

LOS ANGELES FIRE COMMISSION

JANUARY 19, 2021

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January 11, 2021

BOARD OF FIRE COMMISSIONERS
FILE NO. 21-005

TO: Board of Fire Commissioners

FROM: Independent Assessor

SUBJECT: ASSESSMENT OF LOS ANGELES FIRE DEPARTMENT DISCIPLINE
SETTLEMENT AGREEMENTS

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 Withdrawn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 the summer of 2015, the Los Angeles Fire Department (LAFD or Department) began a pilot program to resolve discipline cases with Education-Based Discipline (EBD). Members who were disciplined for misconduct (suspended or directed to a hearing before a Board of Rights) entered into a settlement agreement with the Department which either reduced or eliminated suspension days, or ended the need for a hearing before a Board of Rights (BOR hearing), in exchange for attendance at classes intended to modify behaviors that led to misconduct.

On June 20, 2017, the Board of Fire Commissioners (BOFC or Commission) approved two new LAFD policies related to settlement agreements for discipline cases; *Policy for Discipline Settlement Agreements* and *Policy for Education-Based Discipline (EBD Policy)*.

At their meeting on November 19, 2019, the BOFC directed the Office of the Independent Assessor (OIA) to conduct an audit of Los Angeles Fire Department discipline settlement agreements, particularly those that included EBD. The Commission asked the OIA to assess settlement agreements and the state of EBD. Specifically, the BOFC asked for information about members participating in EBD, classes that were offered/assigned, and whether members committed subsequent offenses after completing coursework.

RECOMMENDATIONS

That the Board:

1. Approve the OIA's Assessment of Los Angeles Fire Department Discipline Settlement Agreements.

2. Adopt the OIA's recommendations.

DISCUSSION

The OIA reviewed 33 cases (settlement agreements) for this assessment. Twelve were settled before the 2017 policies were enacted and 21 were settled after. The OIA presented information related to these cases, such as whether the Department complied with the provisions of the 2017 policies, the rate at which members committed subsequent offenses, the number and nature of courses assigned, the rank of members whose cases were settled and whether the underlying offenses occurred on or off duty. Finally, the OIA identified issues and trends and made related recommendations.

Throughout this review, the OIA and the Department worked collaboratively to address the issues and recommendations.

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

Respectfully submitted,

Sue Stengel

SUE STENGEL
Independent Assessor
Board of Fire Commissioners

Attachment

c: Ralph Terrazas, Fire Chief

**LOS ANGELES
BOARD OF FIRE COMMISSIONERS**



**ASSESSMENT OF
LOS ANGELES FIRE DEPARTMENT
DISCIPLINE SETTLEMENT AGREEMENTS**



OFFICE OF THE INDEPENDENT ASSESSOR

SUE STENGEL

Independent Assessor

December 2, 2020

TABLE OF CONTENTS

SECTION	PAGE NO.
I. INTRODUCTION	1
II. PURPOSE	1
III. OBJECTIVES	1
IV. SCOPE AND METHODOLOGY	2
V. BACKGROUND	3
VI. PREVIOUS AUDITS	5
VII. FINDINGS	5
VIII. AGREEMENTS SIGNED BEFORE 2017 POLICIES – COURSES COMPLETED BEFORE SETTLEMENT AGREEMENTS WERE SIGNED	11
IX. ASSESSING THE EBD PROGRAM	11
X. RECOMMENDATIONS	13
 CHARTS	
CHART A: Assigned Courses	8
CHART B: Rank of Members Who Settled Cases	10
CHART C: Offenses Committed On or Off Duty	10

I. INTRODUCTION

In the summer of 2015, the Los Angeles Fire Department (LAFD or Department) began a pilot program to resolve discipline cases with Education-Based Discipline (EBD).¹ Members who were disciplined for misconduct (suspended or directed to a hearing before a Board of Rights) entered into a settlement agreement with the Department which either reduced or eliminated suspension days, or ended the need for a hearing before a Board of Rights (BOR hearing), in exchange for attendance at classes intended to modify behaviors that led to misconduct.

On June 20, 2017, the Board of Fire Commissioners (BOFC or Commission) approved two new LAFD policies related to settlement agreements for discipline cases; *Policy for Discipline Settlement Agreements* and *Policy for Education-Based Discipline (EBD Policy)*.² The policies are included in this report as Attachment A.

At their meeting on November 19, 2019, the Commission directed the Office of the Independent Assessor (OIA) to conduct an audit of settlement agreements, particularly those that included EBD. The Commission asked the OIA to assess settlement agreements and the state of EBD. Specifically, the BOFC asked for information about members participating in EBD, classes that were offered/assigned, and whether members committed subsequent offenses after completing coursework.³ The OIA's findings are presented in this report.

The OIA is grateful for the assistance and cooperation provided by the Department, particularly members in the Professional Standards Division (PSD). The OIA also thanks lawyers in the Office of the City Attorney and interns Ashley Folia and Andrew Gause for their invaluable contributions.

The Commission requested that the OIA and the Department collaborate for this report. Some responses from the Department are included, however, the Department also wrote a separate report for the Commission addressing issues and recommendations identified by the OIA.

II. PURPOSE

The purpose of this report is to assess the state of settlement agreements and EBD since 2015, in response to the Commission's directive.

III. OBJECTIVES

- A. Determine the number of settlement agreements that included EBD.
- B. Determine whether the Department complied with the 2017 policies: *Policy for Discipline Settlement Agreements* and the *EBD Policy*.
 1. Determine whether the Department wrote a settlement memorandum and whether it was approved by the Fire Chief.
 2. Determine whether members began courses within four months (120 days) of signing the agreement.
 3. Determine whether members completed their course(s) within one-year from the date of execution of the agreement.
 4. Determine whether members completed a course evaluation.

¹ BFC No. 17-071, heard by the BOFC on June 20, 2017.

² BFC No. 17-071 and BFC No. 17-072, heard by the BOFC on June 20, 2017.

³As requested by the BOFC, this audit focused on the state of EBD. Therefore, the scope was limited and did not include a review of the underlying investigations (i.e. quality of investigations, whether adjudications were supported by the evidence, penalties, subjects' discipline history, or the appropriateness of the decision to settle and/or assign EBD).

5. Determine whether signed settlement agreements were uploaded into the Discipline Tracking System (DTS) within five days of signing.
- C. Determine whether members who completed EBD committed a new offense after completing the coursework.
 1. Determine whether the subsequent offense was the same or similar to the offense in the case that was settled.
 2. Compare the rate of subsequent offenses in cases with EBD to the rate of subsequent offenses in discipline cases that were not settled.
 - D. Determine the distribution of assigned courses.
 1. Determine the total number of courses assigned and courses assigned most frequently.
 2. Determine the number of members assigned courses in addition to traditional discipline.
 - E. Determine the rank of members whose cases were settled and who received EBD.
 - F. Determine whether offenses resulting in settlement agreements were committed while the member was on or off-duty.

IV. SCOPE AND METHODOLOGY

Department systems cannot be searched solely for cases that were settled. The OIA has written before about the challenges posed by Department databases and the inability to easily obtain certain data for assessing trends, conducting audits, and gathering other risk management-related information.⁴ While all settlement agreements reviewed for this audit were in DTS, it was impossible to search solely for cases with settlement agreements using current system functions. When the OIA began gathering information for this audit, the Department informed the OIA that it keeps a list of settlement agreements with EBD, but the list did not include cases that were settled without EBD. Since then, the Department reported it has created a comprehensive document, which includes (and will continue to include) *all* settlement agreements, whether or not they included EBD. The OIA applauds the Department for swiftly rectifying this issue. The OIA recommends this list continue to be maintained and updated until the DTS system can be upgraded to allow for a search for all cases that were settled.

The OIA utilized several tools to determine this audit's population. First, the OIA reviewed information gathered from previous audits. Next, the OIA searched DTS for cases filed from January 1, 2012, through December 31, 2019. This search yielded more than 400 cases. Then the OIA narrowed the search to cases closed beyond one year of the incident (since, anecdotally, many settled cases take longer than one year to complete). The OIA then compared all the information maintained by PSD. Because of system deficiencies, it was necessary for the OIA to manually inspect each DTS entry, rather than quickly running a search for cases, to determine the audit population. Determining an audit's population takes significantly longer and is far more onerous than reasonable. The OIA and PSD agree that the system limitations negatively impact efficiencies. Therefore, the OIA continues to recommend that the systems be upgraded or replaced.

The Department responded that upgrading CTS and DTS is a priority. Further, PSD has met with the Information Technology Bureau to discuss recommended modifications to existing systems. However, budgetary constraints are contributing to a delay in upgrading or replacing systems. The Department plans to implement a larger project to address human capital management systems which should be completed within two years. In the meantime, PSD has implemented "work-arounds" such as creating and maintaining the list of settlement agreements.⁵

⁴ BFC No. 16-049 and BFC No. 19-037.

⁵ The Department implemented other "work-arounds" in response to previous OIA recommendations, such as using existing tools in the CTS system to bring consistency and uniformity to the categorization of some complaints; driving under the influence, assign hire, and discourtesy cases.

The OIA identified 35 settlement agreements that included EBD, executed since summer 2015. Although the Department began the EBD pilot program in the summer of 2015, the formal policies for the program's implementation were not in place until June of 2017. The *EBD Policy* articulates the vetting process for courses included in the EBD program. Many members who settled cases prior to the implementation of the formal policies were assigned courses that became part of the EBD program. To facilitate comparisons among as many cases as possible, the OIA considered cases in which members were assigned and/or attended courses sanctioned for the formal program, regardless of whether settlement agreements were signed before or after the 2017 policies were implemented. Where relevant, the OIA identified which cases were settled before the policies were executed and which were settled after.

Of the cases identified for this audit's population, 14 were settled before the 2017 policies were enacted and 21 since. The OIA removed two cases from the audit population. Both settlement agreements were executed before the policies were adopted. The first was removed because the member retired from the LAFD before the Department and the member executed the agreement, rendering the agreement unenforceable. The second case was removed from the population because the assigned class was not an approved course pursuant to the 2017 *EBD Policy*.

Ultimately, 33 cases (settlement agreements) were considered for this audit. Twelve were settled before the policies were enacted and 21 were settled after.

Attachment B provides a summary of each case, the terms of the settlement agreement (including which courses were assigned and whether the member also received traditional discipline), and how long it took the member to complete the courses.

