

November 21, 2023

# LOS ANGELES FIRE COMMISSION

## BOARD OF FIRE COMMISSIONERS

GENETHIA HUDLEY-HAYES  
PRESIDENT

SHARON DELUGACH  
VICE PRESIDENT

CORRINE TAPIA BABCOCK  
JIMMY H. HARA, M.D.  
JIMMIE WOODS-GRAY

LETICIA GOMEZ  
COMMISSION EXECUTIVE ASSISTANT II



KAREN BASS  
Mayor

TYLER IZEN  
INDEPENDENT ASSESSOR

EXECUTIVE OFFICE  
200 NORTH MAIN STREET, SUITE 1840  
LOS ANGELES, CA 90012

(213) 978-3838 PHONE  
(213) 978-3814 FAX

November 9, 2023

BOARD OF FIRE COMMISSIONERS  
FILE NO. BFC 23-122

TO: Board of Fire Commissioners

FROM: Independent Assessor

SUBJECT: ASSESSMENT OF THE LOS ANGELES FIRE DEPARTMENT'S HANDLING  
OF SEXUAL HARASSMENT COMPLAINT INVESTIGATIONS

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 Withdrawn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

On November 19, 2019, the Los Angeles Board of Fire Commissioners directed the Office of the Independent Assessor (OIA) to assess sexual harassment complaint investigations conducted by the Los Angeles Fire Department (LAFD or Department).

The OIA examined 10 complaint investigations completed by the Department, identified trends, and made related recommendations.

## RECOMMENDATIONS

That the Board:

1. Approve the OIA's Assessment of the Los Angeles Fire Department's Handling of Sexual Harassment Complaint Investigations.
2. Adopt the OIA's recommendations.

## DISCUSSION

For more than 25 years, audits have been conducted and reports written about harassment and discrimination within the LAFD. While other assessments relied on surveys and focus groups, this report examined these issues through internal investigations. Reviewers were immersed in the actual stories of complainants, witnesses, and supervisors and heard their firsthand accounts.

The OIA acknowledges that this assessment included a small population of cases from which to draw conclusions. However, the interviews and investigations opened a window into a slice of the LAFD, and common themes were identified. The OIA made related recommendations.

At the time this report was written, Sue Stengel was the Independent Assessor.

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

Respectfully submitted,



TYLER IZEN  
Independent Assessor  
Board of Fire Commissioners

Attachment

c: Kristin M. Crowley, Fire Chief

**LOS ANGELES  
BOARD OF FIRE COMMISSIONERS**



**ASSESSMENT OF THE  
LOS ANGELES FIRE DEPARTMENT'S  
HANDLING OF  
SEXUAL HARASSMENT COMPLAINT INVESTIGATIONS**



**OFFICE OF THE INDEPENDENT ASSESSOR  
SUE STENGEL**

Independent Assessor  
October 25, 2022

## TABLE OF CONTENTS

SECTIONS	PAGE
I. INTRODUCTION	1
II. PURPOSE	1
III. OBJECTIVE	1
IV. SCOPE AND METHODOLOGY	1
V. PREVIOUS AUDITS	2
VI. BACKGROUND	2
VII. SUMMARY OF FINDINGS	3
VIII. CASE SUMMARIES	5
IX. DISCUSSION	21
X. CONCLUSION AND RECOMMENDATIONS	45

## TABLE

TABLE 1: DEPARTMENT EEO TRAINING	32
----------------------------------	----

## **I. INTRODUCTION**

On November 19, 2019, the Los Angeles Board of Fire Commissioners (BOFC or Commission) directed the Office of the Independent Assessor (OIA) to conduct an audit of Equal Employment Opportunity (EEO or Equity) cases specifically related to sexual harassment, from 2013 through December 2019. On May 17, 2022, the OIA presented its findings related to statistics and adjudications of these cases to the BOFC (BFC No. 22-046).

In this report, the OIA discusses trends identified during its assessment of the Los Angeles Fire Department's (LAFD or Department) investigations into allegations of sexual harassment, and made related recommendations.

The OIA thanks the Department for its assistance and cooperation in preparing this report. Additionally, students (some of whom are now lawyers) who interned for the OIA also provided invaluable help; Tiffany Chang, Cole Falcone, Madeleine Hoyer, Soleil Montemurro, Marian Slocum, Chanh-Tam Than, Leo Wilson, Muzi (Frank) Xu, Kevin Yen, and Hannah Zirzow. Finally, the OIA thanks attorneys in the Office of the City Attorney for their counsel.

## **II. PURPOSE**

This report was compiled and written at the request and direction of the BOFC, and addresses issues about which the BOFC inquired.

## **III. OBJECTIVE**

To assess investigations into sexual harassment allegations conducted by LAFD.

## **IV. SCOPE AND METHODOLOGY**

As the OIA mentioned on previous occasions,<sup>1</sup> the Department's Complaint Tracking System (CTS) lacks uniformity and consistency, which makes it difficult to obtain specific data. The information sought by the OIA for this audit was no different. Beginning in 2019, the Department implemented policies that are bringing uniformity and consistency to some types of cases, including EEO cases.

