

September 5, 2017

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August 28, 2017

BOARD OF FIRE COMMISSIONERS
FILE NO. BFC 17 - 097

TO: Board of Fire Commissioners

FROM: Office of the Independent Assessor

SUBJECT: AUDIT OF LOS ANGELES FIRE DEPARTMENT CASES CLOSED IN THE COMPLAINT TRACKING SYSTEM DURING FIRST QUARTER 2017

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 Withdrawn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

The Office of the Independent Assessor (OIA) conducted a statistical analysis of cases that were closed in the Los Angeles Fire Department's (LAFD or Department) Complaint Tracking System (CTS) during the first quarter of 2017. In addition to providing the Board of Fire Commissioners with statistics gathered from these cases, the OIA noted and discussed trends and issues identified during the review.

RECOMMENDATION

That the Board:

1. Approve the OIA's Audit of Los Angeles Fire Department Cases Closed in the Complaint Tracking System During First Quarter 2017.
2. Adopt the OIA's recommendations.

DISCUSSION

115 cases were reviewed for this audit. The OIA highlighted the number and types of complaints, the number of cases that were assigned to PSD or a member's chain of command (Field), the bureau to which subjects were assigned, the length of time it took for the Department to investigate and close complaints, and the number of cases that were not investigated within the statute of limitations. The OIA also assessed statistics related to adjudications and whether a complainant was an LAFD employee or not.

Five trends and issues were identified: 1) adjudications for the same or similar findings were inconsistent, 2) adjudications were not consistent with case findings, 3) complaints were not properly categorized and complaint categories were numerous, 4) guidelines do not exist for adjudicating cases as "Sustained, Non-Punitive," and 5) out of statute cases.

The OIA made recommendations to address these issues.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Sue Stengel". The signature is written in a cursive, flowing style.

SUE STENGEL
Independent Assessor
Board of Fire Commissioners

Attachment

c: Ralph Terrazas, Fire Chief

LOS ANGELES BOARD OF FIRE COMMISSIONERS



AUDIT OF LOS ANGELES FIRE DEPARTMENT CASES CLOSED IN THE COMPLAINT TRACKING SYSTEM DURING FIRST QUARTER 2017



OFFICE OF THE INDEPENDENT ASSESSOR

SUE STENGEL
Independent Assessor

AUGUST 28, 2017

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I. INTRODUCTION

The Office of the Independent Assessor (OIA) conducted a statistical audit of cases that were closed in the Los Angeles Fire Department's (LAFD or Department) Complaint Tracking System (CTS) during the first quarter of 2017. In addition to providing statistics gathered from these cases, the OIA discussed trends and issues identified during the review.

The OIA thanks the Department, in particular, Professional Standards Division (PSD), for their cooperation. Additionally, personnel in the Office of the City Attorney provided valuable counsel and assistance. The OIA would also like to express gratitude to Student Professional Worker Katy Carlyle for her work on this project.

II. PURPOSE

The purpose of this audit is to give the Board of Fire Commissioners (BOFC), the Department, and the public a snapshot (a quarter of a year) of complaints against LAFD members from intake to investigation and adjudication.

The audit highlights the number and types of complaints, the number of cases that were assigned to PSD or a member's chain of command (Field), the bureau to which subjects were assigned, the length of time it took for the Department to investigate and close complaints, and the number of cases that were not investigated within the statute of limitations. The OIA also assessed statistics related to adjudications and whether a complainant was an LAFD employee or not.

III. OBJECTIVES

For cases closed in CTS during the first quarter of 2017:

- A. Review complaint types and categories.
- B. Assess the number of cases assigned to the Field or PSD.¹
- C. Assess the number of cases filed against members in a bureau or division.
- D. Assess the length of time to investigate, adjudicate and close each case.
 - a. Determine the length of time to investigate, adjudicate and close cases filed after August, 2016.
 - b. Determine the number of cases that were out of statute.
- E. Determine whether the complainant was an LAFD employee or not.
- F. Review adjudication statistics.

IV. SCOPE AND METHODOLOGY

The OIA ran a report in CTS, on April 28, 2017, for all cases closed during the first quarter of 2017. The result yielded 135 cases. The OIA excluded 19 cases that were "closed-duplicate," "closed-entry error," or "open."² Additionally, there was one entry in CTS that was a "test."

¹ None of the cases were assigned to the Alternative Investigative Process.

² The OIA has previously seen and reported on inconsistent data in CTS. The OIA was unable to identify a reason or find an explanation as to how a case that was still "open" would be included in a query that requested all cases

This was also excluded. 115 cases were included in this audit. 23 cases were labeled as "Personnel: Lost Equipment." For the reasons expressed below, the OIA removed these from the population analyzed and presented statistics related to those cases separately. Therefore, the overall analysis included 92 cases. The OIA gathered and analyzed information available on the complaint face sheet and the closure date recorded in the Comments.

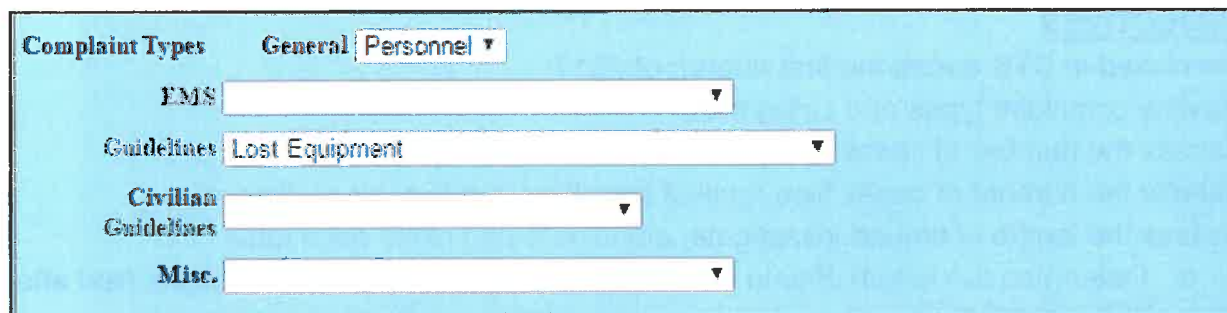
The Department has been handling allegations of lost equipment in a consistent manner; therefore, the OIA presented these statistics separately from the general population of cases in this audit. To resolve these cases, the Department requires a member's battalion chief to submit a memo indicating that the equipment loss was not the result of a member's negligence. Additionally, the member must file a police report and provide a copy to PSD. Incidents of lost equipment are also reported to the Department's Homeland Security Section in case items are being improperly sold on the internet. After these steps are completed, the case is closed.

Attachment A includes a summary and the adjudication of each case reviewed for this audit.

V. **STATISTICS**³

A. Review complaint types and categories

CTS has five drop-down menus for identifying the type of complaint. Below is an example of the Complaint Types area of the complaint face sheet (for a complaint categorized as Lost Equipment).



The screenshot shows a light blue rectangular box containing five drop-down menus. The first menu is labeled "Complaint Types" and has a "General" dropdown set to "Personnel". Below it are four more dropdowns: "EMS", "Guidelines" (set to "Lost Equipment"), "Civilian Guidelines", and "Misc.". Each dropdown has a small downward arrow on its right side.

1. General: "Personnel"/"Service"/"Both"

The first selection is whether the complaint is a "Personnel" or "Service" complaint or "Both." The Department explained, if a complainant alleged that a member was rude to a patient, this is considered a "Personnel" complaint. If a complainant alleged that a member did not follow medical protocol when treating a patient, this is considered a "Service" complaint. If the allegations include discourteous treatment of a patient and that medical protocol was not followed, this would be considered "Both." However, the information provided to the OIA about the application of these categories is not written in guidelines for users to follow.

that were "closed" between January 1, 2017 and March 31, 2017. However, the same query performed on June 28, 2017 did not produce the open case.