V. BACKGROUND

On June 20, 2017, the BOFC approved two new Department policies modifying the Department's discipline philosophy from purely punitive to a public service model with alternative avenues to traditional discipline, such as corrective action, training, counseling, and EBD.⁶ One policy articulates requirements for discipline settlement agreements, while the other articulates requirements for including EBD in those settlement agreements. At that time, the Department told the BOFC that it had implemented a pilot program of settlement agreements with EBD beginning in summer 2015.⁷

On May 15, 2018, the OIA presented an audit of settlement agreements to the BOFC.⁸ The BOFC adopted the OIA's recommendation that the Department, in collaboration with the City Attorney's Office, create a template for settlement agreements to ensure that all provisions of the policies are incorporated into each settlement agreement.⁹ The Department implemented this recommendation. The OIA confirmed that all agreements executed since May 15, 2018, complied with that recommendation.

Policy requirements examined in this audit

The OIA assessed the Department's compliance with the following provisions of the policies.

Policy for Discipline Settlement Agreements

1. The Commanding Officer of Professional Standards Division will prepare a settlement memorandum that explains the eligibility for settlement and the justification for the proposed settlement agreement.

⁶ BFC No. 17-071 and BFC No. 17-072.

⁷ For this audit, the OIA identified settlement agreements dating back to 2016, there were none in 2015.

⁸ BFC No. 18-048, heard by the BOFC on May 15, 2018.

⁹ *Id.*

2. The memorandum will be presented to and signed (authorized) by the Fire Chief.
3. PSD shall upload the signed settlement agreement into the Discipline Tracking System within five days of the final execution of the agreement.

Policy for Education-Based Discipline

1. The settlement memorandum must include a justification for assigning the member the chosen course(s).
2. The member must begin coursework within four months (120 days) after execution of the settlement agreement.
3. All coursework must be completed within one year of execution of the settlement agreement. The member may request a reasonable extension.
4. Members are required to complete a course evaluation.

Courses

The *EBD Policy* created a selection/approval process for courses included in the program.¹⁰ Further, the Department is required to maintain a list of all program courses and a syllabus for each one.¹¹ The OIA confirmed that the Department has this information for each course.

The courses described below were selected for EBD and are offered by the Los Angeles County Sheriff's Department (LASD) and the Museum of Tolerance. There is no charge for members to attend courses, however members are required to attend on their own time (off-duty) and at their own expense (travel and time).¹²

Los Angeles County Sheriff's Department¹³

- **Anger Awareness Management (four hours):** Training in principles and techniques aimed at diffusing tense situations and assisting individuals in self-regulation.
- **Behavior Stress Management (four hours):** Training enables students to identify and articulate the effects of stress as well as how to cope with their own stress reactions.
- **Ethics/Ethical Decision Making (eight hours):** Training explores greater awareness of moral/ethical issues. Develops critical thinking/analytical skills and personal responsibility. Develops an understanding of the "bigger picture" of ethics, and develops a broader perspective and understanding of the relationship between force and ethics.
- **Lieutenant's Interactive Forum for Education (LIFE) (eight hours):** Decision making class. Explores beliefs, behaviors, results, values and principles, and how they shape behavior and decision making.
- **Dealing with Difficult People (four hours):** Training in identifying and responding appropriately to co-workers whose personality types pose interpersonal challenges.
- **Team Management (three days/24 hours):** Training enables students to develop strategies to effectively manage teams at current work assignment.
- **Relationship Management/Conflict Resolution (four hours):** Training in principles and techniques of managing conflict in a variety of different relationships (co-worker, marital, friend, supervisor, etc.).

The Sheriff's Department reported that the LIFE course is offered every month, and the Ethics and Team Management courses are offered every three months. Courses such as Anger Awareness Management and Dealing with Difficult People are offered on an as-needed basis. Furthermore, according to the Fire Department, none of the courses are offered unless a minimum of 15 students is enrolled.

¹⁰ BFC No. 17-071.

¹¹ BFC No. 17-071. The policy also requires other information related to the courses and syllabi, such as learning objectives and the name and contact information of the sponsoring agency. The Department has this information on file.

¹² This is articulated in each settlement agreement and agreed to by the member.

¹³ Course descriptions are from Los Angeles Sheriff's Department materials.

Museum of Tolerance

- **Tools for Tolerance/Cultural Diversity:** This program refines the role of the law enforcement professional in a diverse society, provides a new way of understanding communities, and suggests how to use integrity in developing trust.¹⁴

VI. PREVIOUS AUDITS

The OIA presented the BOFC with two previous audits related to settlement agreements.¹⁵ Additionally, the OIA's annual reviews of discipline for 2017 and 2018 discussed settlement agreements.¹⁶

VII. FINDINGS

A. Determine the number of settlement agreements that included EBD.

Thirty-five settlement agreements, executed between January 2, 2016 and December 31, 2019, included EBD. For this audit, the OIA reviewed 33 agreements. Twelve agreements were executed before the policies were adopted in June 2017, and 21 agreements were signed after.

B. Determine whether the Department followed the 2017 policies: *Policy for Discipline Settlement Agreements* and the *EBD Policy*.

Twenty-one agreements were executed after the policies were adopted. This section applies only to those agreements and not the 12 signed before the policies were implemented. The Department was not required to adhere to the policies in the 12 agreements executed before the policies were adopted.

1. Determine whether the Department wrote a settlement memorandum and whether it was approved by the Fire Chief. (95% compliance)

The *Policy for Discipline Settlement Agreements* requires that the Department prepare a settlement memorandum, subsequently approved by the Fire Chief. A settlement memorandum was written in 20 of 21 cases (95%). In one case, the settlement was agreed upon in the midst of a BOR hearing and no memorandum was prepared. At that time, the Department believed that a memorandum was unnecessary because all parties to the settlement, including the Fire Chief, were present during the settlement discussions. However, the Department acknowledged that writing memoranda is a better practice and required by the *Policy for Discipline Settlement Agreements* and will do so in the future, even in cases settled during a BOR hearing.

2. Determine whether members began courses within four months (120 days) of signing the agreement (or received an extension). (Compliance is outside the control of the Department)

Settlement agreements executed after June 2017 required members to begin courses no later than four months (120 days) after execution of the agreement. The Department explained that members have little control over

¹⁴ Tools for Tolerance for Law Enforcement and Criminal Justice, <http://www.museumoftolerance.com/for-professionals/programs-workshops/tools-for-tolerance-for-law-enforcement-and-criminal-justice/cultural-diversity/cultural-diversity-courses-for-ca-agencies/>, accessed March 25, 2020.

¹⁵ BFC No. 18-048, Audit of Los Angeles Fire Department Discipline Settlement Agreements July 2017 - March 2018, heard by the BOFC on May 15, 2018, and BFC No. 18-077, Supplemental Audit of Los Angeles Fire Department Discipline Settlement Agreements July 2017 - March 2018, heard by the BOFC on August 21, 2018.

¹⁶ BFC No. 19-037 Review of Los Angeles Fire Department Complaints Closed in 2017, heard by the BOFC on March 19, 2019, and BFC No. 19-128, 2018 Annual Review of LAFD's Handling of Complaints of Misconduct, heard by the BOFC on November 19, 2019.

when courses are offered. The Department reported that after a member is assigned a class, the member's name is given to LASD and/or Museum of Tolerance. Those entities then provide the member with a list of dates, from which the member can choose, to attend the course. However, for LASD classes, if a member is enrolled in a course for a particular date, but fewer than 15 people were enrolled, the course will not be presented on that date. Therefore, the Department intends to amend the *EBD Policy* to remove the requirement that members must begin courses within 120 days of signing the agreement.

Of the 21 members who signed agreements after June 2017, only three began courses within 120 days of signing the settlement agreement.

As noted below, the inability to begin classes within 120 days has not impacted members' ability to complete the courses within one year, as required by the policy and the agreements.

3. Determine whether members completed their course(s) within one-year. (100% compliance)¹⁷

Fourteen members who signed agreements after June 2017 completed their courses.¹⁸ Thirteen of the 14 members who completed the course(s) did so within the one-year time period. The 14th received an extension. Therefore, there was 100% compliance with this requirement.

The *EBD Policy* allows a member to request an extension (in writing) to meet the 120-day requirement to begin courses, complete courses within the year, or both. However, the policy does not require the Department to document the requests for extensions, either in DTS or the case file. Therefore, the OIA recommends that the policy be amended to include a requirement that requests for extensions, the reason for the request, and whether or not the extension was granted, be documented in DTS.

4. Determine whether members completed a course evaluation. (100% compliance)

All members whose agreement was executed after June 2017 and who finished their coursework were required to complete a course evaluation. This was done in all cases (100% compliance). Members unanimously evaluated classes favorably.

¹⁷ Agreements signed before the policies were adopted (12) did not have to include a requirement that the member complete courses within one year. However, 11 of 12 agreements required the member to complete courses within a specified time period. Completion requirements and rates of completion for those agreements are listed below:

- Seven members were required to complete coursework within one year. Three members met this requirement, two members received an extension, one member completed the courses more than one year from the date of the agreement. One member did not complete the coursework and received suspension days pursuant to the agreement.
- One member was required to complete the coursework within 180 days and did so.
- One agreement did not specify a timeframe for completion; however, the member completed the coursework within one year.
- Two members completed their coursework before the agreement was signed.
- One member's agreement was amended to allow the member to complete classes other than those assigned in the initial agreement. The member completed the coursework before the amendment was signed, but more than one year after the original agreement was executed.

¹⁸ The other members who were assigned EBD were still within the one-year time period within which to complete classes.

5. Determine whether settlement agreements were uploaded into DTS within five days of signing. (Unable to determine rate of compliance)

All settlement agreements executed after the 2017 policies were enacted were uploaded into DTS. The *Policy for Discipline Settlement Agreements* requires the Department to upload settlement agreements to DTS within five days of execution. Based on information in DTS, the OIA was able to determine that four cases (19% of the 21 agreements executed after June 2017) were in full compliance. However, the *Policy for Discipline Settlement Agreements* does not require the Department to document when agreements were uploaded to DTS and the system does not date-stamp the entry in the user's interface. Therefore, the OIA was unable to determine if the remaining 17 agreements (80.9%) were uploaded in compliance with the policy.

The OIA was able to determine that four agreements were uploaded within five days, because the date of upload was noted in the Comment section of the DTS file. The Comment section in DTS serves as a chronological log of actions taken in each case. Other than notes in the Comment section, there is no readily available way to determine the date the agreement was uploaded. Due to this system deficiency, the OIA was unable to determine if the agreements were uploaded in accordance with the policy. The DTS file did not show the date the agreement was uploaded in the remaining 17 agreements.

The Department acknowledged the absence of a date-stamp and that the policy does not currently require documentation of the date agreements were uploaded. To rectify the situation, the Department quickly implemented (on May 4, 2020) a separate internal policy that requires PSD staff to immediately record in the Comment section in DTS the date the settlement agreement was uploaded. The OIA commends the Department for this swift action.

