




LOS ANGELES FIRE DEPARTMENT

RALPH M. TERRAZAS
FIRE CHIEF

January 7, 2021

BOARD OF FIRE COMMISSIONERS
FILE NO. 21-008

TO: Board of Fire Commissioners

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: DEPARTMENT RESPONSE TO INDEPENDENT ASSESSOR AUDIT OF
CLOSED CASES – YEAR-END 2019

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 Withdrawn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 directed by the Board of Fire Commissioners, the Los Angeles Fire Department (LAFD) is providing a response to the audit of the LAFD Closed Cases in the Complaint Tracking System (CTS) for the year-end 2019, as well as cases pending a hearing before a Board of Rights, conducted by the Office of the Independent Assessor (OIA).

RECOMMENDATION

That the Board:
Receive and file.

DISCUSSION

The OIA conducted an audit of cases that were closed in the Los Angeles Fire Department's Complaint Tracking System for the year-end of 2019. The OIA assessed the number of complaints filed annually from 2009 through 2019, number of case closures in 2019, complaints by category, most frequent allegations, whether the complaints were filed internally, or externally, number of complaints assigned to investigate, adjudications, status of case closures, and cases pending a hearing before a Board of Rights.

The Department acknowledges the OIA and the collaboration with the LAFD in providing recommendations to enhance the manner in which the Department handles complaints of misconduct.

The Assessor's 8 Recommendations

In the audit the Independent Assessor makes 8 recommendations, which the Department addresses.

1. First Recommendation

The OIA continues to recommend the Department upgrade or replace the current CTS and DTS systems. However, in the meantime add a search function to the current CTS program to facilitate a search for cases coded within CTS as “sensitive”, include an ability to search for open or closed cases during a defined period of time period, allow DTS for searches on all cases pending a BOR, and configure CTS to designate cases by the adjudication and out of statute concurrently.

The Department concurs with the OIA recommendation, and began collaboration with the Department’s Information Technology Bureau (ITB), to create such functionality within the current CTS program.

2. Second Recommendation

The OIA continues to recommend that the Department pursue avenues of accountability to maintain/improve the high quality of care provided to patients and to develop policies and procedures for EMS Bureau to uniformly and centrally track issues and concerns related to emergency medical care and treatment of patients that have not previously been captured.

The Department concurs with the OIA’s recommendation, and continues to ensure that the Emergency Medical Technicians (EMT’s) and paramedics of the LAFD provide timely, high quality, and culturally sensitive patient care. To that end, the Department’s Emergency Medical Service (EMS) Bureau has an EMS Quality Improvement Unit (QIU), which performs retrospective reviews of EMS incidents, including cardiac arrests, random reviews, Department of Health Services (DHS) mandated reviews, and special requests. The EMS Bureau also has 14 EMS Battalion Captains, who provide real time medical oversight, as well as prospective and post-incident EMS training to the field.

The Department may become aware of an alleged EMS policy violation via a number of methods. This includes an incident that is reviewed by EMS QIU, a complaint by a base hospital or receiving hospital, an incident review by the Medical Director, a field issue identified by an EMS Captain, or a complaint from a patient or their family member of a member of the general public.

Most policy violations found by EMS QIU can be handled via education and training to the involved member(s). The level of education and training that is provided depends upon a number of variables, including the nature of the error(s), whether the errors and/or policy violations may constitute gross negligence, and whether there was a significant adverse effect or catastrophic patient outcome.

The EMS policy violations that meet DHS Ref 214/ CA HSC 1798.200 are appropriately investigated, tracked and adjudicated by the Department’s Professional Standards Division (PSD). These violation parameters include gross negligence, physical abuse of patients, fraud, or substance abuse.

3. Third Recommendation

The OIA recommends that the Department develop a strategy for reducing the loss of equipment and incidents that lead to allegations of discourtesy.

The Department concurs with the OIA, and has already begun a Department strategy which includes Department Bulletins which advise members of current policies and practices related to citizens request and complaints. Additionally, the Department is currently updating policies related to lost and/or stolen equipment.

4. Fourth Recommendation

The OIA continues to recommend that the Department revise the current policies and procedures for reporting lost or stolen equipment to reflect the Department's priority and include a timeframe for reporting the lost or theft.

The Department concurs with the OIA, and is currently in the process of revising and updating policy on lost equipment reporting to conform, and adherence to the Firefighter Bill of Rights.

5. Fifth Recommendation

The OIA recommends the Department further define and reduce the number of complaint categories to bring uniformity and consistency to the CTS process. This should include addressing Discourtesy complaints that include an allegation of Improper Patient Care/Treatment.

The Department concurs with the recommendation made by the OIA, and has amended the policy related to the Discourtesy categorization to ensure that additional allegations related EMS cases are uniformly coded in CTS.

6. Sixth Recommendation

While the Department is in the process of updating and computerizing the traffic accident tracking process, the OIA recommends that the Department implement an interim procedure for ensuring that traffic accident cases are referred to PSD and/or entered in CTS in a timely manner.

The department concurs with the OIA, and has begun the updating and revising Department Bulletin 10-12, to include the necessary changes to reflect the OIA recommendations.

7. Seventh Recommendation

The OIA recommends that the Department utilize or create an alcohol use disorder training which specifically addresses the unique stresses and circumstances of the Fire Service. The training can be assigned as part of Education-Based Discipline in settlement agreements and/or during in-service training early in and throughout a members' career.

The Department concurs with the OIA's recommendation and is collaborating with stakeholders to address substance disorder training and outreach programs. Additionally, the Department is seeking input from the Department's existing Education-Based Discipline partner, the Los Angeles County Sherriff Department regarding additional courses which address the OIA recommendation.

8. Eighth Recommendation

The OIA continues to recommend that the Department develop and present a guideline related to the time for convening a hearing before a Board of Rights.

The current statutory authority, does not require a hearing timeline. However, the Department has been proactive in its efforts in addressing those cases which have resulted in a Board of Rights hearing.

CONCLUSION

The Department recognizes that a complete and thorough investigation is essential to ensure that the Department handles complaints of misconduct appropriately. To that end, the Department has recently made significant changes to safeguard and enhance the investigative process, based on the OIA audit recommendations.

Board report prepared by Assistant Chief Stephen L. Gutierrez, and Chief Special Investigator Cynthia I. Hernandez, Professional Standards Division.