From January 1, 2013 to August 3, 2020 the Department categorized 20 cases/complaints as sexual harassment:

- Seven in 2013,
- Five in 2014,
- Three in 2015,
- None in 2016,
- None in 2017,
- Two in 2018,
- Three in 2019, and
- None in the first eight months of 2020.

For this audit the OIA chose to review the five most recent cases; dated from 2018 and 2019. One was removed from the population because it involved two department volunteers, not employees, leaving four cases for review (Case Nos. 4, 8, 9, and 10).

---

<sup>1</sup> BFC Nos. 22-046, 21-011, 21-005, 19-037.

When the OIA began to review Case No. 4, it became apparent that there were other cases that addressed a fraught relationship between two members, and that the investigation in Case No. 4, by itself, did not capture the depth and breadth of the conflict, nor their allegations of misconduct against each other. To fully understand the nature of the complaints, the OIA reviewed six additional cases related to the interactions between these two members that led to these complaints. Thus, the OIA added Cases 1<sup>2</sup>, 2, 3, 5, 6 and 7 to the population. Additionally, upon reviewing Case No. 9, the OIA identified and reviewed an earlier case investigation involving the same complainant that was included in the case file.

Ultimately, the OIA reviewed a total of 10 cases for this report.

The OIA reviewed all documents in both electronic and physical case files, in the Complaint Tracking System and the Discipline Tracking System, and listened to all interview recordings.

## **V. PREVIOUS AUDITS**

The OIA presented an Assessment of Los Angeles Fire Department Equal Employment Opportunity Complaints to the BOFC on May 17, 2022 (BFC No. 22-046), which examined equity cases closed from 2013 through 2019. This is the first report from the OIA focused solely on sexual harassment allegations.

## **VI. BACKGROUND**

For more than 25 years, audits have been conducted and reports written about harassment and discrimination within the LAFD;<sup>3</sup> beginning with a 1995 report from the BOFC's Human Relations Development/Personnel Committee (HRDC), followed by 2006 and 2008 reports from the City Controller's Office and the City Personnel Department. In those reports, findings were made related to harassment and discrimination faced by Department members. Among them, were fear of retaliation for reporting harassment and discrimination, inconsistent training, deficient policies, and a subjective disciplinary system. In response, the Department created audit recommendation implementation plans and made changes to training, policies and structure (such as creating the Professional Standards Division and a Workplace Environment Unit, the latter of which was later disbanded).

In 2012, LAFD and the City settled a lawsuit with the Federal Equal Employment Opportunity Commission, which was filed by a member who alleged harassment and discrimination. Pursuant to the terms of the settlement agreement, the Department agreed to (among other things): 1) provide widespread live anti-harassment training to all fire station chiefs and their subordinate staff, at every fire station in the City; 2) continue to enforce its policies against discrimination, harassment and retaliation; 3) offer an external equal employment opportunity complaint procedure; and 4) report future instances of harassment to the EEOC. The mandated training program lasted three years. Recently, the City contracted with Deloitte Consulting, LLP to conduct an Organizational and Training Assessment of the LAFD. Preliminary findings were presented to the BOFC on December 21, 2021 (BFC No. 21-126) and the final report was heard on March 15, 2022 (BFC No. 22-021).<sup>4</sup>

---

<sup>2</sup> This case was not captured in the OIA search for EEO cases in CTS. It was neither marked as an EEO case nor referred to the EEO coordinator. However, it was sustained and adjudicated as a race-based complaint. There is no information in the file indicating whether an EEO discipline guideline was considered. The member received a Reprimand.

<sup>3</sup> This does not include "The Old Stentorian," a history of segregation, discrimination, and integration of African Americans within the LAFD, written by Arnett Hartsfield. Published in 1973.

<sup>4</sup> According to their website, Deloitte Consulting, LLP is the world's largest consulting firm. Deloitte helps government agencies improve public outcomes by focusing on people, and develops relevant, timely and sustainable solutions. [https://www2.deloitte.com/us/en/industries/government-public-services.html?icid=top\\_government-public-services](https://www2.deloitte.com/us/en/industries/government-public-services.html?icid=top_government-public-services)

Findings included:

- Less than half of LAFD believe there is a fair, inclusive, and diverse work environment.
- There are challenges around inclusion: Black or African Americans (47%) and Indian or Alaska Natives (43%) selected “perceived discrimination” at a statistically significant higher rate than other race and ethnic groups.
- LAFD respondents identified key areas that give them pause in trusting the organization:
  - 56% of sworn females selected bullying/harassment compared to 19% of sworn males and 26% of civilian females.
  - 54% of sworn females selected perceived discrimination compared to 29% of sworn males and 23% of civilian females.
  - 41% of Black or African Americans and Native Hawaiian or Other Pacific Islanders selected bullying/harassment as a source of conflict while others selected this below 20%.

The report identified “high level activity” for the Department to engage in to begin to address the trust issues:

1. Analyze Diversity, Equity, and Inclusion (DEI) programming and objectives: Review quantitative and gather qualitative data from a holistic DEI lens for various areas such as race, ethnicity, nationality, gender identity and their experience of inclusion and belonging with LAFD to develop a report identifying any potential biases and opportunities for mitigation and standardizing practices.
2. DEI Strategy Lab: Design and facilitate an interactive strategy session to discuss the current state of DEI at LAFD and align on desired maturity across DEI; Define sustainable metric areas for organizational accountability.
3. Create DEI Priorities: Based on the current state and desired future state, identify top initiatives to address any gaps and move the organization along the DEI spectrum.