C. Determine whether members who completed EBD committed a new offense¹⁹ after completing the coursework.

1. Determine whether the subsequent offense(s) is the same or similar to the offense in the case that was settled.

Twenty-five (75.76%) members completed their course(s).²⁰ Fourteen signed their agreement after the policies were enacted and 11 whose agreements pre-dated the policies.²¹

One member (Case No. 4) (4%) committed a new offense after completing the EBD coursework.²² The member signed the settlement agreement before the new policies were adopted. The new offense was neither the same nor similar to the offense(s) in the case that was settled. The offense underlying the settlement agreement was related to hazing. The subsequent offense was related to discouraging a patient from going to the hospital. The subsequent offense was adjudicated Sustained, Non-Punitive. The member committed the new offense within days of completing the last of three assigned EBD courses (LIFE course, Ethics, and Team Management).

¹⁹ The OIA considered a new offense one that was adjudicated Sustained or Sustained, Non-Punitive. Lost Equipment cases were not included.

²⁰ As of January 1, 2020.

²¹ Seven members who signed agreements after the policies were enacted were still within the one-year time period to complete courses. One member who signed the agreement before the policies were adopted failed to complete the coursework and received suspension days in accordance with the settlement agreement.

²² As of July 1, 2020.

2. Compare the rate of subsequent offenses in cases with EBD to the rate of subsequent offenses in cases that were not settled.

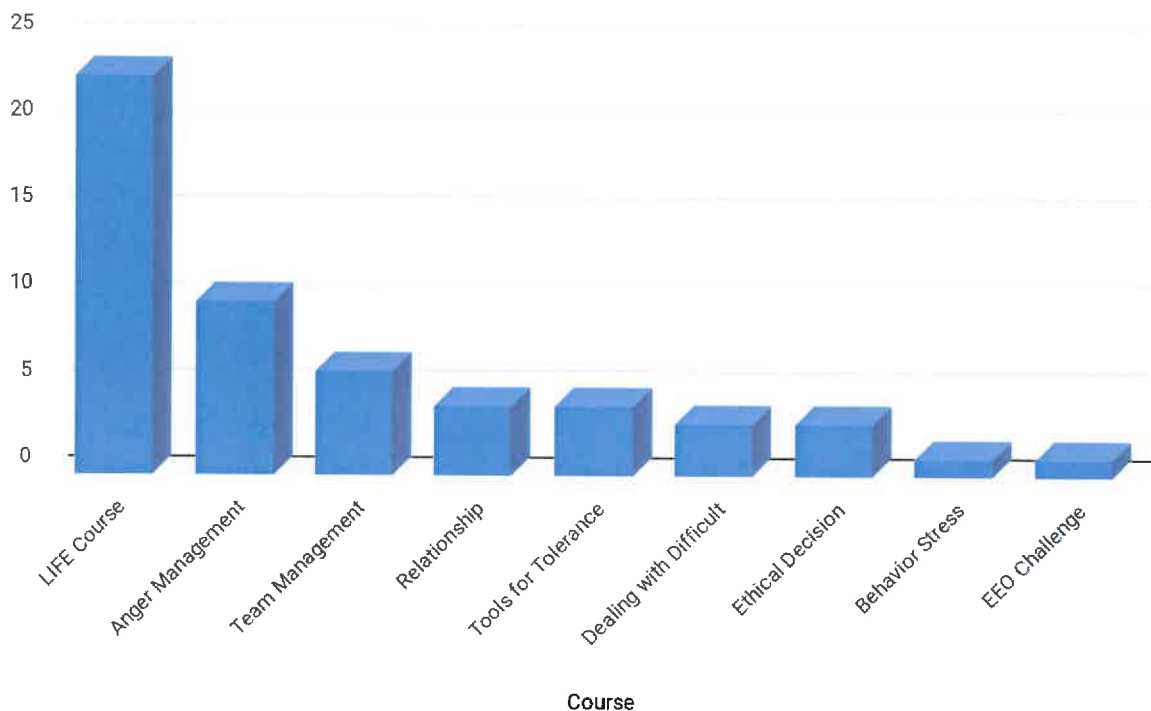
The OIA compared the rate of subsequent offenses in cases that were settled to the rate of subsequent offenses for 78 members who were disciplined with a reprimand or suspension days (between 2017 and 2019) and did not settle their case. Of the 78 members, six committed a subsequent offense (7.7%).

D. Determine the distribution of assigned courses.

1. Courses assigned and courses assigned most frequently

Overall, 55 courses were assigned in 33 agreements (1.66 per member/agreement). Members were assigned between one and four courses to attend.²³ The LIFE course was assigned most frequently. Nearly 70% of members were assigned the LIFE course.

CHART A: ASSIGNED COURSES



²³ Only one member was assigned four courses (Case No. 22). The member did not complete all of the courses and was suspended in accordance with the provisions of the settlement agreement.

Course	No. of members assigned to take the course	Percentage of members assigned the course
LIFE Course	23	69.7%
Anger Management	10	30.30%
Team Management	6	18.18%
Relationship Management	4	12.12%
Tools for Tolerance	4	12.12%
Dealing with Difficult People	3	9.09%
Ethical Decision Making	3	9.09%
Behavior Stress Management	1	3.03%
EEO Challenge ²⁴	1	3.03%

The Department explained to the OIA that the LIFE course is assigned most frequently because the broad scope of the course is best suited to address the misconduct of most/many members, and because the course is presented most frequently.

2. Number of members who were assigned courses in addition to traditional discipline (written reprimand or suspension days).

For 17 members, the settlement agreement included EBD and discipline, such as a written reprimand or suspension days (51.5% of 33 agreements). Five members signed agreements before the policies were adopted and 12 signed agreements after.

- Two agreements included EBD and a written reprimand (6.06%).
- Fifteen agreements included EBD and suspension days (45.45%).

E. Determine the rank of the members whose cases were settled and who received EBD.

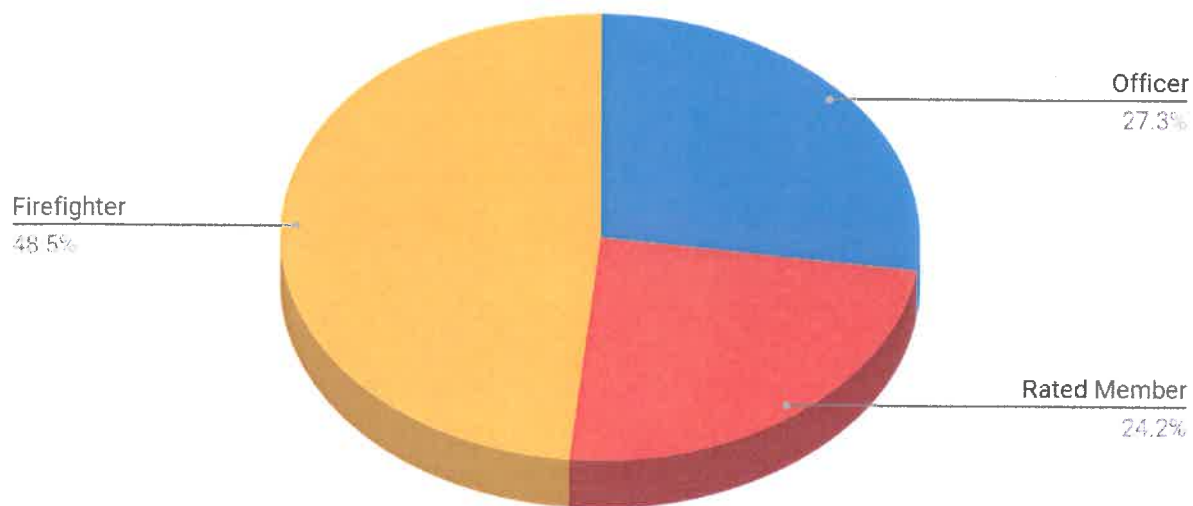
The rank of members who entered into settlement agreements with EBD was:²⁵

- Nine Officers (27.27%)
- Eight rated members (24.24%)
 - a. Five Engineers
 - b. Two Inspectors
 - c. One Apparatus Operator
- Sixteen Firefighters (48.48%)

²⁴ The EEO Challenge course is not a sanctioned course; however, the member assigned this course was also assigned a course from the approved list.

²⁵ This was the rank of the member at the time of the offense. Five members were promoted by the time the settlement agreement was signed.

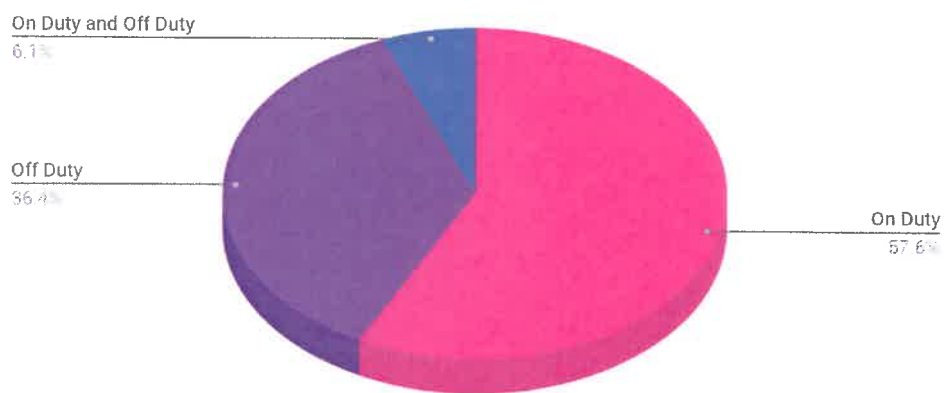
CHART B: RANK OF MEMBERS WHO SETTLED CASES



F. Determine whether offenses resulting in settlement agreements were committed on or off-duty.

- Nineteen offenses were committed on-duty (57.57%).
- Twelve offenses were committed off-duty (36.36%).
- Two members committed offenses both on and off-duty (6.06%).

CHART C: Offenses Committed On or Off Duty



VIII. AGREEMENTS SIGNED BEFORE 2017 POLICIES – COURSES COMPLETED BEFORE SETTLEMENT AGREEMENTS WERE SIGNED

In three cases that were settled before the 2017 policies were implemented, the member attended courses before the agreement was signed. After completing the classes, these members entered into a settlement agreement with the Department that required attendance at the course(s) the member had already finished.

In these cases, it was difficult to ascertain whether the courses were completed in anticipation of the settlement agreement, or if the Department allowed a member to enter into a settlement agreement that included courses the member attended for some other purpose that had little or no connection to the discipline case, remediation, or rehabilitation for the offense committed.

In Case No. 3, the member completed the courses six days before the agreement was signed. In Case No. 18, the member completed the courses 239 days before the agreement was signed. In Case No. 7, the agreement was amended to change the assigned courses. The member completed the courses required in the amendment 129 days before the amendment was signed.

