




RALPH M. TERRAZAS
FIRE CHIEF

January 7, 2021

BOARD OF FIRE COMMISSIONERS
FILE NO. 21-009

TO: Board of Fire Commissioners

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: DEPARTMENT RESPONSE TO INDEPENDENT ASSESSOR AUDIT OF
SETTLEMENTS – 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 Withdrawn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 conducted by the Office of the Independent Assessor (OIA) of the LAFD Settlements entered into from the summer of 2015 through the year-end 2019.

RECOMMENDATION

That the Board:
Receive and file.

DISCUSSION

The OIA conducted an audit of all settlements entered into by the Los Angeles Fire Department from the summer 2015 thorough the year-end of 2019. The OIA assessed the number of settlements which contained Education-Based Discipline (EBD), whether the Department complied with the policies adopted in 2017, rate of recidivism with an EBD settlement in place, ranks of members who entered settlements, and determined whether misconduct which resulted in a settlement was committed off-duty.

The Department acknowledges the OIA and the collaboration with the LAFD in providing recommendations to enhance the manner in which the Department settles cases involving acts of misconduct.

The Assessor's 6 Recommendations

In the audit the Independent Assessor makes 6 recommendations, which the Department addresses.

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.

The Department concurs with the OIA recommendation and has implemented policy which articulates that all settlements and related documents, including the required justification memorandum, be uploaded into the current DTS system (Google Doc) and accessible. The Department also agrees that the limitations in the DTS system make it challenging to conduct a narrow search for these cases.

Since the adoption of the EBD program, the Department has maintained a separate tracking system that contains all settlements that have an EBD component. Per the OIA's recommendation, the Department has expanded the system tracking to include all settlements (i.e. last chance agreements, suspension with no EBD component).

2. The CTS and DTS systems be upgraded or replaced to include, the capability to search for cases that have been settled.

The Department concurs with the OIA's recommendation and agrees that upgrades to CTS and DTS to address system deficits are necessary and should continue to be a priority for the Department. However, budget constraints are a contributing factor that has caused a delay in those upgrades or obtaining a replacement.

To date, the Department has met with the Department's Chief Information Officer and provided a list of recommended modifications to the existing systems. While the Department awaits upgrades and considers a replacement for the existing system/s, the Department has been proactive by implementing "work arounds/modifications" to address those existing systemic issues.

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.

The Department concurs with the OIA's recommendation and has codified an internal policy that addresses the OIA's recommendation. The new policy states, in pertinent part,

A member's written request for an extension to take a required EBD course (which should also contain the reason for the request) shall be **immediately** placed in the case file by the PSD staff member responsible for uploading the related executed settlement agreement. The PSD staff member responsible for uploading the related executed settlement agreement shall also **immediately** record in the "Comment" section of DTS the date of the member's written request and the reason for the request.

The date of the PSD Commander's decision regarding the request (approval/denial) shall also be recorded in DTS "Comments" by the PSD staff member responsible for uploading the related executed settlement agreement. If the PSD Commander's decision is in written form (i.e. email) that document shall **immediately** be placed in the case file by the PSD staff member responsible for uploading the related executed settlement agreement.

- 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.**

The current Discipline Tracking System ("DTS") does not have a function that timestamps/records when attachments, including settlement agreements, are uploaded into the system.

In an effort to address this issue (and in response to the OIA audit), on May 4, 2020, the Department established a procedure that ensures compliance with the Department's "Policy for Discipline Settlement Agreements" and accurately timestamps/records when executed settlement agreements are uploaded into DTS.

In pertinent part, the policy states,

In compliance with the Department's Policy for Discipline Settlement Agreements, executed settlement agreements shall be uploaded into DTS within five (5) days of the final execution of the agreement.

After an executed settlement is uploaded into DTS ("Attachment" section), the PSD staff member responsible for uploading the executed settlement agreement shall **immediately** record in the "Comment" section of DTS the date the settlement was uploaded.

- 5. The Department permanently discontinue assigning EBD courses which a member attended prior to signing a settlement agreement.**

The Department concurs with the OIA's recommendation.

- 6. The Department develop standards or practices for measuring the success of the EBD Program.**

The Department concurs with the OIA's recommendation with the acknowledgement that, as noted by the OIA, recidivism is one measure of success but "[s]tudies about recidivism suggest that success will not be fully determined until five years after course completion".

CONCLUSION

The Department recognizes that consistency and accuracy through the investigation process 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.