³ Lost Equipment cases were excluded.

2. Emergency Medical Service (EMS)

The second drop-down menu is “EMS.” The Department explained that a case should be labeled “EMS” when the complainant alleged that medical services provided by LAFD were inadequate or improper, such as when vital signs were not obtained, vital signs were recorded improperly, the wrong medication was given to the patient, or the gurney was dropped. There are 16 options from which to choose ranging from “Disrespectful/insensitive/negative attitude” and “Improper Patient Care/Treatment” to “Hospital Catchment Area” and “Theft.” Some categories are similar, possibly causing confusion for the person selecting the category, such as “Disrespectful/insensitive/negative attitude” and “Inappropriate/Unprofessional Comments.” Furthermore, including options such as “Disrespectful/insensitive/negative attitude” seems to contradict the Department’s explanation that this menu is reserved for complaints related to medical services. There is also a vague category, “Other Department Policy.” The Department advised the OIA that written guidelines do not exist to assist the user in choosing the proper category; therefore, it is impossible to ensure consistency.

3. Guidelines for Sworn and Civilian Employees

Whether a user selects the third or fourth drop-down menu to categorize a complaint depends on whether the subject is a sworn or civilian member of the Department. There are 20 categories under Guidelines for sworn members and ten categories under Civilian Guidelines. The categories for sworn members mirror the 2008 Penalty Guidelines. Each category contains examples of misconduct falling within that category. These guidelines provide the user with assistance for determining which category to enter in CTS.

Similarly, the Policies of the Personnel Department, City of Los Angeles,⁴ articulates disciplinary guidelines for civilians which correspond to the categories in CTS for complaints filed against civilian employees.⁵ These too provide guidance to the user for categorizing complaints.

However, these categories can be redundant with the EMS categories. For example, the EMS menu includes “Inappropriate/Unprofessional Comments” and the Guidelines menu includes “Improper Remark or Gesture (non-EEO).”

4. Miscellaneous

Finally, there is a miscellaneous category that contains a drop-down menu with 35 options. Some of these appear redundant to categories above. For example, there is a category in the sworn Guidelines for “Unbecoming (miscellaneous)” and one in Miscellaneous for “Discredit upon the department.” Also in Miscellaneous there is an undefined category for “Other.”

⁴ <https://per.lacity.org/documents/Policy.pdf>

⁵ Policies of the Personnel Department, City of Los Angeles, Section 33.2.

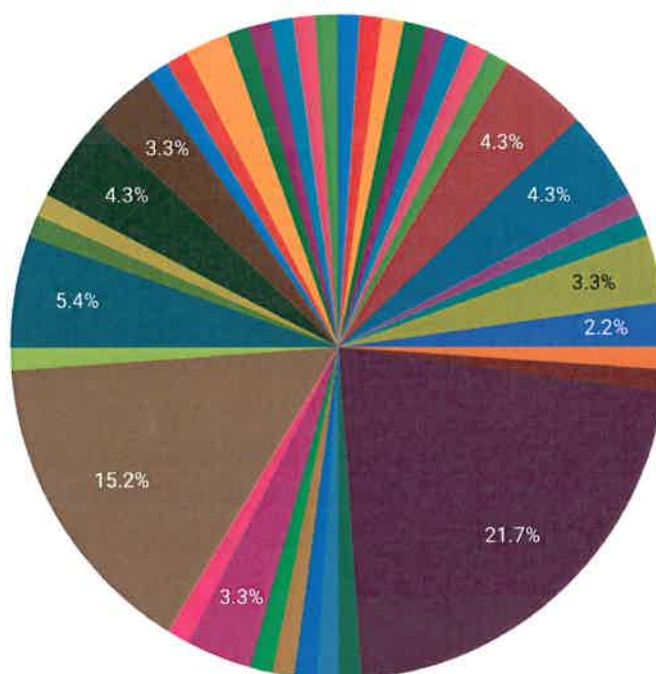
Written instructions do not exist to guide the user to the appropriate category. Further, the Department does not provide guidance on whether every category must be completed for each complaint.

Using four drop-down menus for every complaint, each containing several options, results in numerous combinations for categorizing complaints. Chart A demonstrates that users are unsure how to consistently and objectively select the categories. The OIA determined that the second highest number of complaints was “Personnel: Other.”

CHART A - COMPLAINT CATEGORIES

Complaint Category

- Both (Service/Personnel) Disrespectful/Insensitive/Negative At...
- Both (Service/Personnel) Improper Patient Care/Treatment Improper Re...
- Both (Service/Personnel) Punctuality/...
- Both (Service/Personnel) Safety Depa...
- N/A
- N/A (Improper Remark or Gesture No...
- Personnel
- Personnel Accidents - Traffic
- Personnel Alcohol/Narcotics & Drug U...
- Personnel Department Policy
- Personnel Dishonesty/Theft
- Personnel Driver License Violation
- Personnel Driving/Parking Infractions
- Personnel EEO Violations: Discriminat...
- Personnel Failed to Appear in Court
- Personnel Harassment of Citizen
- Personnel Improper Remark or Gestur...
- Personnel Improper Remark or Gestur...
- Personnel Improper Remark or Gestur...
- Personnel Insubordination
- Personnel Misuse of Dept. Equip
- Personnel Neglect of Duty
- Personnel Neglect of Duty Assign Hire...
- Personnel Neglect of Duty Departmen...
- Personnel Other
- Personnel Safety
- Personnel Supervisory Misconduct (N...
- Personnel Supervisory Misconduct (N...
- Personnel Unbecoming (Miscellaneous...
- Personnel Unbecoming Conduct (Cri...
- Service Disrespectful/Insensitive/Neg...
- Service Documentation Issue
- Service Harassment of Citizen
- Service Improper Patient Care/Treatrn...
- Service Improper Remark or Gesture (...)
- Service Improper Remark or Gesture (...)
- Service Patient Assessment
- Service Patient Assessment Neglect...
- Service Safety Department Policy



Complaint Category	Number	Percentages
Both (Service/Personnel) Disrespectful/Insensitive/Negative Attitude		
Neglect of Duty	1	1.1
Both (Service/Personnel) Improper Patient Care/Treatment Improper	1	1.1

Remark or Gesture (Non-EEO)		
Both (Service/Personnel) Punctuality/Absenteeism	1	1.1
Both (Service/Personnel) Safety Department Policy	1	1.1
N/A ⁶	1	1.1
N/A (Improper Remark or Gesture Non-EEO)	1	1.1
Personnel	1	1.1
Personnel Accidents - Traffic	1	1.1
Personnel Alcohol/Narcotics & Drug Use	4	4.3
Personnel Department Policy	4	4.3
Personnel Dishonesty/Theft	1	1.1
Personnel Driver License Violation	1	1.1
Personnel Driving/Parking Infractions	3	3.3
Personnel EEO Violations: Discrimination/ Harassment/Sexual	2	2.2
Personnel Failed to Appear in Court	1	1.1
Personnel Harassment of Citizen	1	1.1
Personnel Improper Remark or Gesture (Non-EEO)	20	21.7
Personnel Improper Remark or Gesture (Non-EEO)		
Disrespectful/Insensitive/Negative Attitude	1	1.1
Personnel Improper Remark or Gesture (Non-EEO) Other	1	1.1
Personnel Insubordination	1	1.1
Personnel Misuse of Dept. Equip	1	1.1
Personnel Neglect of Duty	1	1.1
Personnel Neglect of Duty Assign Hire Refusal	3	3.3
Personnel Neglect of Duty Department Policy	1	1.1
Personnel Other	14	15.2
Personnel Safety	1	1.1
Personnel Supervisory Misconduct (Non-EEO)	5	5.4
Personnel Supervisory Misconduct (Non-EEO) Falsification of Records	1	1.1
Personnel Unbecoming (Miscellaneous)	1	1.1
Personnel Unbecoming Conduct (Criminal)	4	4.3
Service Disrespectful/Insensitive/Negative Attitude	3	3.3
Service Documentation Issue	1	1.1
Service Harassment of Citizen	1	1.1
Service Improper Patient Care/Treatment	2	2.2
Service Improper Remark or Gesture (Non-EEO)	1	1.1
Service Improper Remark or Gesture (Non-EEO)		
Disrespectful/Insensitive/Negative Attitude	1	1.1
Service Patient Assessment	1	1.1
Service Patient Assessment Neglect of Duty	1	1.1
Service Safety Department Policy	1	1.1

⁶ The CTS program apparently labeled cases "N/A" when the drop-down menu for "General" was not completed.