The Department offered an explanation related to Case No. 18; nine months after the charges were sustained and the member requested a BOR hearing, the parties began discussing settlement. Eleven months after that, the member completed the course, and seven months after that the settlement agreement was signed. The Department indicated it could only speculate that the member completed the course before signing the agreement hoping to put the matter behind him/her.

Since the new policies were adopted in 2017, none of the settlement agreements included a course attended by a member before the agreement was signed. Additionally, the Department reported that all course enrollment is now coordinated through PSD and it is unlikely that a member would be able to enroll in and complete a course without the assistance of PSD. The OIA applauds the Department for proceeding in this manner and recommends the Department permanently discontinue assigning EBD courses which a member attended prior to signing a settlement agreement.

IX. ASSESSING THE EBD PROGRAM

The OIA endeavored to determine if the EBD program is successful and having a positive impact on the Department, as well as individual members. To do this, the OIA referred to the EBD policy and the stated goals of the EBD program; 1) to improve the member's behavior and performance, and 2) to prevent the recurrence of misconduct.²⁶ Then, the OIA attempted to determine if the Department is meeting the goals.

A. Recurrence of misconduct²⁷

To assess the rate of recurrence of misconduct, the OIA considered the discipline record of all members included in the EBD program in this audit's population, whether their case was settled before or after the formal policies were adopted in June 2017.²⁸

The OIA's research revealed that only one member of the 25 (4%) who completed EBD courses committed a subsequent offense.²⁹ The member signed the settlement agreement in 2016, before the policies were adopted.

²⁶ EBD Policy, BFC No. 17-071, heard by the BOFC June 20, 2017.

²⁷ As of July 1, 2020.

²⁸ As previously stated in section IV, this audit's population includes cases settled before and after the 2017 policies were implemented to facilitate comparisons among as many cases as possible in which members attended the same courses.

²⁹ A subsequent offense was one that was adjudicated as Sustained or Sustained, Non-Punitive. Lost Equipment cases were excluded.

The OIA compared the rate of subsequent offenses in EBD cases with the rate of new offenses for 78 members who received traditional discipline and did not settle their case. Of those 78 members, six committed a subsequent offense (7.7%).

The information suggests that the percentage of members who commit subsequent offenses is low; 4% for those who participated in EBD, and 7.7% without. This is good news.

Eleven members (out of 33 who settled their case) have either not yet completed the courses, or completed the coursework less than one year ago (33%); leaving 21 members (66%) from which to gauge success.³⁰

- Twelve members completed the courses between 12 and 24 months ago.
- Two members completed the courses between 24 and 36 months ago.
- Six members completed the courses between 36 and 48 months ago.
- One member completed the courses between four and five years ago.

Examining subsequent offenses less than five years from when the member attended the course(s) provides a short-term measure of effectiveness. Studies about recidivism suggest that success will not be fully determined until five years after course completion. Thus, we cannot make definitive findings on the long-term success of the EBD program, as none of the members completed the coursework more than five years ago.

The *Policy for Discipline Settlement Agreements* provides for an annual review of agreements by the OIA. As the OIA continues to examine more agreements and as more time passes from when the courses were completed, a more reliable population from which to determine subsequent offenses and success of the program will emerge.

B. Improving members' behavior and performance

The settlement memoranda written in accordance with the EBD and settlement agreement policies, articulated behaviors the Department was seeking to impact through the assigned coursework. The *EBD Policy* requires "Courses assigned as part of the education-based discipline program must closely match the misconduct in the discipline case and reflect the resources the member may need to effect change in his/her behavior."³¹ Furthermore, the Department must articulate "the justification for assigning the member the chosen course(s)."³²

Examples of justifications the Department provided for assigning particular courses are:

- In Case No. 11 the Department indicated that the LIFE, Relationship Management/Conflict Resolution, and Dealing with Difficult People courses will help the member improve interactions with the public and know when to alert a captain to assist with situations.
- In Case No. 14 the Department indicated the Ethics and LIFE courses will provide the member with tools for handling confrontational people and situations.

³⁰ One member never completed the courses and was suspended in accordance with the agreement.

³¹ BFC No. 17-071.

³² *Id.*

- In Case No. 30 the Department indicated the Tools for Tolerance course will give the member tools for understanding individual differences and respect for others.
- In seven cases, the Department said the LIFE class will give the members tools for making better decisions in the future.
- In two cases, the Department indicated that the Anger Awareness Management course would provide the member with tools to better handle stressful situations in the future.

From these memoranda, it appears the Department expects that the courses will impact a member's behavior in the manner presented in the justifications. However, the Department has not established tangible ways to measure whether courses had the stated impact.

The preliminary evidence of a low rate of subsequent offenses and positive course evaluations are a good beginning. Further, the Department cited additional intangible benefits of the program such as a boost in morale and anecdotal evidence from participating members that courses are positively impacting their behavior. Additionally, although the Department has not provided actual calculations, there is a belief that the program saves money.

However, more tangible information is needed to determine whether the Department is appropriately matching courses to desired behavior changes, and whether courses are having the intended and articulated effect on the members to meet the stated goal. The OIA recommends that the Department develop standards or practices for measuring the success of the EBD program.

X. RECOMMENDATIONS

The OIA recommends:

1. The Department maintain and update a list of cases that have been settled until the DTS system can be upgraded to allow for a search for cases that were settled. The Department reported that this recommendation has been implemented.
2. The CTS and DTS systems be upgraded or replaced, to include, among other things, the capability to search for cases that have been settled.
3. The *EBD Policy* be amended to include a requirement that requests for extensions, the reason for the request, and whether or not the extension was granted, be documented in DTS.
4. When settlement agreements are uploaded into DTS, the Department shall indicate in the Comment section in DTS that the agreement was uploaded and the date of the upload. A Department policy was already created to memorialize this requirement.
5. The Department permanently discontinue assigning EBD courses which a member attended prior to signing a settlement agreement.
6. The Department develop standards or practices for measuring the success of the EBD Program.

ATTACHMENT A


June 20, 2017

LOS ANGELES FIRE DEPARTMENT

RALPH M. TERRAZAS
FIRE CHIEF

June 5, 2017

BOARD OF FIRE COMMISSIONERS
FILE NO. 17 - 071

TO: Board of Fire Commissioners
FROM:  Ralph M. Terrazas, Fire Chief
SUBJECT: EDUCATION-BASED DISCIPLINE GUIDELINES

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

As part of the proposed Public Service Discipline model, the Fire Department is seeking approval from the Board of Fire Commissioners (BOFC) of guidelines for education-based discipline within settlements. Since Summer 2015, the Department has been employing education-based discipline on a pilot basis to resolve discipline. Education-based discipline substitutes relevant coursework for all or part of the recommended suspension days in cases where circumstances of a case meet the eligibility criteria for settlement (as detailed in Board Report 17 - 072) and education-based discipline is deemed appropriate.

This report explains the process and procedure to be employed when determining the appropriate conditions for inclusion of education-based discipline within a disciplinary settlement.

RECOMMENDATION

That the Board:
Receive and approve the report.

FISCAL IMPACT

Actual cost savings are yet to be determined.

The inclusion of education-based discipline within settlements that either eliminate or reduce the number of suspension days in exchange for requiring the members to attend courses is expected to result in cost savings to the Department. Instead of incurring overtime costs to cover a member's period of suspension, the member will be required

to attend courses while off-duty. The actual cost savings for this aspect of settlements is yet to be determined.

For settlements involving education-based discipline, there is no cost to the Department or the member for the courses offered by the Los Angeles Sheriff's Department on the current approved course list. There may a cost for future courses added to the approved course list. The potential cost is yet to be determined.

DISCUSSION

As part of the development of a public service discipline model, in late 2015 the Department began piloting a program for incorporating education-based discipline into settlement agreements. In the context of settlement agreements, training refers to remediation of operational skill deficiencies and education-based discipline refers to remediation of behavioral problems (e.g. anger management).

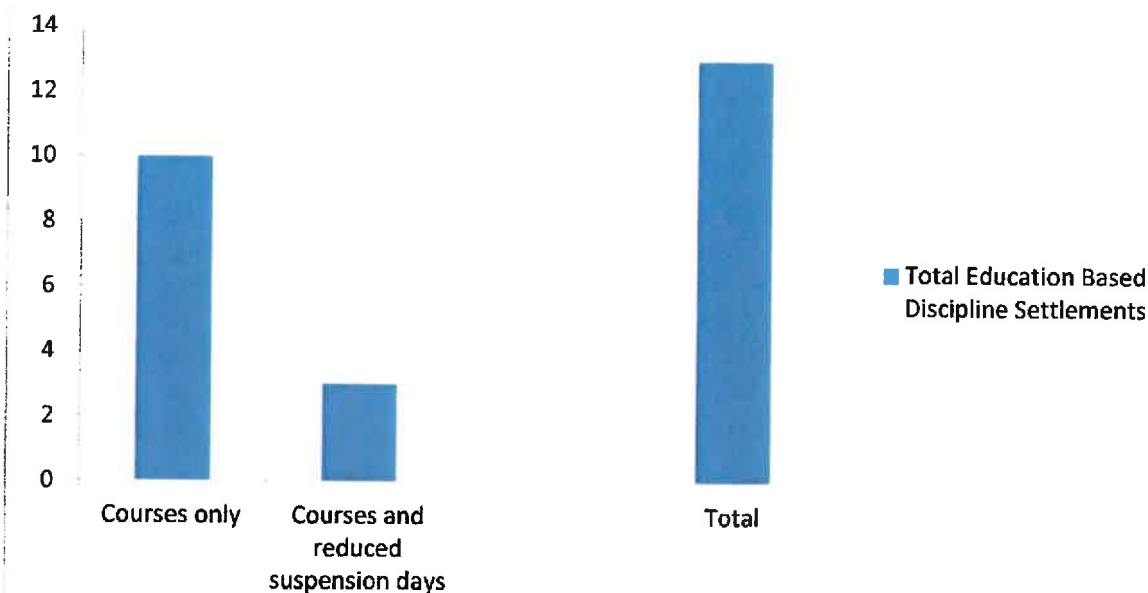
The purpose of education-based discipline is to prevent the recurrence of misconduct by helping the member improve their skills and/or behavior. All members are expected to provide the public with the highest level of service and professionalism. The approved courses target problem areas and provide the members with tools to better approach conflict in the workplace, adversity on the job, and team building, as some examples.

Education-based discipline benefits both the member and the Department. By allowing for coursework that can support a member in improving their performance, that member has the opportunity and resources to more fully realize his/her value as a member of the LAFD.

Education based discipline is a recognized approach consistent with *Douglas v. Veterans Administration* 5 M.S.P.B. 280 (1981) (decision of the Merit System Protection Board outlining the factors to determine the appropriate penalty for employee misconduct.)