## VII. SUMMARY OF OIA FINDINGS

This report is the first to examine these issues through internal investigations. Reviewers were immersed in the actual stories of complainants, witnesses and supervisors, and heard their “testimony” on harassment and discrimination. While other assessments relied on surveys and focus groups, this one involved actual incidents and firsthand experiences of members.

OIA findings:

### **A. Misconduct is not reported because complainants and witnesses fear retribution, witnesses do not want to get involved, or members are discouraged from reporting.**

In almost every case reviewed for this assessment, the complainant was reluctant to report misconduct and openly stated they believed they would be fired, or their career forever negatively impacted if they reported misconduct. And, witnesses, including several supervisors, expressed an unwillingness to get involved in situations involving sexual harassment.

Members were discouraged from reporting misconduct up the chain of command, and encouraged to withhold information during investigative interviews. High ranking supervisors, and others, spoke of motivating members to keep issues “in-house,” or “take the fifth” when interviewed by Department investigators, and to actively keep issues away from supervisors, unless they “blow up.”

## **B. Supervisors are not held accountable for failing to stop or prevent misconduct.**

During the investigative interviews in the cases reviewed, supervisors spoke of instances when they knew of potential misconduct, but they did not act.

## **C. Conflicts are not effectively managed.**

Although members receive training for identifying and addressing Equity complaints, the cases reviewed provided examples of members' inability to effectively handle and stop inappropriate conduct.

## **D. Women are held to a higher standard.**

Members were more inclined to blame women than address misconduct by men. Women were sometimes placed in no-win situations and then expected to excel.

## **E. Racist and sexist comments were made without censure.<sup>5</sup>**

During investigative interviews, racist and sexist comments were made that were either never addressed or addressed much later only after it came to the attention of a PSD supervisor during these investigations. For example, a member told a Black Probationary Firefighter (PFF) that the PFF received a phone call from a chief officer only because of the color of his skin. Another member referred to a group of women [who go running to female captains to complain] as the "Pink Engine Crew;" and a witness, in an interview said that people on the Department "gossip like women."

## **F. Case reviews revealed shortcomings in investigations.**

Disparate treatment allegations were not thoroughly investigated. Interrelated cases were investigated separately and independently resulting in the inability to properly assess witness credibility. Witnesses were interviewed multiple times related to the same incidents causing them to be uncooperative, and harassment claims were assessed on a case-by-case basis rather than considering the cumulative effect of members' actions.

## **G. Fire Stations are not treated like workplaces, rather "houses" or homes, and members are considered "family."**

Great emphasis has been placed on the Fire Department as a family. The former fire chief addressed every recruit class from their orientation until graduation as members of a family, and stressed that this relationship was important. Evidence from the cases demonstrated that this has been taken too far by some members, such as the member in Case No. 10 hugging and kissing a female PFF like she was "his daughter," or insisting she call him "daddy," or members "hugging it out" after supposedly resolving a conflict, or a supervisor characterizing conflict between members as similar to a fight between brother and sister, or a "family squabble."

---

<sup>5</sup> In addition to the examples in this report, the OIA presented scenarios in BFC No. 22-046; 1) a member admitted calling other members nicknames based on race, such as "Fat Mexican" and "Little Chihuahua," 2) a member who referred to a fire station as a "Black [or Brother] Free Zone," and 3) a male probationary firefighter (PFF) who told a female PFF, "...female firefighters have it way easier on probation." Also, in a recent complaint, a member admitted to using an anti-Semitic slur while on duty.

## **H. Newer members, women, and members of color were disproportionately impacted.**

- In six of ten cases, the complainant was a probationary firefighter or newer member.<sup>6</sup>
- In six of ten cases, one or more complainants was a woman and/or person of color.

## **VIII. CASE SUMMARIES**

Here, the OIA summarized each case that was reviewed for this report.

### **CASE NO. 1 THROUGH CASE NO. 7**

#### *Involved Members:*

- Battalion Chief 2 - Male White
- Captain A - Male White
- Captain D - Male Hispanic
- Captain G - Male Asian
- Member A - Male White Firefighter
- Member B - Male White Firefighter
- Member C - Female Black Firefighter
- Member D - Male Hispanic
- Member E - Male Asian
- Member F - Female White
- PFF 1 - Male Black Probationary Firefighter
- PFF 2 - Male White Probationary Firefighter
- PFF 3 - Male White Probationary Firefighter
- PFF 4 - Male Black Probationary Firefighter

#### *Overview*

Cases 1 through 7 involved conflicts that arose between Members B and C after their permanently assigned captain took a leave and was replaced by Scheduled Overtime Duty (SOD) captains. They also involved actions of other members toward Member C.