B. Assess the number of cases assigned to the Field and to PSD

Whether PSD or the accused's chain of command (Field) investigates a case is determined by a 2008 Letter of Agreement with United Firefighters of Los Angeles City (UFLAC)⁷ and depends on the nature of the allegations.⁸

Allegations typically investigated by the Field include:

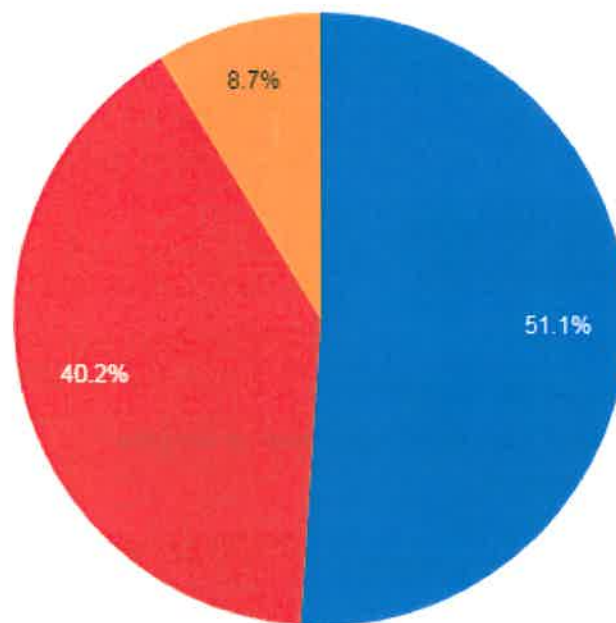
- Performance
- Behavior
- Punctuality/Absenteeism
- Driving/Parking Violations

PSD investigates allegations of serious misconduct, such as off-duty criminal conduct, Equal Employment Opportunity (EEO) complaints, and extremely serious on-duty misconduct.⁹ In some circumstances, cases are not officially assigned to an investigator, such as when PSD can handle a case by quickly verifying information.

CHART B - INVESTIGATIVE ASSIGNMENTS

Investigative Assignment

- Field
- PSD
- Not Assigned



Investigative Assignment	Number	Percentage
Field	47	51.1
PSD	37	40.2
Not Assigned	8	8.7

⁷ UFLAC is the bargaining unit for rank and file firefighters, through the rank of captain.

⁸ Letter of Agreement, Disciplinary Guidelines and Investigative Procedures. October 28, 2008.

⁹ PSD may also handle a case for other reasons, such as a member's discipline history.

C. Assess the number of cases filed against members in a bureau or division¹⁰

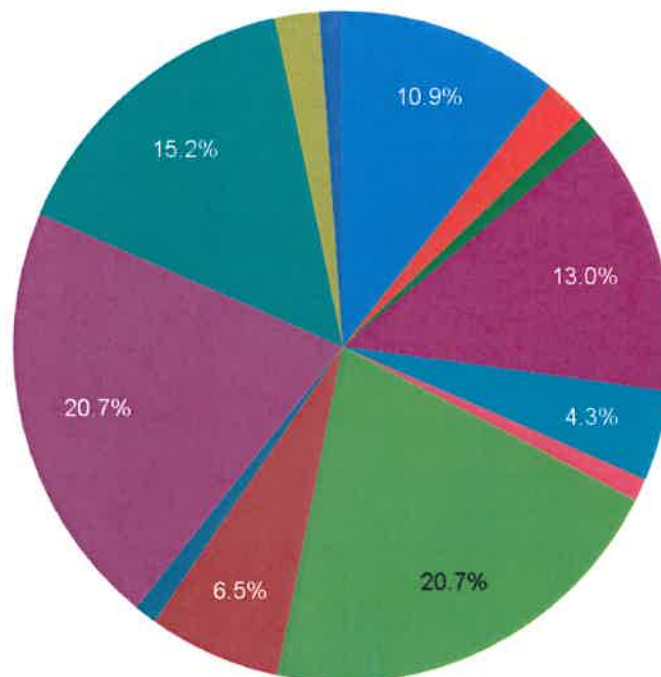
For these statistics, the bureau was identified as the location where the accused was working on the date of the incident, not his/her permanent assignment. If the accused was off-duty when the incident occurred, then the OIA identified his/her permanent assignment at the time of the incident. In some cases, the accused was not identified, so the bureau could not be determined.

¹⁰ The information is presented according to the most recent organization chart approved by the BOFC, BFC No. 17-091. Further, if a division is a direct report to Emergency Operations, Administrative Bureau/Chief of Staff, or Administrative Operations, then the OIA presented the next lower bureau or division.

CHART C - SUBJECT BY BUREAU or DIVISION

Bureau

- Accused Not Identified
- Administrative Services Bureau
- Emergency Medical Services Bureau
- FPB
- Homeland Security Division
- Metro Fire Communications
- OCB
- OSB
- OSB, OVB
- OVB
- OWB
- Professional Standards Division
- Training and Support Bureau



Bureau	Number	Percentage
Accused Not Identified	10	10.9
Administrative Services Bureau	2	2.2
Disaster Response Section	0	0
Emergency Medical Services Bureau	1	1.1
Fire Prevention Bureau	12	13
Homeland Security Division	4	4.3
Metro Fire Communications Division	1	1.1
Operations Central Bureau (OCB)	19	20.7
Operations South Bureau (OSB)	6	6.5
OSB and Operations Valley Bureau ¹¹	1	1.1
Operations Valley Bureau (OVB)	19	20.7
Operations West Bureau (OWB)	14	15.2
Professional Standards Division	2	2.2
Training and Support Bureau	1	1.1

¹¹ The case had more than one subject.

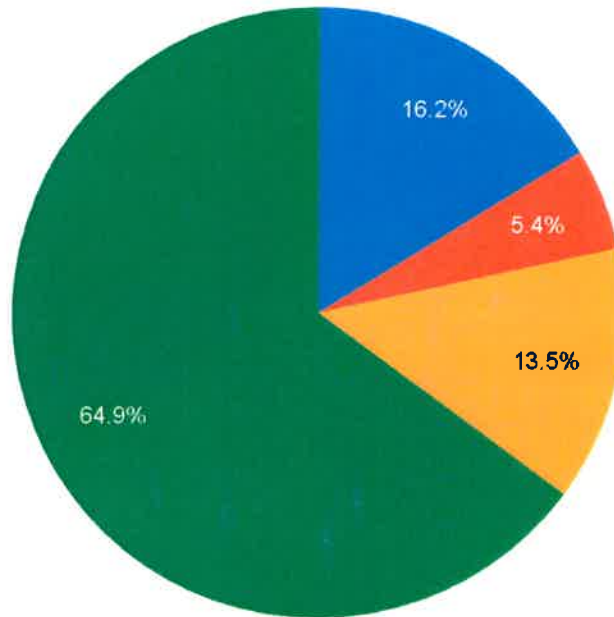
D. Assess the length of time to investigate, adjudicate and close each case

The OIA calculated the amount of time it took the Department to investigate, adjudicate and close each case. This was calculated from the date the case was filed in CTS until the date the case was closed in CTS (according to a notation in the Comments section). Except for two cases filed in 2015, all other cases were filed between January 1, 2016 and March 24, 2017.