To date, the Department has resolved thirteen cases with settlement agreements that included education-based discipline. Of the thirteen cases, two members did not complete their coursework, one member retired from service prior to completion, and the other member failed to complete the coursework within the one-year deadline, and received the original proposed suspension days. None of the members who entered into settlement agreements with education-based discipline and completed the required coursework have returned to the discipline system to date and some have thanked the Department for providing valuable courses which helped them better do their jobs. Since most of these thirteen education-based discipline settlements are less than one year old, it is not possible to conclusively determine their effectiveness at this point.

Total Settlements with Education-Based Discipline



As detailed in BOFC Report # 17 - 072, the Department has identified settlement criteria to be considered when assessing the appropriate level of discipline for particular cases.¹ These criteria are used to ensure that settlements are approached with consistent, fair procedures, which are well documented.

In addressing the thirteen cases through the pilot process, the Department considered the following:

1. Assessment of each case using the five settlement factors to determine eligibility.
2. Determination of the most appropriate course or courses that would satisfy the goal of the Department and meet the needs of the involved member.

These cases were then settled by mutual agreement between the member and the Department through a formal settlement agreement that included education-based discipline.

To date, the courses which have been used in settlements have been offered at no cost to our members or the City by the Los Angeles Sheriff's Department. There may be a cost attendant to future courses added to the approved course list. The Department is

¹ The Department identified the following five criteria to consider when evaluating a case to determine the appropriate settlement proposal:

1. Whether the misconduct harmed the public service;
2. Whether the misconduct is likely to recur;
3. Whether the misconduct or the harm caused by the misconduct is serious;
4. Whether the Department is likely to prevail with formal discipline; and
5. Whether alternative sanctions would adequately deter future conduct.

asking the BOFC to adopt the proposed policy (attached as Exhibit 1) setting forth the current approved course list and the procedure for adding additional courses to the approved course list.

Approved courses are selected by the Commander, Professional Standards Division for inclusion on the approved course list. They are then proposed for an individual member depending on the misconduct charged in the discipline case, to most closely match the additional resources the member needs to effect change in behavior. The procedure for selecting and approving courses and for determining the appropriate coursework for particular discipline cases is detailed in the attached policy (see Exhibit 1). Members must attend required courses while off-duty and on their own time.

When education-based discipline is accepted through a settlement agreement, a member is expected to enroll in the first reasonably available course and is required to begin coursework within four months of execution of a settlement agreement. The member is allowed a one year window to complete the required coursework and to provide proof of completion to the Department. The member may request, for good cause shown, a reasonable extension to begin or complete the courses required in the settlement agreement.² For example, if the member faced a serious illness, which prevented the member from attending the required courses as originally scheduled, the member would be able to request an extension of time to complete the courses.

If a member fails to begin or complete the required courses within the allowed timeframes and without good cause, the suspension days (or other discipline) that are held in abeyance under the settlement agreement will be imposed.

Per the guidelines proposed in BOFC Report # 17 – 072, the Independent Assessor will review disciplinary settlement agreements (including those that impose education-based discipline) on an ongoing basis to determine the quality and effectiveness of the settlements as well as their adherence to BOFC-approved guidelines. The Independent Assessor will provide a report on settlements to the BOFC at least annually. The Department also plans to develop an evaluation process for the individual members who complete approved courses to provide feedback about the effectiveness of the courses they attend. The data from these evaluations will be provided to the Office of the Independent Assessor at least annually (or upon request) for review.

² Good cause means according to *Black's Law Dictionary, Second Edition*, "that from a legal point of view there are sufficient grounds to act."

CONCLUSION

The Department is requesting approval from the BOFC to include education-based discipline as a component of settlement agreements. The Department has high expectations for education-based discipline as one element of settlement agreements that will help the Department maintain high standards of service.

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

Attachment

POLICY EDUCATION-BASED DISCIPLINE

PURPOSE: When a member of the Los Angeles Fire Department (Department or LAFD) has been found to have engaged in misconduct and is facing suspension or termination from duty, the member and the Department may enter into a settlement agreement if the LAFD determines that an alternative form of discipline will better serve the individual and the Department to modify an employee's behavior and maintain high standards of professionalism. Alternative forms of discipline may include education-based discipline, which can substitute for all or part of the recommended suspension days.

This policy sets forth the criteria for determining which courses can be included in the Department's education-based discipline program (Program), determining which course(s) will be selected for the member to attend, and procedures for course completion.

APPLICABILITY: The criteria and procedures set forth in this policy apply to all cases in which a member has been served with a suspension from duty, or has been directed by the Fire Chief to a Board of Rights, and the Department and the individual member have agreed to an alternative to the discipline originally imposed, which includes education-based discipline. Settlement Agreements must adhere to policy and procedures approved by the Board (BOFC #17-072) before education-based discipline can be applied.

DEFINITION: *Education-based discipline* is coursework aimed at changing behavior by providing tools for improving skills, preventing recurrence of misconduct, and enhancing professionalism. Classes may also address substance use and abuse.

A. PROCEDURE FOR DETERMINING COURSE ELIGIBILITY FOR INCLUSION IN THE EDUCATION-BASED DISCIPLINE PROGRAM

1. Before including a course in the Program, the Department shall obtain a comprehensive syllabus for the course. The syllabus must include the name of the agency which sponsors the course, the name, phone number and email address for someone who can be contacted about the course, learning objectives, methods for instruction and instructional activities.
2. The Commanding Officer of Professional Standards Division (PSD) shall determine if the course is suitable for inclusion in the Program.
3. The syllabus must be provided to the Office of the Independent Assessor for review before the course is included in the Program. At his/her discretion, the OIA may request formal review and approval by the Board of Fire Commissioners.
4. A syllabus for each course included in the Program shall be kept by PSD and a current list shall be appended to this policy and updated quarterly.

B. CRITERIA FOR DETERMINING WHICH COURSES WILL BE ASSIGNED AS PART OF THE SETTLEMENT AGREEMENT

1. The goal of education-based discipline is to improve the member's behavior and performance, and to prevent the recurrence of misconduct. Courses assigned as part of the education-based discipline program must closely match the misconduct in the discipline case and reflect the resources the member may need to effect change in his/her behavior.
2. As part of the settlement memorandum required in the Policy for Settlement Agreements, the Commanding Officer of PSD shall include the justification for assigning the member the chosen course(s).

C. REQUIREMENTS FOR COURSE COMPLETION

1. The member must enroll in the agreed upon course(s) at the first available time it is offered after execution of the settlement agreement.
2. The member must begin coursework, no later than four months (120 days) after execution of the settlement agreement.
3. All coursework must be completed, and proof of completion provided to PSD, within one year from the date of the execution of the settlement agreement.
4. The member may request a reasonable extension, upon a showing of good cause, for requirements C.1 – 3. This request must be submitted in writing to the Commanding Officer of PSD as soon as the member is aware of circumstances requiring the extension.
5. The Commanding Officer of PSD will make a decision whether or not to grant an extension and for how long.
6. All coursework shall be completed off-duty, on a member's own time and at the member's own expense. The Department shall not pay for the course fee nor for the time a member spends to attend the course.
7. Members are required to complete a Department-provided course evaluation form upon completion of the coursework.
8. Provisions C.1 – 6 of this policy shall be articulated in every settlement agreement in which education-based discipline is included.

List of Approved Courses for Education-Based Discipline
June 6, 2017

Course Name	Presenting Agency	Contact
Anger Awareness	Los Angeles County Sheriff's Department	
Behavior Stress Management	Los Angeles County Sheriff's Department	
Dealing with Difficult People	Los Angeles County Sheriff's Department	
Ethics	Los Angeles County Sheriff's Department	
LIFE Decision Making Process	Los Angeles County Sheriff's Department	
Relationship Management/Conflict Resolution	Los Angeles County Sheriff's Department	
Team Management	Los Angeles County Sheriff's Department	
Cultural Diversity	Museum of Tolerance	


June 20, 2017

LOS ANGELES FIRE DEPARTMENT

RALPH M. TERRAZAS
FIRE CHIEF

June 5, 2017

BOARD OF FIRE COMMISSIONERS
FILE NO. 17 - 072

TO: Board of Fire Commissioners
FROM:  Ralph M. Terrazas, Fire Chief
SUBJECT: SETTLEMENT OF DISCIPLINE CASES

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 Fire Department strives to provide the public with the highest level of service and professionalism. The Department expects members to conduct themselves in a manner consistent with its core values, on and off duty. When members fail to adhere to the standards of excellence, discipline or corrective action may be warranted. Traditional discipline, which includes reprimand, suspension, demotion or removal, may not always be the best approach to modify employee misbehavior.

Over the past few years, the Los Angeles Fire Department has discussed with the Board of Fire Commissioners the need to modify the discipline philosophy and consider alternatives to traditional discipline. At the Board of Fire Commissioners' meeting on January 21, 2014, the Board of Fire Commissioners directed the Fire Chief to explore updates to the discipline process to allow the Department to adjudicate complaints with other alternatives such as corrective action, training and counseling, even when there is a relevant traditional disciplinary guideline.

The Department is proposing to move to a public service discipline model, where settlement of individual discipline cases may be authorized, where appropriate and in the interest of maintaining high standards of professionalism within the Los Angeles Fire Department. As part of the development of the new discipline model, the Department has been entering into disciplinary settlement agreements with individual members on a pilot basis since Summer 2015 to resolve eligible discipline cases. The Department is seeking approval from the Board to formally establish the criteria and procedures that will govern disciplinary settlement agreements in the spirit of the proposed Modifications to Discipline Philosophy report (BOFC # 17 - 066).

RECOMMENDATION

That the Board:

Receive and approve the report.

FISCAL IMPACT

The Department anticipates that the use of disciplinary settlement agreements will result in cost savings through reductions of overtime costs related to member suspensions or member-requested Board of Rights hearings; however, the actual cost savings are yet to be determined.

For settlements involving education-based discipline, currently, there is no cost to the Department or the member for the courses on the approved course list. There may be a cost for future courses added to the approved course list.

DISCUSSION

The Fire Department strives to provide the public with the highest level of service and professionalism. The Department expects members to conduct themselves in a manner consistent with its core values, on and off duty. When members fail to adhere to the standards of excellence, discipline or corrective action may be warranted.

Under the prior discipline philosophy, the Department was only able to impose traditional discipline actions when members were found culpable of misconduct. Traditional discipline is limited to reprimands, suspensions without pay (up to 6 months), or termination. However, these traditional penalties do not always allow for the most effective approaches to modify employee behavior. Further, any alternatives to traditional discipline penalties require a settlement agreement with the member.