Member C, a Black female firefighter, was assigned to the fire station as her third assignment during probation.<sup>7</sup> Member B, a White male firefighter, was a tenured member at the station who had been on the Department for nine years when Member C arrived at the station. The two called each other pet names, such as “station boyfriend,” “station girlfriend,” “station husband,” “station wife,” and “boo” before their relationship eventually soured.<sup>8</sup> Other members reported that their relationship permanently deteriorated on a shift when Member B directed Member C to go on a brush detail.<sup>9</sup> Member C argued that she was detailed the last time and that it was now Member B’s turn to go.

---

<sup>6</sup> The OIA considered the “complainant” the person targeted by the alleged misconduct, not necessarily the person who reported or filed the complaint.

<sup>7</sup> Probationary firefighters rotate through three stations while on probation. Generally, their third station becomes their permanent assignment at the conclusion of their probation.

<sup>8</sup> Member B denied that he called Member C his station wife, boo, or station girlfriend. But several members confirmed that both Member B and C used these types of nicknames for each other.

<sup>9</sup> When a member is detailed to Brush Patrol, it may be because the Department is pre-deploying members in case of a brush fire on a red flag day, or it may be a deployment to a “Brush Patrol” apparatus to fight a burning brush fire. In either case, Member C was asked to work in another part of the Department for all or part of her shift, rather than working at her assigned station for that shift.

Ultimately, the SOD Captain working that day determined that Member C would not be required to go on the Brush detail.

A few months later, PFF 2, a White male, arrived at the station as part of his regular rotation as a probationary member. By this time, Member C's probation had ended. PFF 2 arrived at the station for his first shift and was immediately met by PFF 1, a Black male, who said "This place isn't for me." PFF 1 explained to PFF 2 that, while presenting his first proficiency drill, he was interrupted numerous times and incorrectly accused by his captain of giving wrong information. The captain prematurely and disrespectfully ended the drill by saying PFF 1 would not be allowed "to waste the time of the crew." PFF 1 also stated that he later proved he was correct by showing the captain that the information PFF 1 presented was indeed written in the training book.

PFF 2 believed he was mistreated by the station's crew from the time he arrived at the station and that he witnessed the crew mistreat Member C based on her race and gender. He said "These guys are the most racist people I've ever met." Because of this conduct, PFF 2 said he wanted to quit the Department.

Beginning with PFF 2's threat to resign, various members of the crew filed seven complaints related to their experiences at this fire station. Each of these complaints is described below, followed by a table with the sequence of events.

#### **Case No. 1**

Mistakenly believing that PFF 1, rather than PFF 2, wanted to resign, a battalion chief called to speak with PFF 1 to clarify his intentions. After that call, Member A told PFF 1 (a Black male), "The only reason you are receiving that phone call from [the battalion chief] is because of the color of your skin. They aren't calling any White guys."

The Department categorized this case as an Improper Remark or Gesture Non-EEO case, but it should have been categorized as EEO-related because the remark was based on the complainant's race.<sup>10</sup>

#### *Case Disposition*

The case was sustained against Member A, who received a written reprimand.

#### **Case No. 2 – Filed the same day as Case No. 1**

PFF 2 alleged that after he spoke with PFF 1 and went inside the station, PFF 2 began introducing himself to the members, whom he never met before. PFF 2 said he did not receive a warm welcome from some of the members. In his first encounter with one rated member (Member D), PFF 2 claimed the rated member refused to shake hands with him (Member D said he did not remember an interaction with PFF 2 during which PFF 2 sought to shake his hand).

At line-up, Member B questioned PFF 2's military service and snickered at him. Member C said that Member B was "confrontational" toward PFF 2, and Captain A said that Member B was "prying."

Further, PFF 2 alleged that members sat around the kitchen table during line-up in a manner that excluded PFF 2 and Member C from sitting with them. They both stood during line-up (a situation that could be interpreted as hazing).

---

<sup>10</sup> In January 2019, the Department implemented a policy that should prevent this type of mis-categorization from happening in the future.

After line-up, PFF 2 was approached by Member D (the same rated member who PFF 2 said refused to shake his hand) in the locker room and told PFF 2 he heard that he had a bad reputation. The two talked about this.

PFF 2 and Member C were assigned to work on the rescue together and responded to several calls that day/shift.

That same day, at a structure fire, Members B and C argued over whether PFF 2 should throw a ladder. The captain settled the issue by telling them all that a ladder was not needed for the fire.

Subsequently, while still at the fire, Member B asked PFF 2 if he was reviewing SOGs (Standard Operating Guidelines). PFF 2 responded that Member C was helping him with SOGs. PFF 2 claimed that Member B said, "Well, you need to find somebody else. Look at her. She's junk. She's terrible." PFF 2 said he did not know if this was directed toward Member C's skin color, hair or "the way she is." However, PFF 2 said that Member C's ability to do the job was never mentioned. Also, PFF 2 believed that Member C overheard Member B's comments about her.

During his interview, PFF 2 added the following comments:

"Let's face it. This Department does not want females. It is quite clear. And they don't want Black members." PFF 2 said that "If [members] don't fit the cookie cutter - what a firefighter should be - then they're just junk or they're terrible..."