CHART D - LENGTH OF TIME TO INVESTIGATE, ADJUDICATE AND CLOSE PSD CASES

Length - PSD Cases

- One Month or Less
- Between One and Three Months
- Between Three and Six Months
- Between Six Months and One Year

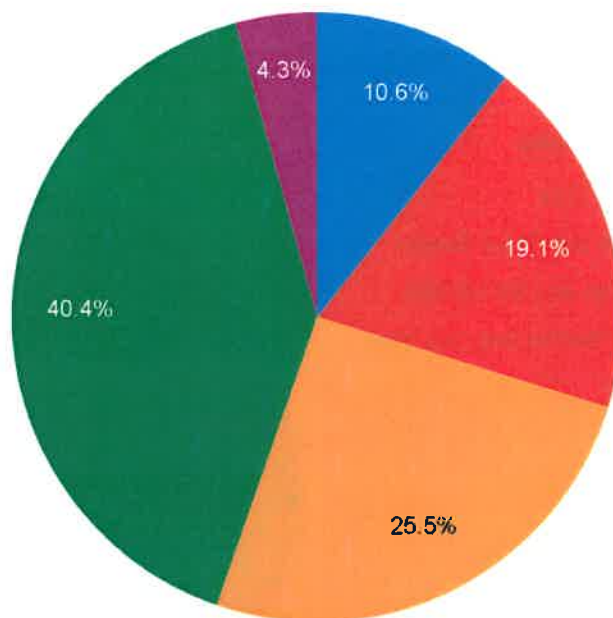


Length of time until closed- PSD	Number	Percentage
One Month or Less	6	16.2
Between One and Three Months	2	5.4
Between Three and Six Months	5	13.5
Between Six Months and One Year	24	64.9
Greater Than One Year	0	0

CHART E - LENGTH OF TIME TO INVESTIGATE, ADJUDICATE AND CLOSE FIELD CASES

Length - Field Cases

- One Month or Less
- Between One and Three Months
- Between Three and Six Months
- Between Six Months and One Year
- Greater Than One Year

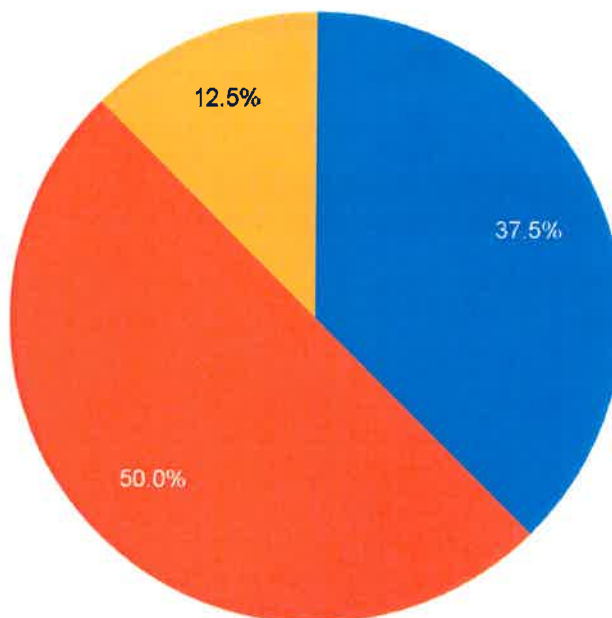


Length of time until closed- Field	Number	Percentage
One Month or Less	5	10.6
Between One and Three Months	9	19.1
Between Three and Six Months	12	25.5
Between Six Months and One Year	19	40.4
Greater Than One Year	2	4.3

CHART F - LENGTH OF TIME TO INVESTIGATE, ADJUDICATE AND CLOSE UNASSIGNED CASES

Length - Unassigned Cases

- One Month or Less
- Between One and Three Months
- Between Three and Six Months



Length of time until closed - Unassigned Cases	Number	Percentage
One Month or Less	3	37.5
Between One and Three Months	4	50
Between Three and Six Months	1	12.5

a. Complaints filed after August, 2016

PSD reported to the BOFC in August, 2016,¹² “the Department has adopted a 90 day benchmark from the dates that cases are referred to the Field for completing the investigations and submitting them for adjudication.” The OIA reviewed cases that were filed since that report and determined that 61.5 percent of Field cases were investigated within this timeframe.

PSD also stated in their report, “PSD has embedded investigators in the geographic bureaus to ensure that the assigned field investigators (Captains and Battalion Chiefs) are trained in the investigative process and in the use of CTS. These PSD investigators meet regularly with the Bureau staff to monitor the progress on the investigations pending in the Bureaus. Already this measure has paid dividends, resulting in fewer field cases being closed as ‘out of statute.’”¹³

¹² BFC No. 16-064.

¹³ Id. at Page 3

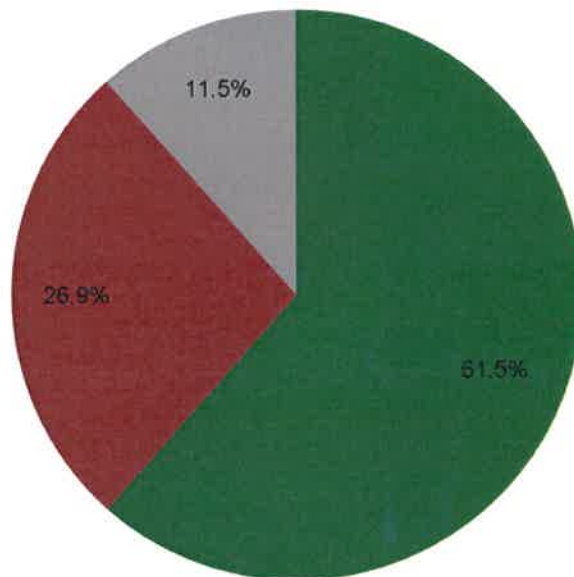
The OIA agrees with this assessment and applauds the Department for this initiative. However, although the Department is moving in the right direction, 38 percent of cases are still not meeting the 90-day deadline.

CHART G - LENGTH OF TIME TO INVESTIGATE, ADJUDICATE AND CLOSE FIELD CASES AFTER AUGUST 2016

Field Cases Investigated Since August 2016

90 Day Deadline from Assignment of Investigator to Filing of Report

- Within Deadline
- Beyond Deadline
- Not Assigned



	Number	Percentage
Within Deadline	16	61.5
Beyond Deadline	7	26.9
Not Assigned	3	11.5

b. Out of Statute cases

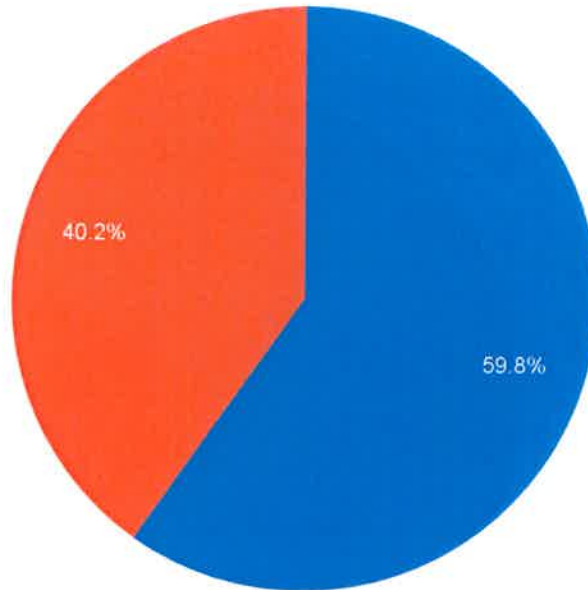
The Department concluded that two cases closed in the first quarter of 2017 went out of statute (Case No. 2 and 13). Both complaints were filed before the Department's August 2016 report to the BOFC.