Where the Department has established by a preponderance of the evidence that the member engaged in misconduct, the adjudicator sets the appropriate penalty, using the LAFD Penalty Guidelines for Sworn Members adopted in October 2008 (the Penalty Guidelines), as well as the twelve factors first enunciated in *Douglas v. Veteran's Administration* 5 M.S.P.R. 280, 306 (1981).¹ The final *Douglas* factor to be considered

¹ The twelve factors first identified by the Merit Systems Protection Board in *Douglas v. Veteran's Administration*, 5 M.S.P.R. 280, 305-306, include:

1. The nature and seriousness of the offense, and its relation to the employee's duties position and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;

in fashioning the appropriate level of discipline is the adequacy and effectiveness of alternative sanctions to deter misconduct by the employee and others.

Under the proposed Modifications to Discipline Philosophy report (BOFC Report # 17 - 006), once a disciplinary investigation has been completed, adjudicated, and a disciplinary penalty has been proposed, the Department would now be authorized to further use the *Douglas* factors and other specific criteria to determine if a member should be eligible for alternatives to traditional discipline penalties through disciplinary settlement agreements.

A disciplinary settlement agreement is a written settlement agreement solely between, and executed by, the member and the Department. All settlement agreements must be approved by the Fire Chief. The types of alternative discipline that may be incorporated into disciplinary settlement agreements include "last chance" agreements, training, and education-based discipline. In the context of settlement, training refers to remediation of operational skill deficiencies and education-based discipline refers to remediation of behavioral problems (e.g. anger management). Alternative Discipline may be employed in lieu of or in combination with traditional discipline measures. For example, a settlement agreement may impose an anger management course in combination with 5 suspension days rather than impose 15 suspension days that might have been dictated by the traditional guidelines.

In order to provide education-based discipline, the Department has identified a series of courses for members to take, which are intended to educate the member on the standards of excellence expected from the Department, provide him/her with skills for meeting the Department's behavioral expectations, and deter future misconduct. At this time, most of these courses are offered through a partnership with the Los Angeles Sheriff's Department to provide that agency's educational courses to members. The Department is concurrently presenting a specific report on education-based discipline and accompanying policy to the BOFC for adoption.

In many cases, alternative discipline can be more effective than the consequences available through traditional discipline. Offering training or last chance agreement alternatives in certain cases may lessen the chances of recidivism. For example, a last chance agreement in lieu of a Board of Rights hearing in a substance abuse case may reduce the likelihood the member will be under the influence while on duty. It is only

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7. Consistency of the penalty with any applicable agency table of penalties;
 8. The notoriety of the offense or its impact upon the reputation of the agency;
 9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
 10. Potential for the employee's rehabilitation;
 11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
 12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

through settlement that requirements for random testing or a specified dependency treatment program can be imposed.

In cases where education-based discipline is applied, the Department expects that members who attend these courses as part of alternative discipline will not return to the discipline system, since the courses are designed to provide members with tools to assist them in adhering to the standards expected from the Department.

An additional benefit of settlement agreements is achieving finality. Based on the settlement agreement of the parties, the member voluntarily waives the right to pursue further administrative and/or judicial remedies related to the case.

This report and attached policy (Exhibit 1) formally establish the criteria and process to determine if disciplinary settlement agreement may be considered and, if so, what alternatives to traditional discipline should be included in that agreement. In all cases, any decision to employ a disciplinary settlement agreement must be in keeping with the core concepts of the Public Service Discipline Model² and in the best interest of maintaining the high standards of professionalism within the Los Angeles Fire Department.

Settlement Process and Criteria

All settlements must be approved by the Fire Chief. The process for securing authority to resolve a particular discipline case through a settlement is as follows:

- 1) Eligibility for settlement is established by Commander, Professional Standards Division in accordance with the criteria approved by the Board of Fire Commissioners.

² Since summer 2015, the Department has been moving away from a punitive discipline model and toward a Public Service Discipline model, based on four core concepts, which provides the Department with structure in determining the appropriate level of corrective or punitive action necessary to modify a member's behavior while maintaining a high level of public service.

- | | |
|----------------|--|
| Concept One: | The Department's first and foremost consideration is maintaining its high level of public service to the City and the public; |
| Concept Two: | The Department's second consideration is to balance the interests of the City, the public, the Fire Service, the Department, its members and the accused member; |
| Concept Three: | Third, the Department strives to use the appropriate level of corrective or punitive action that will ensure the delivery of public service and correct the member's long-term behavior to conform to the Department's expectations; and |
| Concept Four: | Finally, in determining the appropriate level of corrective or punitive action, the Department considers (1) the harm to the public service; (2) the circumstances surrounding the incident and (3) the likelihood of reoccurrence. |

- 2) A settlement proposal is developed by the Professional Standards Division in accordance with the criteria approved by the BOFC.
- 3) The Commander, Professional Standards Division will prepare a settlement proposal memorandum that explains the eligibility for settlement and justification for the proposed settlement agreement.
- 4) The Fire Chief reviews the settlement agreement. The Fire Chief signifies agreement by signing the settlement authorization. Only after settlement authority has been obtained from the Fire Chief can the settlement agreement be provided to the member.
- 5) The settlement agreement is provided to the member for final execution.

To properly assess individual discipline cases for settlement, the Department has developed criteria to ensure consistent application of the principles of the Public Service Discipline Model. Not every case is amenable to settlement or an alternative discipline.

There are certain cases in which settlement will not be permitted. These include cases where the member is convicted of a felony or where the member is found to have engaged in heinous misconduct, such as child molestation or possession of child pornography, even absent a felony conviction. Additionally, in cases where the member has already been disciplined for a same or similar offenses or has a history of varied discipline, settlement may not be in the interests of the Department.

Each case should be considered for settlement based on its own unique facts and circumstances. The *Douglas* factors recognize the individual approach to penalty determination of each case, expressly identifying that the employee's past disciplinary record (factor 3), work record (factor 4), potential for rehabilitation (factor 10) and the unique mitigating circumstances surrounding the misconduct (factor 11) need to be considered when assessing the appropriate penalty. These individual mitigating or aggravating factors are equally important to consider when assessing eligibility for settlement and any settlement proposal.

In addition to the *Douglas* factors, uniform criteria should be applied to determine what, *if any*, alternative discipline proposal should be offered to resolve a particular case. The proposed criteria are:

1. Whether the Misconduct Harmed the Public Service

When misconduct has significantly harmed the public service, it is more likely to warrant traditional disciplinary action. Likewise, where recurrence of the misconduct could cause significant harm to the public, alternative discipline may not be advisable. The Department will consider the extent to which the misconduct created widespread bad publicity for the Department or its members, or brought discredit to the reputation of the Department in determining whether to extend a settlement proposal.

Any consideration of settlement should factor in the actual or potential harm to the public service posed by the misconduct.

2. Whether the Misconduct is Likely to Recur

The Department will consider the likelihood of recurrence. Further, the Department will examine whether the member has demonstrated remorse and accepted responsibility for the misconduct, whether the member has made restitution (where appropriate) or has taken other proactive steps to correct the member's behavior (such as enrolling in chemical dependency treatment, where applicable). The member's past discipline history (whether involving the same/similar behavior or not) is relevant in determining whether the misconduct is likely to be repeated and if it can be corrected through alternative discipline.

3. Whether the Misconduct or the Harm Caused by the Misconduct is Serious

The Department will consider the seriousness of the misconduct or the harm caused by the misconduct. There is prohibition against settling certain cases of serious misconduct (see Exhibit 1); however, even when settlement is not expressly prohibited, the eligibility for settlement should reflect the severity of the misconduct or the gravity of the harm resulting from the misconduct. Further, any proposed settlement agreement should reflect the same.

4. Whether the Department is Likely to Prevail in a Board of Rights Hearing

The Department will assess its chances of prevailing in a Board of Rights hearing when considering settlement prospects in individual cases.³ When considering settlement of a particular case, the Department should assess if there are any problems, that developed since the adjudication, with the availability of the witnesses or evidence that could adversely impact a Board of Rights hearing. The Department should also determine if the same or similar level of discipline would be imposed at a Board of Rights hearing as would be possible to achieve through settlement. The Department will document evidence of this in the settlement justification memorandum.

When there are significant evidentiary problems facing the Department to proceed with a Board of Rights hearing, or there is little to gain by proceeding with a hearing over settlement, the Department may seek to resolve the case through settlement.

5. Whether Alternative Sanctions Would Likely Deter Future Conduct

The Department will consider whether alternative discipline measures are more appropriate for the given circumstance to meet the spirit and goal of the Public Service Discipline philosophy. The Department will further consider the extent to which

³ Under the City Charter, Section 1060, a member who disputes a disciplinary notice is entitled to proceed to a Board of Rights hearing before three Chief Officers, who will determine after taking evidence and testimony whether the charges are proven by a preponderance of the evidence. A member who disagrees with the decision of the Board of Rights can also seek arbitration.

alternative sanctions are likely to be effective to correct member behavior when considering a settlement proposal.

These criteria and procedures required for disciplinary settlement agreements are established in the attached Professional Standards Division policy (Exhibit 1).

Settlement Documentation and Ongoing Review

Per this report and attached policy, the Department will properly document its settlement decisions to ensure consistent application of the settlement criteria and detail its assessment of the merits of each discipline case so that it is clear to an independent reviewer the propriety of settlement and the offered settlement. To ensure consistency in the approach to settlements in disciplinary cases, the Department shall document in a memorandum, at minimum, the application of five settlement criteria, as well as any other mitigating and aggravating circumstances presented in the case (e.g. Douglas Factors), and document the justification and eligibility for settlement and the settlement proposal to be offered in each case, which shall be approved by the Fire Chief before the agreement is executed.

All settlement agreements shall include a provision acknowledging that the discipline case in question may be subject to review by the Office of the Independent Assessor.

