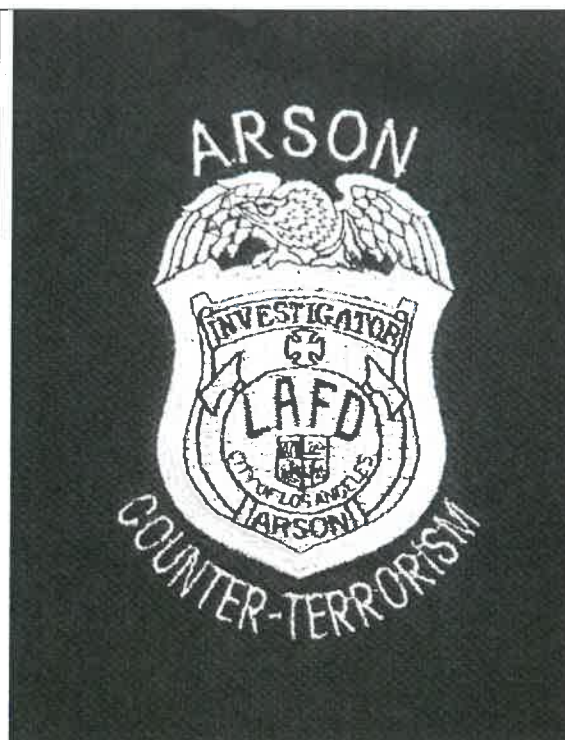
## **COURT AND DEPOSITIONS**

All members shall have a dress suit readily available for last minute court appearances, depositions, Fire Commission meetings, etc.

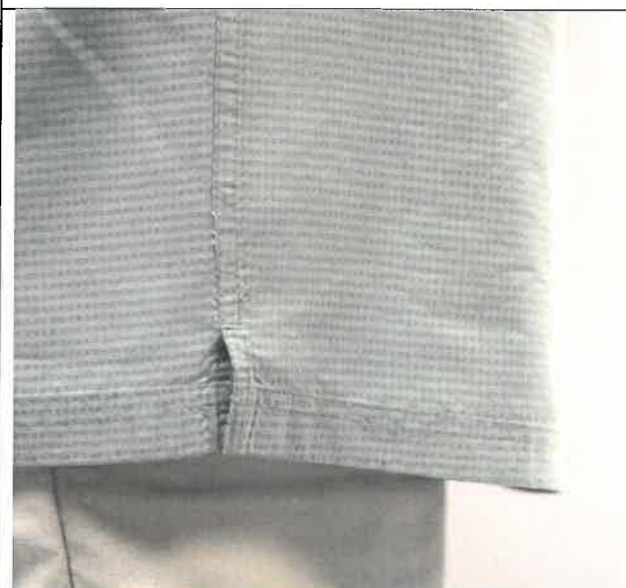
- Dress shirt and tie
- Sports coat
- Dress Suit (in lieu of sports coat)
- Dress slacks (no Dockers type pants)
- Females Investigators – Pants suit or skirt



Standard Uniform shirt and pants as supplied by the Department



Approved ACTS logo for polo shirt



Example of straight-hemmed cover shirt

# Arson Procedure Bulletin



Bulletin #08 Revised 11/13/2015

## STRUCTURE FIRE FATALITY REPORT

In order to maintain an accurate record of fire fatalities, the Arson/Counter-Terrorism Section (ACTS) maintains a master list of fatality fires that occur in the City of Los Angeles. Data that is collected can be analyzed by Department entities to identify trends in fatal fires and potential programs to improve life safety.

The master list is updated after each structure fire fatality. Information that is added to the list is the incident Date, Time, Address, Battalion, Fire Station District, Council District, Bureau, Victim Demographics, Occupancy Type, Occupancy Height, Smoke Alarm(s) present, Smoke Alarm functioning, and Cause (i.e. Accidental, Undetermined, Incendiary, Natural). The master list is set up in spreadsheet fashion:

STRUCTURE FIRE FATALITIES															
#	Date	Time	Inc.	Address	Batt	FS	CD	B	Sex	Eth	Age	Structure	SD	SDF	Cause
1															
2															

The information for this report shall be submitted to the Section Commander within 24 hours of the incident. It is the responsibility of the ACTS on-call Supervisor (who went to the incident) to ensure this information is obtained. Information including the above information shall be forwarded via Department email. If a fire death does not occur within 24 hours of the incident (serious burn), the lead investigator shall track patient status in order to determine if the patient survives or succumbs to the injuries. If a death ultimately occurs, the lead investigator shall forward the appropriate information to the Section Commander via email. This information is needed to accurately account for all fire fatalities, update the computer database, and keep Fire Prevention and Administrative personnel informed.

It is also important to capture the data so that trends, patterns and areas of concern are identified so that measures can be taken to address public safety aspects.

Questions pertaining to this bulletin may be directed to the Senior Investigator or any other ACTS Supervisor.

# Arson Procedure Bulletin



Bulletin #21 Revised 11/13/15

## WEARING OF BODY ARMOR BY ACTS PERSONNEL

### ACTS MEMBERS' RESPONSIBILITIES

All sworn members of the Arson/Counter-Terrorism Section (ACTS) shall wear Department approved body armor as outlined in the Manual of Operation, Volume II, 3/7-40.25:

*Personnel may wear body armor anytime they feel it is necessary, and it **shall** be worn anytime members are dispatched to the scene of the following reported incidents:*

1. Assault with a Deadly Weapon (ADW)
2. Domestic Violence/Family Dispute
3. Shooting
4. Stabbing/Cutting
5. Sniper Incidents/Police Stand-bys
6. Other violent crimes or conditions
7. Overcrowding Investigations/Public Assemblage Closures
8. During "Tactical Alerts"

*The above incidents are not intended to be all-inclusive.*

All sworn ACTS personnel shall also wear body armor when:

- ACTS members are in the field conducting tactical operations or engaging in field operations likely to result in contact with the suspect(s).
- Conducting operations in known trouble areas, especially during nighttime hours.
- When directed by a supervisor or member in charge of an operation.

In addition, all sworn members assigned to ACTS shall don Department approved body armor during all pre-planned tactical operations, and during any potentially violent situation in the field.

All body armor issued, or purchased for use by ACTS personnel, shall meet or exceed Department specifications, and shall also be certified according to the most current National Institute of Justice (NIJ) standards at the time of purchase.

The ACTS member in charge of any operation listed below shall ensure that all ACTS members involved in the actual field operation wear body armor:

- For any pre-planned tactical operation at a location where members have reason to believe an individual(s) may be violent or attempt to resist.
- When serving a felony arrest warrant on a suspect **not** in custody.

Based on tactical considerations, the member in charge may specify which members shall wear concealable body armor and which members shall wear external tactical vests with body armor panels.

## **SUPERVISORS' RESPONSIBILITIES**

All ACTS supervisors shall:

- Authorize the exemptions of ACTS members from wearing body armor, when deemed necessary.
- Direct ACTS members to don body armor anytime the Supervisor feels additional personal protection is warranted.

**Note 1:** Investigators out in the field conducting interviews of witnesses are not required to wear body armor. However, while conducting investigative work in the field, body armor shall be carried in the vehicle, in the event a stale situation becomes violent.

**Note 2:** ACTS members are not required to wear body armor when appearing in court.