E. Determine whether the complainant was an LAFD employee or not

CHART H - INTERNAL AND EXTERNAL COMPLAINANTS

Internal v. External Complainants

- Internal
- External



Type	Number	Percentage
Internal	55	59.8
External	37	40.2

F. Review adjudication statistics

A complaint can be adjudicated in one of five ways. The following are the definitions for adjudications.

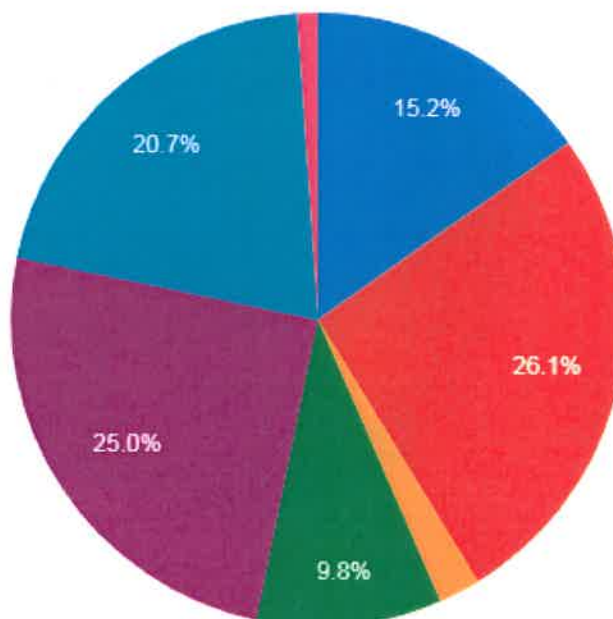
- **Sustained:** Allegations are supported by sufficient evidence [preponderance of the evidence] to conclude they are true, and an appropriate Departmental action was/will be imposed.
- **Not Sustained:** Insufficient evidence to either prove or disprove the allegations.
- **Exonerated:** Investigation indicates that the incident occurred but was justified, lawful, and proper under the circumstances.
- **Non Disciplinary:** Investigation indicates that the incident relates to the following categories: Alternative Complaint Resolution/Complaint Withdrawn or Retracted/Demonstrably False/Filed with Another Agency/Member Not Involved/Not Misconduct/Policy or Procedure/Referred to Another Bureau, Department, Agency.
- **Unfounded:** Investigation indicates that the allegations are false.
- **Sustained, Non Punitive:** Investigation indicates that the incident occurred, however it did not result in discipline against the member.

The OIA noted a redundancy in the adjudication definitions. A case in which the investigation indicated the allegations were false can be adjudicated as either Non Disciplinary or Unfounded. The Department should address this issue.

CHART I - ADJUDICATIONS

Adjudication

- Non-disciplinary
- Not Sustained
- Out of Statute
- Sustained
- Sustained, Non-punitive
- Unfounded
- Exonerated



Adjudications	Number	Percentage
Non Disciplinary	14	15.2
Not Sustained	24	26.1
Out of Statute	2	2.2
Sustained	9	9.8
Sustained, Non-punitive	23	25
Unfounded	19	20.7
Exonerated	1	1.1

VI. STATISTICS FOR 23 LOST EQUIPMENT CASES

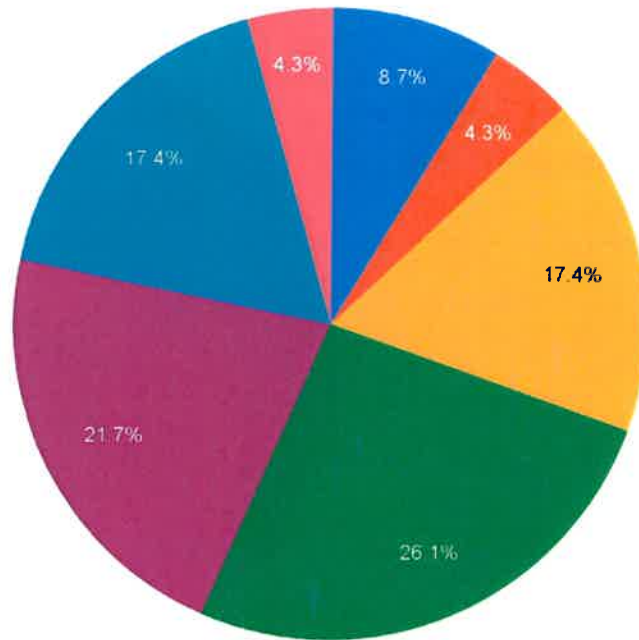
According to the 2008 Letter of Agreement with UFLAC, "Lost Equipment" cases should be investigated by the Field. Additionally, all "Lost Equipment" cases were adjudicated as Sustained, Non-Punitive.

A. Lost Equipment cases - Member by bureau or division

CHART J - MEMBER BY BUREAU OR DIVISION (LOST EQUIPMENT CASES)

Bureau

- Administrative Services Bureau
- Disaster Response Section
- OCB
- OSB
- OVB
- OWB
- Professional Standards Division



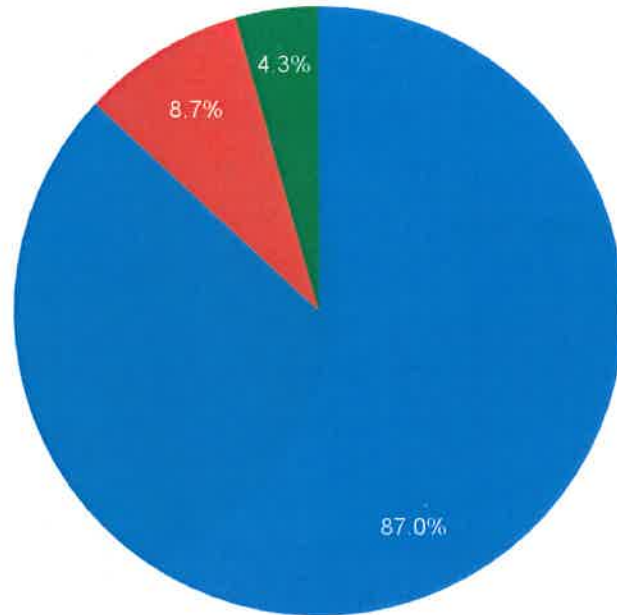
Bureau	Number	Percentage
Administrative Services Bureau	2	8.7
Disaster Response Section	1	4.3
OCB	4	17.4
OSB	6	26.1
OVB	5	21.7
OWB	4	17.4
Professional Standards Division	1	4.3

B. Lost Equipment Cases - Length of time to investigate and close cases

CHART K - LENGTH OF TIME TO INVESTIGATE, ADJUDICATE AND CLOSE LOST EQUIPMENT CASES

Length

- One Month or Less
- Between One and Three Months
- Between Six Months and One Year



Length	Number	Percentage
One Month or Less	20	87
Between One and Three Months	2	8.7
Between Six Months and One Year	1	4.3

VII. TRENDS and ISSUES

A. Adjudications for the same or similar findings were inconsistent

In a number of cases, the Department found that there was no violation of Department policy or procedure, yet the adjudications in these cases differed. Exonerated, Non Disciplinary, Unfounded and Not Sustained were all used in cases with the same outcome. For example:

- Case No. 7 - Unfounded. The Department indicated, “[n]o violation of policy existed.”
- Case No. 8 - Not Sustained. The Department noted, “the information provided did not support that a policy violation had occurred.”
- Case No. 11 - Unfounded. The Department noted, “[t]he facts and information obtained in this investigation did not support that any Department policy was violated.”
- Case No. 14 - Exonerated. The note in the file stated, “no violation of any policy or procedure.”
- Case No. 15 - Unfounded. The Department said, “[n]o violation of Rules, Policies or Procedures.”