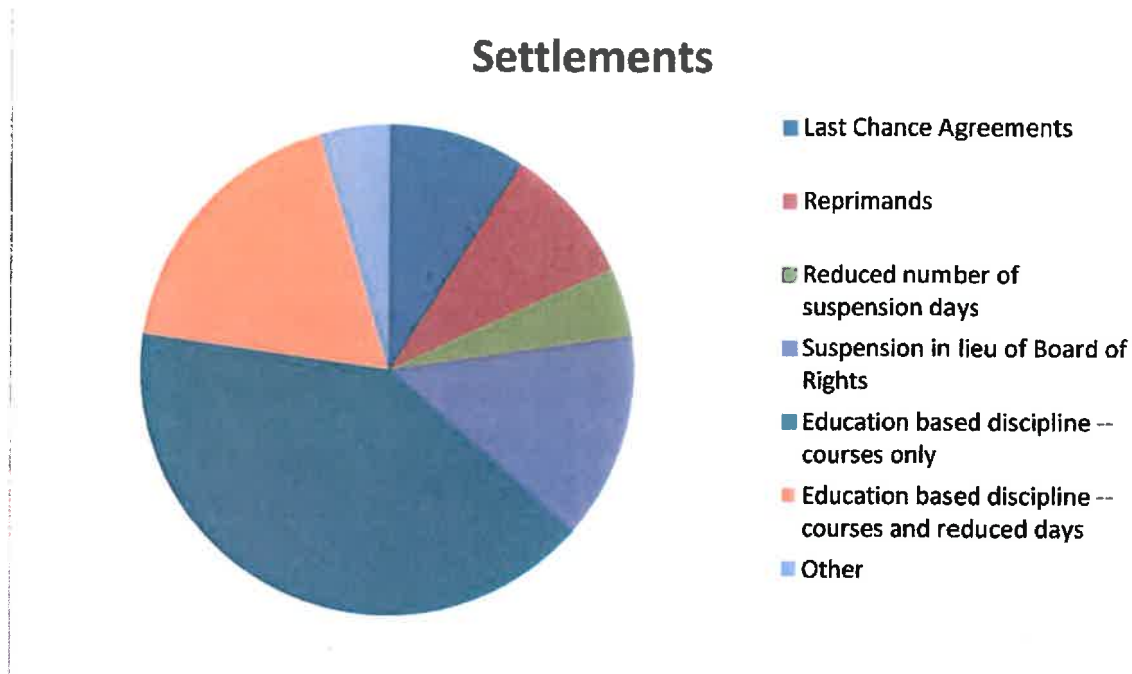
The Independent Assessor will review settlements of discipline cases on an ongoing basis to determine the quality and effectiveness of the settlements as well as their adherence to BOFC-approved guidelines. At minimum, the Independent Assessor will provide a report on settlements as part of an overall annual "Discipline Review" report to the BOFC. Additional reviews and reports to the Board may be provided as deemed necessary by either the Independent Assessor or the BOFC.

Pilot Program Results

At this point, most of the settlement agreements were entered within the last calendar year, so it is too early to properly assess their effectiveness. However, the Department has not received additional complaints against the members who resolved discipline cases by settlement agreement in the past year. Moreover, several members who attended courses have reported that the courses have been helpful to them for their work. Some members have thanked the Department for suggesting the courses.

Since the early part of 2016, the Department has settled 27 cases involving 24 members. During that time, the Department entered two last chance agreements involving substance abuse (alcohol or drugs). The Department agreed to issuance of a reprimand in place of the originally proposed penalty in three cases. The Department reduced the number of suspension days in one case. The Department agreed to a set number of suspension days in three cases, where the Department originally requested a Board of Rights hearing. The Department resolved one case by agreeing to waive the suspension dates, due to the punitive transfer imposed on the member prior to the completion of the investigation. The Department agreed to a set number of suspension

days and removal from the promotional process in one case. Finally, the Department entered education-based discipline settlements in thirteen cases. Ten were settled with coursework only and three with a combination of courses and a reduced number of suspension days.



CONCLUSION

Allowing for settlements that can be applied to appropriate cases and designed to develop and educate members about the high standards and behavioral expectations of the Department will benefit both the members and the Department.

The Department is seeking approval of this report and accompanying policy to ensure that settlements are applied and documented appropriately, with consistency, fairness, and in the spirit of the Public Service Discipline Philosophy.

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

Attachment

POLICY

DISCIPLINE SETTLEMENT AGREEMENTS

PURPOSE: When a member of the Los Angeles Fire Department (LAFD) has been found to have engaged in misconduct and is facing suspension or termination from duty, the member and the Department may enter into a settlement agreement if the LAFD determines that an alternative form of discipline will better serve the individual and the Department to modify an employee's behavior and maintain high standards of professionalism. Alternative forms of discipline include training, counseling, education-based discipline, substance abuse or addiction treatment programs, or "last chance agreements."

This policy sets forth the criteria for determining if a case is eligible for a settlement agreement, and the procedures for implementing settlement agreements; to ensure consistency, objectivity and accountability.

APPLICABILITY: The criteria and procedures set forth in this policy apply to all cases in which a member has been served with a suspension from duty, or has been directed by the Fire Chief to a Board of Rights, and the Department and the individual member have agreed to an alternative to the discipline originally imposed.

DEFINITIONS: For purposes of this policy, the following definitions apply.

- *Training:* Time spent remediating operational skill deficiencies.
- *Education-based discipline:* Classes aimed at remediating behavioral issues.
- *Last Chance Agreement:* A written agreement between an LAFD member and the LAFD, which gives an employee who has committed serious misconduct one last chance to keep his/her job. Violation of the agreement results in the employee's termination from employment.
- *Douglas Factors:* In *Douglas v. Veterans Administration* (1981).¹ The Merit Systems Protection Board created a non-exhaustive list of factors that federal government agencies are to consider when imposing discipline on employees. These factors are used by the LAFD to determine the appropriate level of discipline.
 - The nature and seriousness of the offense, and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
 - The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
 - The employee's past disciplinary record;
 - The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
 - The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;

¹ Merit Systems Protection Board (MSPB), 313 (1981).

- Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
 - Consistency of the penalty with any applicable agency table of penalties;
 - The notoriety of the offense or its impact upon the reputation of the agency;
 - The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
 - Potential for the employee's rehabilitation;
 - Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
 - The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.
- *Public Service Discipline philosophy:* A discipline philosophy based on four concepts, which provides the Department with a structure for determining the appropriate level of corrective or punitive action necessary to modify a member's behavior while maintaining a high level of public service.

Concept One: The Department's first and foremost consideration is maintaining its high level of public service to the City and the public;

Concept Two: The Department's second consideration is to balance the interests of the City, the public, the Fire Service, the Department, its members and the accused member;

Concept Three: Third, the Department strives to use the appropriate level of corrective or punitive action that will ensure the delivery of public service and correct the member's long-term behavior to conform to the Department's expectations; and

Concept Four: Finally, in determining the appropriate level of corrective or punitive action, the Department considers (1) the harm to the public service; (2) the circumstances surrounding the incident and (3) the likelihood of reoccurrence.

A. CRITERIA FOR DETERMINING ELIGIBILITY FOR SETTLEMENT

The Department will determine if a discipline case is eligible for settlement based on the following criteria:

1. Did the misconduct harm the Public Service?
 - Was there significant harm to the public service?
 - Is it more likely to warrant traditional disciplinary action?
 - Will recurrence of the misconduct cause significant harm to the public?
 - Did the misconduct result in widespread bad publicity for the Department or its members, or bring discredit to the reputation of the Department?

- What was the actual or potential harm to the public service posed by the misconduct?
2. Is the Misconduct Likely to Recur?
 - Has the member demonstrated remorse and accepted responsibility for the misconduct?
 - Has the member made restitution (where appropriate)
 - Has the member taken proactive steps to correct his/her behavior (such as enrolling in chemical dependency treatment, where applicable)?
 - Has the member been disciplined in the past (whether involving the same/similar behavior or not)?
 3. Was the Misconduct or the Harm Caused by the Misconduct Serious?
 - Cases in which a member has been convicted of a felony or where the member is found to have engaged in heinous misconduct, such as child molestation or possession of child pornography, even absent a felony conviction, shall not be eligible for a settlement agreement.
 4. Whether the Department is Likely to Prevail in a Board of Rights Hearing
 - Have any evidentiary problems developed, since the adjudication, with the availability of the witnesses or evidence that could adversely impact a Board of Rights hearing.
 - Would the same or similar level of discipline be imposed at a Board of Rights hearing?
 5. Will Alternative Sanctions Likely Deter Future Conduct?
 - Are alternative discipline measures more appropriate for the given circumstance to meet the spirit and goal of the Public Service Discipline philosophy?
 6. Are there mitigating or aggravating circumstances, pursuant to the *Douglas Factors* that were not considered when the case was originally adjudicated?

B. PROCEDURES

The following procedures shall be followed when the Department enters into a settlement agreement with a member.

1. The Department will determine if a discipline case is eligible to be settled using the criteria listed above.
2. If a discipline case is eligible for settlement, the Department will develop a settlement proposal.

3. The Commanding Officer of Professional Standards Division (PSD) will prepare a settlement memorandum that explains the eligibility for settlement and the justification for the proposed settlement agreement.²
4. The settlement memorandum will be presented to the Fire Chief. If the Fire Chief agrees with the eligibility and proposal, the memorandum will be signed by the Fire Chief.
5. After the Fire Chief agrees and signs the memorandum, the settlement agreement will be presented to the member for final execution.
6. PSD shall upload the signed settlement agreement into the Discipline Tracking System within five days of the final execution of the agreement.
7. Within 14 days of adoption of this policy, PSD shall designate a monitor from within PSD who shall be responsible for monitoring members' compliance with all settlement agreements.

Additional Notes

1. All settlement agreements shall include a provision acknowledging that the discipline case in question may be subject to review by the Office of the Independent Assessor.
2. Any application of Education-based Discipline within settlements must conform to the relevant policies and procedures approved in BOFC #17-071 and in PSD Policy Education-Based Discipline.

² Per BOFC #17-072, the Department will properly document its settlement decisions to ensure consistent application of the settlement criteria and detail its assessment of the merits of each discipline case so that it is clear to an independent reviewer the propriety of settlement and the offered settlement. To ensure consistency in the approach to settlements in disciplinary cases, the Department shall document in its memorandum, at minimum, the application of five settlement criteria, as well as any other mitigating and aggravating circumstances presented in the case (e.g. Douglas Factors), and document the justification and eligibility for settlement and the settlement proposal to be offered in each case.