*- PFF 2 during an investigative interview*

PFF 2 followed this with examples of an African American probationary firefighter who, at an earlier date, claimed that probationary firefighters were treated like slaves,<sup>11</sup> and of another probationary firefighter who allegedly experienced a slur related to his nationality.<sup>12</sup>

When Member C and PFF 2 returned to the station after the fire incident, Members B and C were summoned to the front office (over the station's public address system). After a short time, PFF 2 went into the kitchen, where Member D called PFF 2 "a rat." Although he did not know the issue, Member D claimed he heard from Member B that "someone went to the 'front office'" and told Captain A "about this thing that went on - that [Member D] didn't ... know about." When asked why he assumed it was PFF 2 who told the front office, Member D said "they told me it was probably him." However, Member D did not actually know who told the captain nor the substance of the issue.

After PFF 2 was called a rat, a conversation between several members ensued in the kitchen about what may or may not have been said by PFF 2 to the captain about Member B. PFF 2 attempted to talk with Member B separately, but Member B would not engage in a conversation with PFF 2. PFF 2 was infuriated and told the captain, "I want out. I'm done. I'm outta here."

---

<sup>11</sup> A separate investigation was conducted related to that comment and the involved member said that when he used the term "slave" he did not mean it in a racial context. He was referring to the way *all* probationary firefighters were treated, regardless of race or color.

<sup>12</sup> An investigation was conducted into this allegation and the member allegedly targeted by the slur denied it ever happened.

A call came in, necessitating a response by PFF 2. Upon returning to the station, PFF 2 went out to his car in the station's parking lot and discovered that a liquid resembling coffee was poured on his car and had dried there. He also alleged that none of the other cars next to his were in the same condition. He believed someone poured the liquid on his car in retaliation for thinking he "ratted out" Member B.

PFF 2 reiterated to the captain that he wanted to quit. Battalion Chief 2 (BC 2) was called and arrived at the station. PFF 2 told him that he wanted to quit because he did not want to be part of a racist organization and if racist treatment is tolerated in the Department, "then I don't want anything to do with that." PFF 2 explained to BC 2 that the way Member C was treated was unprofessional and "extremely racist." PFF 2 felt that BC 2 was sweeping the matter under the rug.

PFF 2 did not eat dinner with the crew, and felt uncomfortable going to bed, and at three o'clock in the morning, went to sleep in the rescue ambulance because he did not feel safe [staying with the crew at the station].

PFF 2 also alleged that Member B spread rumors and gossip about him because PFF 2 received several texts from his classmates asking what happened at the station the night before.<sup>13</sup> During his interview, Member B admitted to texting a classmate of PFF 2's saying "your classmate [PFF 2] just tried quitting," but denied having any malicious intent.

After the Quality Assurance Unit (QAU) captain (Captain G) assured PFF 2 he would be transferred to a different station sometime the next day, PFF 2 agreed to report to the originally assigned station for his next shift and returned to that station the next morning.<sup>14</sup>

During another conversation with BC 2, PFF 2 said that BC 2 did not understand why PFF 2 wanted to quit or be transferred out of the station. PFF 2 said, "Chief, if you don't see what's going on here, then I can't help you with that."

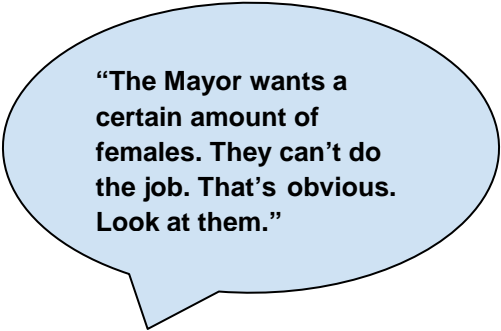
PFF 2 said that BC 2 gathered the crew and read the Fire Chief's message about respectful work environments, but that it "fell on deaf ears." PFF 2 said, "In this Department you can do whatever you want; you can talk to anybody; however you want. You can degrade somebody and then some guys will even praise you for degrading somebody."

---

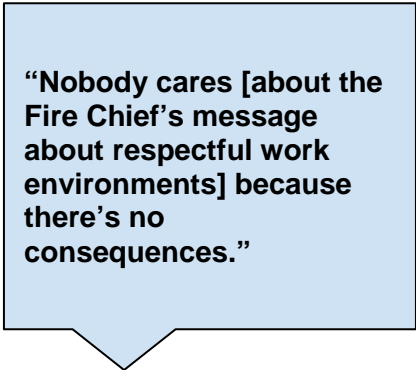
<sup>13</sup> Section 15d of the Department's Rules and Regulations states, "No member shall be a party to any malicious gossip, report or activity which would tend to disrupt Department morale or bring discredit to the Department, or any member thereof..."

<sup>14</sup> The Quality Assurance Unit ensures that probationary firefighters are progressing satisfactorily through their training, and that they are maintaining physical and mental well-being.

Regarding the Fire Chief's message, PFF 2 said, "Nobody cares because there's no consequences." He said there was an open forum after BC 2 read the message where members said:



**"The Mayor wants a certain amount of females. They can't do the job. That's obvious. Look at them."**



**"Nobody cares [about the Fire Chief's message about respectful work environments] because there's no consequences."**

#### *Case Disposition*

In Case No. 2, the Department noted in the CTS file that Member D violated a Department rule or policy (when Member D called PFF 2 a rat), but Member D retired before discipline was imposed. This was the only allegation sustained in this case, of all the allegations made by PFF 2.