- Case No. 84 - Non Disciplinary. A note in the file stated, "there is no policy violation noted."
- Case No. 85 - Non Disciplinary. The note in the file said, "[n]o indication of policy violation."

In cases in which the investigation revealed that a policy was not violated, the Department should examine the adjudication definitions and adjudicate all cases in the same manner.

B. Adjudications were not consistent with case findings

Based on the notes on the CTS face sheet, adjudications in some cases were not consistent with the justification and the findings. For example:

- Case No. 6 - Not Sustained. No investigative work was done on this case. Therefore it is unclear how the Department determined an appropriate adjudication.
- Case No. 7 - Unfounded. This case showed there was no violation of policy; however, there was no indication that the allegations are false.
- Case No. 42 - Unfounded. The comments indicated that the case was closed as a duplicate. CTS has a function which allows a case to be closed as a duplicate. It was not used here.
- Case No. 45 - Unfounded. The comments in the file stated, "Determined to be a Department operational and resources issue, not discipline." This did not support a finding that the allegations were false.
- Case No. 75 - Unfounded. The CTS file noted that, "subject is no longer employed by LAFD." It is unclear how the allegations were determined to be false.
- Case No. 113 - Unfounded. This complaint was filed in the aftermath of a traffic accident. The comments indicated that if the member was disciplined during the accident hearing, the complaint could be resubmitted. This did not support a finding that the allegations are false.

C. Complaints were not properly categorized and complaint categories were numerous

1. Complaints were not properly categorized

The Department is failing to categorize cases properly. Importantly, cases such as those with Equal Employment Opportunity allegations are not being labeled as such.¹⁴ For example:

- Case No. 17 - The complainant alleged a hostile work environment and workplace harassment, but the case was categorized as "Personnel: Other," rather than an EEO violation.

¹⁴ LAFD's Discrimination Prevention Policy handbook indicates that there is an LAFD EEO Coordinator who "coordinates investigations into complaints of sexual harassment, discrimination, retaliation and hazing. The coordinator also provides guidance to all members, including Officers, Managers, and Supervisors, on potential incidents of harassment, discrimination, retaliation and hazing." Furthermore, City of Los Angeles Executive Directive No. PE-1 (Revised) states that EEO coordinators "counsel employees, investigate, resolve and/or address complaints of discrimination, serve as a resource and provide internal expertise to management..." If it is not already doing so, the LAFD should be categorizing complaints with the assistance of the EEO coordinator.

- Case No. 19 - The complainant alleged retaliation, harassment and intimidation. This complaint was categorized as "Personnel: Supervisory Misconduct (Non-EEO)" not an EEO complaint.
- Case No. 36 - The complainant alleged retaliation, harassment and intimidation, yet this complaint was categorized as "Personnel: Improper Remark or Gesture (Non-EEO): Other," not an EEO complaint.

Additionally, Chart A shows that the second most frequent allegation of misconduct is "Personnel: Other." Given the numerous categories available, "Other" should be reserved for cases which are unusual and for which there is no option more descriptive. For example:

- Case No. 82 - The complaint alleged that a member who was off because of an injury on duty, failed to update the Department regarding his/her status. The complaint was categorized as "Personnel: Other" when "Neglect of Duty" (failure to perform a required job duty) was a more specific and appropriate category.
- Case No. 59 - A patient claimed that after he was transported by LAFD he noticed credit cards, gift cards, and cash missing from his wallet. This was categorized as "Personnel: Other." "Dishonesty/theft" may have been more appropriate.
- Case No. 72 - The complainant alleged that two LAFD members, who were not responding to an emergency, parked an ambulance in front of a bus stop. This prevented the complainant (who was elderly and disabled) and others from getting on the bus. This was labeled "Personnel: Other." A more appropriate category may have been "Driving/Parking Infractions," "Discredit upon the department" or "Unbecoming (miscellaneous)."
- Case No. 73 - The complainant alleged three fire engines raced through an intersection, the third engine was without a siren and almost hit him. This was labeled "Personnel: Other." More appropriate categories may have been "Neglect of Duty" (failing to operate the siren while operating an apparatus in an emergency), or "Driving/Parking Infractions."

2. Complaint Type categories are too numerous to be meaningful

Chart A also demonstrates that the possible combinations of complaint categories are too numerous to be meaningful to the Department.

As noted above, there are four drop-down menus for each complaint against a sworn member. Some of those have up to 35 selections from which to choose. Few are defined; therefore there is no guidance for the person entering the information into the system.

The Fire Chief reported to the OIA that he prefers having more categories rather than less. The Department believes that consistency and accuracy can be achieved through training.

The OIA believes the Department should provide written guidance for categorizing complaints so there is objectivity, accuracy and consistency. Further, the Department should consider eliminating redundancies.

D. Guidelines do not exist for adjudicating cases as “Sustained, Non-Punitive.”

The second most frequently used adjudication was Sustained, Non-Punitive. According to the Department, this means that the investigation indicated that the incident occurred, however, it did not result in discipline against a member.

When a case is adjudicated Sustained, Non-Punitive, generally the subject receives a letter which states in part, “although the investigation found evidence beyond a preponderance that the allegation(s) did occur, the Department has determined that the imposition of punitive action is not warranted. Instead, the matter will be referred back to your chain of command for appropriate corrective action, which may include, but is not limited to counseling, training or action other than punitive action.” The letter continues, “[c]omplaints closed as Sustained-Non-Punitive cannot be used as a prior offense when determining future discipline. However, the Department can cite this finding in future investigations of similar conduct to show that you are on notice that the behavior is unacceptable and constitutes misconduct.” The Department does not have a consistent and uniform way to document “counseling, training or action other than punitive action” that results from a particular case.

Further, there are no guidelines for determining when the adjudication of Sustained, Non-Punitive can and should be used. Examples of cases adjudicated as Sustained, Non-Punitive are listed below.

- Case No. 9 - The complaint alleged a patient was released with no base contact. 9-1-1 was called again later the same day. The patient was in cardiac arrest and pronounced dead on scene.
- Case No. 64 - The complainant stated a member who responded to a medical call had a bad attitude, was condescending, disdainful, and apathetic. The member also banged the stair chair hard against the wall.
- Case No. 66 - A Deputy District Attorney called LAFD because a member failed to appear in court.
- Case No. 74 - A potentially derogatory cartoon was found on a wall depicting a before and after rendering of a member.
- Case No. 82 - A member who was off because of an injury on duty, failed to update the Department regarding his/her status.
- Case No. 97 - The complainant alleged that members were rude and made improper remarks to a patient and divulged private medical information.

E. Out of statute cases

The two cases that were not investigated within the one-year timeframe were assigned to the Field for investigation, but an investigator was never assigned. When the OIA last examined

out of statute cases, a one-year sample of cases showed that 5.14 percent of cases went out of statute and a majority were assigned to the Field.¹⁵

The OIA applauds the Department for reducing the number of cases going out of statute.