ATTACHMENT B

Case No.	Rank at time of offense (according to DTS)	Misconduct Occurred on or off duty	Date CTS complaint filed	Charges (as written on charging document)	Original Discipline	Date of Settlement Agreement (when last party signed)	Terms of Settlement Agreement	No. of days from date Settlement Agreement signed until course(s) completed
1	FFIII/PM	On-Duty	06/29/2015	Member failed to respond to the emergency and exert greatest effort to perform to the best of ability, failed to provide medical assistance during the emergency, brought discredit upon the Department.	Five-day suspension	08/01/2016	Five-day suspension held in abeyance pending completion of: Team Management Course	100
2	FFIII	On-Duty	04/18/2017	Failed to be respectful in his contact with a security officer performing security badge clearance at the Los Angeles International Airport.	Two-day suspension	08/03/2018	Two-day suspension held in abeyance pending completion of LIFE Course	348
3	Capt II	Both	12/27/2012	Member used tobacco products [in violation of signed affidavit (members hired after 1987)], set a poor example for subordinates when violated the policy; offered tobacco products to members hired after 1987.	24-day suspension	4/12/2016	24-day suspension held in abeyance pending completion of: Eight-day suspension. LIFE course. Team Management course.	-6
4	FFIII	On-Duty	04/12/2013	Member participated in an act of hazing or horseplay in which s/he was injured. Member committed subsequent offense after completing course work.	12-day suspension	2/29/2016	12-day suspension held in abeyance pending completion of: Ethical Decision Making course. Team Management course.	262

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5	Capt II	On-Duty	02/10/2014	Member abused authority as a supervisor by making improper and abusive remarks and threatening other members during line-up. Engaged in conduct unbecoming an officer when the member negatively singled out another member during a meeting by directing certain comments at the other member. While on duty, blocked the personal vehicle of another member, which prevented the member from leaving the station. Blocked the personal vehicle of a different member.	Eight-day suspension	07/19/2016	Eight-day suspension held in abeyance pending completion of: Relationship Management/Conflict Resolution course. Team Management course.	286
6	Capt I	On-Duty	10/12/2016	Failed to be courteous and respectful to a Department member when used a demeaning tone during a counseling session, and used profanity while counseling a Department member.	Two-day suspension	10/05/2018	Two-day suspension held in abeyance pending completion of LIFE course.	341

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7	Capt I promoted to Capt II before signing agreement	On-Duty	04/17/2013	Member participated in an act of hazing or horseplay against another member. Member set a poor example for subordinates when participated in an act of hazing against and in front of subordinates.	20-day suspension.	03/30/2016 Addendum 09/07/2017	16-day suspension held in abeyance pending completion of: Four-day suspension. Ethical Decision Making course. Team Management course. Agreement later amended to LIFE course. Relationship Management/Conflict Resolution course. Tools for Tolerance course.	Courses were completed 129 days before the amendment was signed, and 397 days after the initial agreement was made.
8	Engineer	On-Duty	01/01/2015	Member wrote the word "fag" on the cup of another member.	Four-day suspension	05/12/2016	Four-day suspension held in abeyance pending completion of: EEO Challenge course. LIFE course. Tools for Tolerance course.	355
9	Engineer Code P	On-Duty	04/08/2016	Acted in a disrespectful and unprofessional manner toward another firefighter. Acted in a disrespectful and unprofessional manner toward an officer when the member spoke in an elevated and argumentative tone.	Seven-day suspension	05/04/2017	Seven-day suspension held in abeyance pending completion of: Four-day suspension. Anger Management course. Dealing with Difficult People course. LIFE course.	524 (Member granted an extension to complete the courses.)
10	Engineer (promoted to Capt I before signing agreement)	On-Duty	02/28/2014	Member engaged in a verbal altercation with another member. Member engaged in a physical altercation with another member.	11-day suspension	06/19/2019	11-day suspension held in abeyance pending: Two-day suspension. Anger Awareness Management course.	Course completion pending

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11	Engineer	On-Duty	07/29/2016	Made improper remarks to members of the public, failed to inform supervisor of a confrontation with members of the public while on scene at an incident.	Six-day suspension	12/08/2017	Six-day suspension held in abeyance pending completion of: Dealing with Difficult People course. LIFE course. Relationship Management course.	425 (Member granted an extension to complete the courses.)
12	Inspector I Code P	Off-Duty	05/11/2016	Failed to request timekeeping accurately reflect hours worked until after notified of investigation, received payment for hours not actually worked, absent without leave on personal business, failed to be courteous and respectful in contact with employees of private business when denied entry into their facility, recorded false information into a Department database regarding work activities (four separate charges), and failed to follow the directives of a bureau commander by inaccurately documenting and recording work activities.	Member was directed to a hearing before a Board of Rights.	10/24/2017	120-day suspension. Anger Management course. LIFE course.	268

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13	Capt II/PM	On-Duty	12/15/2016	Improperly left assignment without authorization to retrieve mess [food].	Documents in the case file implied that the Department proposed an eight-day suspension from duty as the penalty in this case. However, the Department could not produce documents confirming that the member was served with any penalty or proposed penalty related to this case.	11/17/2017	Eight-day suspension held in abeyance pending completion of: LIFE course. Team Management course.	195
14	FFIII/PM	Off-Duty	08/15/2016	While off-duty engaged in physical altercation with civilian, attempted to use prestige of position as a firefighter for personal gain.	10-day suspension	11/27/2017	10-day suspension held in abeyance pending completion of: Ethical Decision Making course. LIFE course.	345
15	FFIII/PM (promoted to Apparatus Operator before CTS case was closed)	On-Duty	06/29/2015	Member failed to respond to the emergency and exert greatest effort to perform to the best of abilities, failed to provide medical assistance during the emergency, brought discredit upon the Department.	Three-day suspension	02/25/2019	Three-day suspension held in abeyance pending completion of LIFE course.	233
16	Capt I	Off-Duty	03/21/2017	Member physically assaulted another person.	14-day suspension	7/30/18	12-day suspension. Anger Management course. Member to serve 14-day suspension if course not completed.	Course completion pending.

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17	FFIII	Off-Duty	01/23/2018	Member operated a vehicle while under the influence of alcohol and with a blood alcohol level of .08% or higher; failed to maintain a Class B California driver's license; while operating a vehicle under the influence of alcohol, caused a traffic collision and fled the scene.	20-day suspension	2/5/2019	20-day suspension held in abeyance pending completion of 16-day suspension. LIFE course.	275
18	Capt I/PM	On-Duty	07/23/2013	Member was unprofessional and discourteous toward a captain of another fire department when the member confronted and questioned the captain about a prior complaint filed against the member by the other fire department.	Two-day suspension	12/29/2016	Two-day suspension held in abeyance pending completion of: Team Management course. Member completed LIFE course instead which was accepted by Department.	-239
19	FFIII (promoted to Apparatus Operator before signing agreement)	Off-Duty	05/05/2014	Member trespassed, resisted a public officer, obstructed a public officer, committed battery on a police officer, brought discredit to the Department.	Four-day suspension	11/3/2016	Four-day suspension held in abeyance pending signing of Reprimand and completion of Anger Awareness Management course.	964 (Member granted an extension because of injury on duty.)
20	Apparatus Operator	On-Duty	09/08/2016	Member had inappropriate physical contact with a young (minor) woman when the member hugged and kissed her on the cheek and/or neck area.	Two-day suspension	07/10/2018	Two-day suspension held in abeyance pending completion of Tools for Tolerance course.	86
21	Capt II	On-Duty	11/28/2017	Member made false and inaccurate timekeeping entries for a another member.	12-day suspension	5/7/2019	12-day suspension held in abeyance pending completion of six-day suspension. LIFE course.	Course completion pending.

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22	FFIII	On-Duty	12/19/2013	Member made inappropriate remarks to a 9-1-1 caller.	Six-day suspension	03/01/2016	Six-day suspension held in abeyance pending completion of: LIFE course. Dealing with Difficult People course. Anger Management course. Behavior Stress Management course.	Courses not completed. Suspension imposed.
23	Inspector I	On-Duty	09/24/2015	Member struck a person with a flashlight at an incident. Member caused great bodily injury to a person during an incident. Member committed and was arrested for felony assault likely to produce great bodily injury.	Before the Skelly hearing the member was notified that the Department intended to direct the member to a hearing before a Board of Rights. There is no other paperwork in DTS indicating the member was served with this penalty.	09/12/2016	180-day suspension. LIFE course. Anger Management course.	162
24	FFIII	Off-Duty	02/17/2016	Involved in an altercation with spouse resulting in injuries to spouse's face, arms, and hands.	Documents in the file show the Department served the member with an intent to impose a three day suspension, but final paperwork is not included.	04/05/2017	Three-day suspension held in abeyance pending completion of Anger Management course. LIFE course. Relationship Management/Conflict Resolution course.	433 (Member granted an extension to complete the courses.)

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25	FF III	Off-Duty	03/20/2019	Member, while in uniform, exercised poor judgement by participating in a suggestive dance and kissing an unknown female.	12-day suspension	9/4/2019	11-day suspension held in abeyance pending completion of one-day suspension. LIFE course.	Course completion pending.
26	FFIII	Off-Duty	06/19/2019	Member was arrested for a DUI and failed to maintain a Class B driver's license when the member's license was revoked by the DMV.	16-day suspension	8/29/2019	16-day suspension held in abeyance pending completion of eight-day suspension. Ethical Decision Making course. LIFE course.	Course completion pending.
27	FFIII	Off-Duty	04/12/2017	Member was arrested for disorderly conduct; urinated in hallway and parking lot of a resort.	Two-day suspension	5/14/18	Two-day suspension held in abeyance pending completion of LIFE course.	274
28	FFIII	Off-Duty	08/03/2018	Member ignited illegal fireworks while off-duty. While being cited, member provided a fictitious name and address.	10-day suspension	7/1/2019	Eight-day suspension held in abeyance pending completion of two-day suspension. LIFE course.	Course completion pending.
29	FFIII/PM	Off-Duty	07/24/2018	Member ignited or was in the control of illegal fireworks while off-duty. Member was untruthful to police while being cited when member identified him/herself as another person. Also, during the citation the member was discourteous, disrespectful, and used in-civil words towards the officers	12-day suspension	6/25/2019	Eight-day suspension held in abeyance pending completion of four-day suspension. LIFE course.	Course completion pending.

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30	FFIII/PM	On-Duty	03/16/2017	Member committed an act of hazing.	Four-day suspension	5/14/18	Four-day suspension held in abeyance pending completion of Tools for Tolerance course.	190
31	Capt I	On-Duty	02/27/2017	Member physically pushed a patient.	10-day suspension	11/29/18	10-day suspension held in abeyance pending completion of four-day suspension. Anger Management course.	208

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32	FFIII	Both	09/16/2016	(1) Falsely represented that injury member incurred and/or exacerbated while off duty was caused solely by a work related activity while on duty, (2) made misleading statements and/or omissions about how injured and/or exacerbated an injury to treatment provider, (3) made misleading statements and/or omissions about how injured and/or exacerbated an injury to supervisor, (4) made misleading statements and/or omissions about how injured and/or exacerbated an injury to Medical Liaison Unit, (5) and (6) failed to obtain approval to travel from Medical Liaison Unit while off duty on Temporary Totally Disabled status (2 counts), (7) and (8) violated Department policy by engaging in an activity that had the potential for re-aggravating an injury or delaying recovery (2 counts), (9) failed to promptly report to a supervisor an injury that member claimed was sustained at work.	Member was directed to a hearing before a Board of Rights.	10/22/2018	One-day suspension. LIFE course.	51

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33	Engineer (promoted to Capt 1 before signing agreement)	Off-Duty	12/24/2013	Member acted in an inappropriate manner when stopped by law enforcement officers, off-duty.	Six-day suspension	11/13/2018	Six-day suspension held in abeyance pending signing of Reprimand. Anger Management course.	224