

LOS ANGELES FIRE DEPARTMENT



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FIRE CHIEF

January 26, 2017

BOARD OF FIRE COMMISSIONERS
FILE NO. 17-004 R

TO: Board of Fire Commissioners

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: PROFESSIONAL STANDARDS DIVISION STATUS REPORT ON
RESPONSE TO INDEPENDENT ASSESSOR'S OUT OF STATUTE
AUDIT

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 Withdrawn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 her report issued May 17, 2016, the Independent Assessor made six recommendations for improvements of the discipline system:

1. To create a system of accountability including timelines for investigations, enhancing the notification system and using chronological logs;
2. To create a training curriculum and to ensure all members who conduct investigations are trained;
3. To develop a formal policy outlining the formal process for the alternative process;
4. To create written procedures for investigating complaints against the Fire Chief;
5. The installation of a new case management system and development of uniform procedures for entries in CTS; and
6. To develop a mediation pilot program.

The Department concurred with the six recommendations, as set forth in the Board Report presented on August 2, 2016. In August 2016, the Department submitted its first action plan for implementation of the six recommendations.

Attached is the Department's updated action plan for the implementation of the audit recommendations. The Department has adopted benchmarks for disciplinary investigations (Recommendation No. 1(a)) and formalized the Alternative Investigative Process (Recommendation No. 3). The Department is working diligently on all six of the Assessor's recommendations.

RECOMMENDATION

That the Board:

Receive and approve the report.

FISCAL IMPACT

The Department does not anticipate any fiscal impact at this time.

DISCUSSION

The action plan provides the framework for what the Department still needs to accomplish to comply with the Assessor's recommendations.

The Department has adopted benchmarks for case handling and formalized the Alternative Investigative Process, as described below.

Benchmarks for Case Handling

One of the recommendations of the Independent Assessor was for the Department to adopt a system of accountability, including benchmarks for investigations.

Previously, in the Department's 2013 response to the Independent Assessor's 2010 assessment of the disciplinary process, the Department had identified several benchmarks:

1. The complainant intake interview should be conducted within the first two weeks of the assignment of the case to the investigator;
2. The completed investigation of complex investigations should be submitted for adjudication by the tenth month; and
3. The Department should complete the disciplinary process within 30 days of the member's service of the proposed penalty.

At the time, the Department was not routinely meeting the milestones. In fact, as late as October 2015, over 20% of investigations were not completed within one year of the statute of limitations period.

Since then, zero cases investigated by the Professional Standards Division (PSD) in the last six months have gone out of statute, and very few field investigations failed to be completed by the deadline. To ensure this positive trend continues, the Department has

committed to adopting benchmarks to assess how investigations are being handled by PSD.

The Department developed the following measurable benchmarks:

ACTION	PROPOSED COMPLETION
PSD command assigns case to investigators	Within five to ten business days from the date the complaint was entered into the Complaint Tracking System (CTS)
Investigators forward FG-53 for approval to PSD command staff requesting investigative authority	Within two to five business days of case assignment
Investigators forward Investigation Notifications; gather supporting evidence for Intake (including all computer generated evidence and surveillance recordings available), conduct Intake interviews, identify first round of interviews needed and send out interview notifications, and complete first round of investigative interviews	Within four months from the date the complaint was entered into CTS
Investigators identify any necessary follow up interviews, send interview notifications and conduct all follow up interviews	Within six months from the date the complaint was entered into CTS
Investigators submit investigative report draft to the PSD Command Staff	No later than eight months prior to statute of limitations

These five benchmarks in the life of an investigation are critical for a thorough and timely investigation. By pushing back the target completion date for the investigation to eight months prior to the statute of limitations date, the Department is afforded sufficient time to properly review the investigation reports and evidence, and to conduct the adjudication and *Skelly* processes.

There are serious limitations with the current CTS, which will make tracking the Department's performance against these five benchmarks challenging. The PSD is seeking a new case management system, as recommended by the Independent Assessor, which will allow for more sophisticated analytics. However, since there are only five benchmarks to track, the Department is adopting a system to determine if the Department is meeting the benchmarks on cases going forward. Starting in February 2017, the investigators will complete monthly status reports on their assigned cases, which will track compliance with the benchmarks. These status reports will be tabulated, and the results will be reported quarterly to the Board of Fire Commissioners and at FireStat.

The Department has adopted benchmarks to track milestones in the investigation process. The Department expects that these benchmarks will make it easier to evaluate how disciplinary investigations are progressing to ensure timely and thorough investigation of all disciplinary complaints.

CONCLUSION

The Department has been working to implement the six recommendations made by the Assessor in her Out-of-Statute Audit. The Department has worked to craft achievable benchmarks for disciplinary investigations. The Department has outlined the formal process for handling matters assigned to the Alternative Investigative Process.

Board report prepared by Karen Richter, Acting Commander, Professional Standards Division and Erin Joyce, Chief Special Investigator, Professional Standards Division.

Attachment

**PROFESSIONAL STANDARDS DIVISION UPDATED ACTION PLAN RE: IMPLEMENTATION OF RECOMMENDATIONS
FROM THE INDEPENDENT ASSESSOR'S OUT OF STATUTE AUDIT DATED MAY 17, 2015
January 2017**

Recommendation	% Completed	Targeted Completion Date	Update
Recommendation No. 1 -- Create a system of accountability			
a. Develop benchmarks for investigation milestones	90%	November 2016	The Department is concurrently submitting the benchmarks for important investigation milestones.
b. Enhance the email notification system	50%	February 2017	The Department is creating internal audit system to review effectiveness of the automatic notification system in CTS.
c. Standardize use of chronological logs in CTS	80%		The comments section of the CTS is being used currently as a chronological log. The internal audit system will track the compliance with requirement to use the comments section to document important case activity.
Recommendation No. 2 -- Create a training curriculum and to ensure all members who conduct investigations are trained	30%	2017	The Department has already embedded PSD investigators in the four Bureaus, which is helping provide one-on-one training to Captains and Battalion Chiefs on investigations assigned to the field. The Department is working to determine the needs of the separate Bureaus for investigative training. The Department will enhance training in conducting investigations provided through continuing education for Captains and Command Staff, with the long term plan to provide comprehensive investigation training on Target Solutions and in person.
Recommendation No. 3 -- To develop a formal policy outlining the formal process for the alternative process	75%	December 2016	The Department is submitting the policy for the alternative investigative process for consideration by the Board of Fire Commissioners.
Recommendation No. 4 -- To create written procedures for investigating complaints against the Fire Chief	25%	March 2017	The Department has a policy for the investigation of complaints against the Fire Chief which will be reviewed, formalized and submitted to the Board of Fire Commissioners.
Recommendation No. 5(a) -- The installation of a new case management system	10%	Unknown	The Department is continuing to seek funding for a new case management system to replace CTS.
Recommendation No. 5(b) -- Development of uniform procedures for entries in CTS	25%	Unknown	The Department has developed protocol for uniform CTS entries and is working on training to ensure that investigators are properly documenting investigative activity in CTS. The Department is working to make CTS more user friendly, and to adopt protocol for coding cases as they are entered into CTS. The Department also is formulating uniform methodology for closing codes for investigations.
Recommendation No. 6 -- To develop a mediation pilot program	30%	Spring 2017	The Department is developing criteria for cases amenable for mediation involving workplace issues and minor misconduct cases. The Department is exploring partnering with USC to begin a mediation pilot program for employee on employee complaints.