VIII. RECOMMENDATIONS

1. The Department should reduce the number of complaint categories, define the complaint categories (in writing) and train members responsible for entering this information into CTS to ensure accuracy and consistency.
2. Ensure that cases are adjudicated in accordance with adjudication definitions. This includes addressing the issue that findings of false allegations can result in an adjudication of either Non Disciplinary or Unfounded.
3. Create written guidelines for determining the types of cases for which Sustained, Non-Punitive is an appropriate adjudication. When training, counseling or other non-punitive action is taken on a case that was Sustained, Non-Punitive; PSD must receive and document proof of the actions before closing the complaint.

¹⁵ Office of the Independent Assessor, Audit of the Los Angeles Fire Department's Out of Statute Cases. May 2, 2016. BFC No. 16-049.

ATTACHMENT A

Case No.	Complaint Category	Allegations	Adjudication
1	Personnel: Lost Equipment	A member lost his LAFD identification card.	Sustained, Non-Punitive
2	Personnel: Neglect of Duty	The complainant called 9-1-1 for the patient. Responding members refused to transport the patient.	Out of Statute
3	Personnel: Neglect of Duty/Department Policy	A member failed to attend firearm's qualification.	Sustained, Non-Punitive
4	Personnel: Unbecoming Conduct (Criminal)	A member was arrested for robbery.	Sustained
5	Personnel: Supervisory Misconduct (Non-EEO)/Falsification of Records	A member falsified inspection documents.	Not Sustained
6	Personnel: Driving/Parking Infractions	The complainant called to report a Department vehicle was driving recklessly. The complainant identified the license plate number, shop number and intersection where the incident occurred.	Not Sustained
7	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant believes he/she was being harassed and subjected to a hostile work environment.	Unfounded
8	Personnel: EEO Violations: Discrimination/ Harassment/Sexual	A member alleged that his/her supervisors were creating a hostile work environment and were bullying members.	Not Sustained
9	Service: Patient Assessment/Neglect of Duty	The complaint alleged that responding members released the patient with no base contact. 9-1-1 was called again for the same patient later that day. The patient was in cardiac arrest and pronounced dead on scene.	Sustained, Non-Punitive
10	Personnel: Other	A probationary member alleged he/she was mistreated.	Not Sustained
11	Personnel: EEO Violations: Discrimination/ Harassment/Sexual	A member reported that during a meeting his/her rights, along with rules and regulations, were violated involving discrimination, retaliation, harassment, intimidation, threats and a hostile work environment.	Unfounded
12	Personnel: Improper Remark or Gesture (Non-EEO)	A member was allegedly discourteous to the complainant.	Unfounded

13	Personnel: Driving/Parking Infractions	The complainant said that he was cut off on the freeway by an LAFD van with the name of the unit written on it. The complainant also alleged the member out maneuvered the complainant to avoid being identified.	Out of statute
14	N/A (Improper Remark or Gesture Non-EEO)	One member alleged that another member acted unprofessionally during their interaction.	Exonerated
15	Personnel: Supervisory Misconduct (Non-EEO)	A member was injured on duty. Command staff did not inquire into the member's well-being. A second member complained about the way the first member was treated and was then threatened with removal from his/her position.	Unfounded
16	Service: Disrespectful/Insensitive/Negative Attitude	The complainant alleged that a member was rude, condescending and very unprofessional to a patient's caregiver. It was also alleged the fire department did not transport the patient to a requested hospital, resulting in a medical setback to the patient.	Not Sustained
17	Personnel: Other	A member alleged a hostile work environment and workplace harassment for on-going issues with another member.	Not Sustained
18	Personnel: Improper Remark or Gesture (Non-EEO)	A member allegedly made inappropriate comments to a young boy.	Sustained, Non-Punitive
19	Personnel: Supervisory Misconduct (Non-EEO)	A member alleged retaliation, harassment and intimidation related to a supervisor's conduct.	Sustained, Non-Punitive
20	Personnel: Unbecoming Conduct (Criminal)	A member was driving under the influence (DUI) and caused an accident resulting in injury to a child.	Sustained
21	Personnel	A member reported that prescription medication was stolen from his/her backpack at the fire station.	Not Sustained
22	Personnel: Alcohol/Narcotics & Drug Use	A member was arrested for DUI.	Sustained
23	Personnel: Unbecoming Conduct (Criminal)	A member was sentenced to approximately 30 days of electronic monitoring in lieu of 59 days in jail. Payroll records show that the member was using paid sick time during this period of time.	Unfounded
24	Personnel: Neglect of Duty/Assign Hire Refusal	A member twice took time off as "family emergency" but attended a preparation course for a promotional	Non Disciplinary

		examination.	
25	Personnel: Alcohol/Narcotics & Drug Use	Empty pill bottles were found at a fire station that did not belong to any members assigned there. Also, two used syringes were found hidden in plumbing access ways inside the fire station.	Sustained
26	Personnel: Improper Remark or Gesture (Non-EEO)/Disrespectful/Insensitive/Negative Attitude	A member grabbed a machine from another member. The first member also tried to start a physical altercation with another member and engaged in other inappropriate behaviors.	Sustained
27	Personnel: Other	A member alleged that his complaints have not been handled properly by an LAFD officer or PSD. The member also alleged racial discrimination, retaliation for reporting improper conduct, and assault.	Not Sustained
28	Service: Disrespectful/Insensitive/Negative Attitude	The complainant reported that members failed to provide any medical treatment and made inappropriate comments.	Not Sustained
29	Both (Service/Personnel): Improper Patient Care/Treatment Improper Remark or Gesture (Non-EEO)	The complainant alleged members failed to transport a patient and acted insensitively, delayed care, and lacked professionalism.	Sustained, Non-Punitive
30	Personnel: Alcohol/Narcotics & Drug Use	A member displayed signs and symptoms of being impaired by either drugs and/or alcohol on duty.	Sustained
31	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant reported that members refused to transport a patient and acted unprofessionally.	Unfounded
32	Personnel: Department Policy	A member alleged that Department rules were not followed when a vacancy was filled.	Non Disciplinary
33	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant alleged that a member pushed, choked and restrained the complainant.	Sustained, Non-Punitive
34	Service: Improper Remark or Gesture (Non-EEO) Disrespectful/Insensitive/Negative Attitude	A patient alleged members acted inappropriately and did not render proper care to the patient.	Not Sustained
35	Personnel: Department Policy	The complainant was concerned because he believed he was contacted by LAFD about official business through an email address that was not an official City account.	Non Disciplinary
36	Personnel: Improper Remark or Gesture (Non-EEO) Other	The complainant alleged retaliation, harassment and intimidation.	Unfounded

37	Personnel: Supervisory Misconduct (Non-EEO)	Members felt threatened by comments made by a supervisor at a meeting. The complainant also alleged retaliation.	Not Sustained
38	Both (Service/Personnel): Punctuality/Absenteeism	It was alleged a member abused family illness time.	Sustained, Non-Punitive
39	Personnel: Supervisory Misconduct (Non-EEO)	The complainant alleged retaliation.	Not Sustained
40	Both (Service/Personnel): Disrespectful/Insensitive/Negative Attitude Neglect of Duty	A patient alleged that members were unprofessional.	Unfounded
41	Personnel: Lost Equipment	A member lost his LAFD identification card.	Sustained, Non-Punitive
42	Personnel: Other	The complainant alleged that members fraudulently obtained a special license from the federal government, related to their duties and that PSD did not properly investigate the matter.	Unfounded
43	Service: Patient Assessment	The complainant alleged that members did not give proper medical treatment to a patient.	Sustained, Non-Punitive
44	Personnel: Supervisory Misconduct (Non-EEO)	A member alleged that the Department was delayed in its response to a brush fire because of the actions of a supervisor.	Unfounded
45	Personnel: Unbecoming (Miscellaneous)	The complainant alleged that members were not properly certified/licensed for a particular assignment and should be transferred.	Unfounded
46	Personnel: Improper Remark or Gesture (Non-EEO)	A member alleged that another member was rude and unprofessional toward the first member.	Sustained, Non-Punitive
47	Personnel: Other	A member allegedly used a Department computer for personal use, while off duty.	Not Sustained
48	Service: Improper Patient Care/Treatment	Members failed to transport a patient, failed to adequately care for a patient and were rude to a patient's relative.	Not Sustained
49	Personnel: Other	Members accused another member of dishonesty and theft while on duty.	Sustained, Non-Punitive
50	Personnel: Other	The complainant alleged she was improperly transferred.	Not Sustained
51	Personnel: Department Policy	The complainant alleged a member failed to follow proper reporting procedures after damaging	Sustained, Non-Punitive