#### **Case No. 3** - Filed the day after Case No. 1 and Case No. 2

Member C filed this case alleging that she was subjected to disparate treatment at the LAFD, which began during her time at the Drill Tower. There, rumors started about Member C's performance, which followed her to her second and third assignments. Member C alleged that Member B's behavior and comments (at Member C's third assignment) were related to her race and gender, and created a hostile work environment for her.

Member C's allegations in this case were:

(1) She was accused of cheating while performing a ladder evolution in the Drill Tower.<sup>15</sup> Member C believed that the accusation was based on gender and race rather than her performance; (2) While performing an evolution at the Drill Tower, Member C failed. She believed that she received a failing grade because of her gender and race, not her performance; (3) At her third assignment, unknown members spread gossip and rumors regarding her performance in the Drill Tower. Her allegation was based on comments made by a supervisor. Member C believed that the gossip and rumors were based on her gender and race rather than her performance; and (4) During a five-month period, Member B spread rumors, made inappropriate comments, and tarnished and slandered her character. Member C believed this was due to her gender and race.<sup>16</sup>

After Member C graduated from the Drill Tower, she went to her first assignment where she enjoyed her experience. Upon arrival at her second assignment, a supervisor told her he heard that she came

---

<sup>15</sup> Members are told upon starting the drill tower that cheating is grounds for dismissal. There was no evidence that the Department conducted an investigation into cheating by Member C.

<sup>16</sup> In December of 2016, Member C was quoted in a newspaper article saying "I never experienced any racism, sexism, or any type of discrimination..." Member C explained to the investigator that at the time of the interview, Member C had moved on from what had occurred at the Drill Tower and did not have any issues in her assignment at that time.

with baggage and a bad attitude. Member C believed that her reputation was damaged by her experience at the Drill Tower, but had no further issues at her second assignment. Two members at the third assignment requested to be transferred when they heard that Member C would be coming there.<sup>17</sup>

Member C was active in the military and started taking inspector and hazmat classes while she was at her third assignment. Because of these commitments, she began to miss time on her assigned shift. The members on her shift talked about her absences even though her absences were all allowed by LAFD policies.

Other members at the station were frustrated by Member C's absences because it prevented her from becoming tiller certified.<sup>18</sup> Not having enough tiller-certified members at the station put more pressure on the two members who were certified and limited Member C's assignments to mostly the 800 ambulance (800).<sup>19</sup> The investigation revealed that a 13-year member at the fire station was also not tiller-certified, however, the investigation did not adequately address the members' concern or lack of concern regarding the other member's lack of tiller certification, to demonstrate whether or not there was disparate treatment of Member C.

On three separate occasions, three different chief officers visited Member C during her first few months at her third assignment. Member C alleged that Member B commented that the chiefs visited Member C because of "who she is." Member C believed this was in reference to her race and gender. When asked if he ever made that comment, Member B stated that he "could not recall." Member B denied that Member C ever asked him to stop referring to her as Black and female. A few months later, Member C was assigned to the 800 with PFF 2 on PFF 2's first day at the station. They responded to a structure fire, but arrived after the fire was extinguished. At the scene, Member B told Member C and PFF 2 to throw a ladder. Member C told PFF 2 to wait while she checked with the Apparatus Operator (AO) and Captain on scene to see whether any ladders were still needed because the fire seemed to be out. After confirming over the radio that no ladder was needed, the crew began to clean up the scene. During this time, Member B spoke with PFF 2 and told PFF 2 to learn his SOGs from someone besides Member C. PFF 2 stated that Member B told him, "Look at her. Look at her. She's going to get you killed," and "I mean let's be honest, look at her. Do you trust that?" When PFF 2 was asked if there was anything other than 'look at her' to draw a direct nexus to the fact that she was an African American woman, PFF 2 explained that he had heard Member C was "referred to as 'Predator,' not like 'a predator,' but as like the movie, fictional character 'Predator,' because of her hair." Member C overheard the conversation between PFF 2 and Member B and, like PFF 2, reported it to Captain A.

Later that night, Member C spoke with Captain A and the AO about what she overheard Member B say to PFF 2.<sup>20</sup> Captain A then called a meeting with the whole crew. At this meeting, Member C explained what she heard and that she wanted the other members of her shift to come speak with her directly if they had a problem either with her, or how she was doing things at the station, or on runs. When the crew was dismissed, Captain A, the AO, Member C and Member B remained. Member C then asked Member B to address her directly regarding improvements she needed to make or things she had to work on, rather than talking behind her back. The AO responded by telling Member C to not talk about other firefighters behind their backs as well because, as the AO explained, "at some

---

<sup>17</sup> Member D stated he wanted to transfer based on rumors he heard about Member C.

<sup>18</sup> The tiller is the cab at the back of a fire truck that allows a member to steer the rear wheels. LAFD members obtain certification to drive the tiller.

<sup>19</sup> The 800 ambulance is the Basic Life Support ambulance staffed by FF/Emergency Medical Technicians

<sup>20</sup> This appeared to be the same incident for which Member D called PFF 2 "a rat."

level, people at the Department will talk about you behind your back." Member C then filed her complaint a few days later.

None of the members interviewed for the case stated that Member C received disparate treatment because of her race or gender. Member C never told any Captain that she was being treated differently due to her race or gender until she filed her complaint.

#### *Case Disposition*

This case was adjudicated as "not sustained." The adjudicator found a lack of evidence to prove Member C's complaints by a preponderance of the evidence.

**Cases 4 and 5** - Case No. 4 was filed approximately 30 days after Case No. 1, Case No. 2 and Case No. 3 were filed. Case No. 5 was closed as a duplicate of Case No. 4.

Case No. 4 was the one case in this series (Cases 1 through 7) that was coded by the Department as a sexual harassment complaint. This case was filed by Member B, alleging that Member C made inappropriate comments about him on multiple occasions and that Member C sent him inappropriate text messages. Member B filed two cases which were consolidated by the Department.

Member C was assigned to Member B's fire station as Member C's third station while on probation. Both Members and their peers at the fire station agreed that for the first few months Member C and Member B had a good relationship and the two got along well.

Member B claimed that one of the first instances Member C sexually harassed him was at Member C's end of probation celebration dinner. In Member C's speech at the dinner, she referred to Member B as her "station husband" and Member B considered this to be sexual harassment. According to the other members at the station, Member B and Member C mutually referred to each other as "station husband" and "station wife." Captain A, a SOD captain who worked on Member B and C's shift with some regularity, was specifically asked, "to your knowledge, did [Member C] ever refer to [Member B] as her station husband?" Captain A said, "yes, [Member C] did." Captain A continued, saying that Member B also referred to Member C as "[m]y Firehouse Beau, whatever that means." Ultimately, Captain A told Member B to stop the name calling.

Additionally, the AO told both Member B and Member C to keep their relationship professional. The AO said to the investigator that he told Member B (after the brush detail incident), "hey you need to watch what you say to her [Member C], you guys are at this point and now you need, when you're getting into an argument, you need to be more professional."

According to Member C and other crew members, Member B never expressed to Member C or any other member at the station that this nickname or terminology made him feel uncomfortable.

A few months after Member C was assigned to the station, Member B and Member C's relationship deteriorated. Member B alleged that Member C made inappropriate statements about him by stating she wanted to "sock" him and "drop a bomb on the station."<sup>21</sup> Member C admitted she said she wanted to ball up her fist and sock Member B in the face and drop a bomb on Member B (meaning sock him in the face), but she denied saying she wanted to drop a bomb on the station.

---

<sup>21</sup> Captain A said he heard that Member C had said she was going to "drop a bomb on the station." He interpreted this to mean she was going to get everyone detailed out of the station.

That day, Member C and Member B had a disagreement about a brush patrol detail. In between handball games with other crew members, Member B told Member C, who was not included in the handball game, to go on a brush patrol detail. Member C had recently been detailed out and argued against going on the detail. After some arguing between the two, another member in the station volunteered to go on the brush patrol detail. Later that day, while riding together on the 800, PFF 3 overheard Member C expressing her frustration during a phone conversation with a third party, saying she wanted to “sock him [Member B] in the face” and that either, as she claims, she said she wanted to “drop a bomb on his ass” or as PFF 3 stated, she said something along the lines of “I’m going to blow this shift up. I could blow this place up if I have to.”<sup>22</sup> PFF 3 then reported Member C’s comments, and that she was frustrated with Member B, to the station AO.

Word then spread throughout the station about what Member C said. Member C stated that she told Member B she did not appreciate how he treated her and that he was disrespectful and rude to her. Member B never told Member C that he was fearful of her after he heard these statements. Member B stated, “I never felt comfortable working with her when she would act a certain way that was inappropriate. I made that clear to the front office and to my supervisors.” Member B reported the “bomb” comment to the captain. The captain did not put the complaint in CTS. Instead, the comment was entered into CTS by a different captain, more than three months later, after Member B told that captain that he no longer felt safe working with Member C based on her comments from three months earlier.

At some later unknown date, Member B alleged that at a crew shift meeting (which he did not attend) Member C made a comment to the effect that her brothers will make anyone who messes with her disappear. A different member, Member E, present at this crew meeting stated that Member C did not make a threatening comment regarding her brothers, but said that he did overhear Member C talking to her brother on the phone about issues she was having with Member B and Member C saying that her brother could be at the station in 20 minutes. Member C stated she never made the alleged comment about her brothers making someone disappear. During a meeting with the crew where she apologized if anyone felt threatened by anything she had said, Member C told the crew she is a woman, has never been in a fight, and if Member B wanted to fight, she has a brother in Des Moines who doesn’t know how to make adult choices and he can come down and they can fight all they want in the parking lot.

Member B claims that, at some unknown point, Member C said she would move cars at the fire station to block his car in so he could not get out. Member C responded by stating that she did not make a statement to Member B about moving cars, nor could she actually move cars at the station because she does not have access to everyone’s keys.

Further, Member B alleged that Member C sent him inappropriate text messages. These messages included messages telling Member B that Member C was in the shower. Member C explained that after 9:00 PM the station used telephones in the station to communicate ambulance calls so that sleeping members not working on the ambulance would not be awakened by the loudspeakers. The female bathroom at the fire station did not have a telephone so, Member C stated that she has sent texts to Member B and other members informing them that she was in the shower in case there was an ambulance call because she cannot receive a communication any other way while in the women’s bathroom at the station. She denied that this text was in any way sexual or an invitation for sex with

---

<sup>22</sup> Member C explained that “drop a bomb” meant she wanted to “ball my fist up and sock him.” She denied that she said she wanted to drop a bomb on the station.