		Department property.	
52	Service: Documentation Issue	The complainant said that members did not properly treat a patient and were not honest about the care given.	Sustained, Non-Punitive
53	Personnel: Alcohol/Narcotics & Drug Use	While on duty, a member displayed signs and symptoms of being under the influence of alcohol and/or drugs.	Sustained
54	Personnel: Department Policy	It was alleged that a member acted in a role for which he/she was not qualified and delayed response to a fire.	Not Sustained
55	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant alleged that a member was verbally aggressive towards him, shoved him, and made improper remarks.	Not Sustained
56	Service: Improper Patient Care/Treatment	Members failed to transport a patient.	Not Sustained
57	Personnel: Driver License Violation	A member's license was suspended.	Sustained, Non-Punitive
58	Personnel: Unbecoming Conduct (Criminal)	A member was cited by police for misdemeanor assault and battery.	Sustained
59	Personnel: Other	A patient reported that following transport, he was missing credit cards, gift cards, and cash from the night of the incident.	Unfounded
60	Personnel: Dishonesty/Theft	While collecting house dues, a member noticed money missing from the mess fund.	Not Sustained
61	Personnel: Improper Remark or Gesture (Non-EEO)	A member allegedly choked a patient.	Unfounded
62	Service: Improper Remark or Gesture (Non-EEO)	The complainant alleged that members were unprofessional.	Unfounded
63	Service: Harassment of Citizen	The complainant alleged that a member drove an LAFD apparatus as if to use it as a weapon.	Not Sustained
64	Service: Disrespectful/Insensitive/Negative Attitude	The complainant stated a member who responded to a medical call had a bad attitude, was condescending, disdainful, and apathetic. The member also banged the stair chair hard against the wall.	Sustained, Non-Punitive
65	Personnel: Lost Equipment	A Department radio was missing.	Sustained, Non-Punitive
66	Personnel: Failed to Appear in Court	A Deputy District Attorney reported that a member	Sustained, Non-Punitive

		failed to appear in court.	
67	Personnel: Other	A patient complained that a member acted inappropriately when LAFD was dispatched to the patient, who claimed LAFD did not need to respond when the patient's relative called 9-1-1.	Non Disciplinary
68	Personnel: Lost Equipment	A member lost a Department radio.	Sustained, Non-Punitive
69	Personnel: Improper Remark or Gesture (Non-EEO)	It was alleged that members acted unprofessionally.	Not Sustained
70	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant alleged members were rude and unprofessional.	Unfounded
71	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant alleged members acted inappropriately and unprofessionally.	Sustained, Non-Punitive
72	Personnel: Other	The complainant alleged that two LAFD members, who were not responding to an emergency, parked an ambulance in front of a bus stop. This prevented the complainant (who was elderly and disabled) and others from getting on the bus.	Non-Disciplinary
73	Personnel: Other	The complainant reported that three engines raced through an intersection. The third engine was without a siren and almost hit him.	Non-Disciplinary
74	Personnel: Improper Remark or Gesture (Non-EEO)	A potentially derogatory cartoon was found on a wall depicting a before and after rendering of a member.	Sustained, Non-Punitive
75	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant alleged an LAFD member threatened him and another person.	Unfounded
76	Personnel: Accidents - Traffic	PSD received documentation of a Department Accident Hearing.	Sustained, Non-Punitive
77	Personnel: Safety	A member failed to don proper personal protective equipment.	Sustained
78	Personnel: Improper Remark or Gesture (Non-EEO)	A complaint was made about workplace interactions.	Non Disciplinary
79	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
80	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
81	Personnel: Lost Equipment	A member lost an LAFD badge.	Sustained, Non-Punitive
82	Personnel: Other	A member who was off because of an injury on duty, failed to update the Department regarding	Sustained, Non-Punitive

		his/her status.	
83	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
84	Personnel: Improper Remark or Gesture (Non-EEO)	A member complained that a supervisor was not giving a holiday rootie tootie.	Non Disciplinary
85	Personnel: Improper Remark or Gesture (Non-EEO)	A member was not showing respect for a supervisor.	Non Disciplinary
86	Personnel: Improper Remark or Gesture (Non-EEO)	A member was not showing respect for a supervisor.	Non Disciplinary
87	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
88	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
89	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
90	Both (Service/Personnel): Safety/Department Policy	A member failed to properly report damage to LAFD property.	Sustained, Non-Punitive
91	Personnel: Neglect of Duty/Assign Hire Refusal	A member allegedly misused "family emergency" time.	Not Sustained
92	Personnel: Lost Equipment	A member lost Department keys.	Sustained, Non-Punitive
93	Personnel: Neglect of Duty Assign Hire Refusal	A member allegedly misused sick time.	Not Sustained
94	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
95	Personnel: Improper Remark or Gesture (Non-EEO)	A member was allegedly rude and unprofessional.	Sustained, Non-Punitive
96	Personnel: Driving/Parking Infractions	The complainant alleged a member was driving an LAFD vehicle recklessly.	Not Sustained
97	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant alleged that members were rude and made improper remarks to a patient and divulged private medical information.	Sustained, Non-Punitive
98	Personnel: Improper Remark or Gesture (Non-EEO)	The complainant (not an LAFD employee) notified PSD that a member told Complainant's supervisor about confidential and sensitive information related to the complainant's mental health.	Non-Disciplinary
99	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
100	Personnel: Other	The complainant is contesting her ambulance bill because she felt she was coerced into taking an LAFD ambulance.	Unfounded
101	Personnel: Lost Equipment	A member lost a work shirt and badge.	Sustained, Non-Punitive

102	Personnel: Harassment of Citizen	The complainant alleged LAFD personnel have engaged in strange or bizarre conduct towards him. The behavior includes honking the horn in a mysterious pattern, yelling things out the apparatus window at him, steering the apparatus towards him in the opposing lane, and attempting to intimidate him with lights and siren.	Unfounded
103	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
104	Personnel: Lost Equipment	A member lost an LAFD badge.	Sustained, Non-Punitive
105	Personnel: Other	A member complained there were not enough beds for all members at a particular location and that more beds/dorm space were allocated to female members than were needed.	Non Disciplinary
106	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
107	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
108	Personnel: Misuse of Dept. Equip	Damage to an LAFD apparatus was not reported.	Non Disciplinary
109	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
110	Personnel: Insubordination	A member removed a structure at a fire station that had been constructed by other members.	Sustained, Non-Punitive
111	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
112	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive
113	N/A	A member failed to follow proper backing procedures, which resulted in damage to a civilian vehicle.	Unfounded
114	Service: Safety/Department Policy	The complainant alleged his landlord violated the fire code. A member inspected and found no violation. The complainant alleged the member was rude.	Non Disciplinary
115	Personnel: Lost Equipment	A member lost an LAFD identification card.	Sustained, Non-Punitive