Member B. Member B also claimed that Member C said to him, “We could be fucking right now and the Department would not care.” Member C denied ever making that statement.

A little less than two months later, Member B alleged that Member C sent him an inappropriate text message that stated, “Your PM [paramedic] girlfriend looks fucking hot...” accompanied with a picture of a female firefighter, Member F, from a different station, alongside members of her station, dressed up to go out in Las Vegas. Member C stated that she took a screenshot of the photo from Member F’s Instagram and sent it to Member B because she knew Member B and Member F had gone to paramedic school together, had become good friends, and remained in contact.<sup>23</sup>

The AO told investigators that Member B never shared concerns about sexual harassment from Member C. The AO also asserted that no other members at the station heard Member B mention concerns about sexual harassment from Member C.

#### *Case Disposition*

The Department sustained one charge in this case: that Member C made a threat and gesture of violence by balling her fist and stating her intent to sock Member B in the face. No charges were filed regarding the text message.

#### **Case No. 5** – Filed approximately six weeks after Case No. 4

Member B reiterated the allegations made in Case No. 4 (that he was sexually harassed by Member C). In this complaint, Member B also stated that he was harassed, verbally assaulted and threatened at work, but, he (Member B), was the one who received multiple warnings [from supervisors about *his* behavior]. He claimed that Department leaders did not want to help him because he was a White male trying to protect himself from a “Black female with self-proclaimed ‘powerful connections.’” Member B accused Member C of “toting chiefs around,” especially one he said she called her uncle. Member B also alleged that during a meeting with the City’s threat assessment professionals, they tried to insinuate that Member C’s statements were just station banter.

#### *Case Disposition*

This case was combined with Case No. 4 and closed.

#### **Case No. 6** - Filed 14 months after PFF 2’s interview in Case No. 2

In his intake interview for Case No. 2, PFF 2 stated that a classmate of his, PFF 4 who is Black, told PFF 2 that Black firefighters are treated differently based on their race at the LAFD and that he had experienced disparate treatment during his rotations.

PFF 2 also stated that PFF 4 stood up in front of his entire Drill Tower class, and two [unidentified] captains, and stated that as a Black person on the Department he felt he was always pre-judged and treated like a slave. PFF 2 also said that PFF 4 told him that PFF 4 felt like he was treated differently at his previous stations because he is Black.

PFF 4 told investigators that during their nine-month evaluation, he stood up in front of all his classmates and said that he felt like a slave on the LAFD. PFF 4 stated that his comment was not targeted at any individuals, but about how rookies were treated generally at the LAFD, and that his comment was not based on any racial discrimination. PFF 4 also told investigators he did not

---

<sup>23</sup> Member C’s text messages about the shower and the picture of the other members going out, were included as evidence in the investigation.

experience any racial slurs, bias, or discrimination during his rookie year, nor has he experienced any such treatment during his current tenure at the LAFD.

In the interview for Case No. 2, PFF 2 also stated that an Armenian American firefighter was called racist names. PFF 2 also stated that the Armenian American firefighter had told PFF 2 that other firefighters had called him "Armo", although PFF 2 could not say which firefighters called him that. PFF 2 stated that a visitor to the station said "look at that Armo" to the Armenian American firefighter.

When the Armenian American member in question was interviewed, he stated that he had never heard any LAFD member or civilian call him any racially derogatory name including the term "Armo." He also stated to the investigator that he had never had someone tell him someone else referred to him as "Armo."

#### *Case Disposition*

Charges were not sustained in this case because PFF 4 and the Armenian American member denied being subjected to any racial discrimination and there were no corroborating witnesses to PFF 2's claims.

**NOTE:** PFF 2 made these allegations during an investigative interview, but the Department did not initially consider this a case of misconduct and did not open an investigation until 10 months later. Because of the one-year statute of limitations, the Department had approximately six weeks to complete their investigation into these allegations. Although it is unclear why this was not considered a complaint at the time the allegations were made, the Department was able to complete the investigation in a timely manner.

#### **Case No. 7 - Filed 6 months after Case No. 1 and Case No. 2**

Member E filed a complaint alleging that Member C was a danger to herself and other firefighters because she was deficient in her skills as a firefighter. Specifically, Member E alleged that Member C was deficient in her SOGs, and knowledge of listed tools and equipment. Member E stated that Captain D told him that he had wanted to write her up for these deficiencies, but was told by unnamed/unidentified chiefs to "back off." Member E could not recall when this conversation took place and provided no documentation to support this allegation. Member E made additional allegations based on "things he heard from others," but could not provide witnesses to any of the additional allegations and he was not present to witness them. Despite the statement that Member E attributed to Captain D (that Captain D was told to "back off"), Captain D actually had filed two complaints naming Member C as the subject.

Three of Member C's captains who acted as instructors and graders for her phases at the Drill Tower were interviewed during the investigation of Case No. 3. These members stated that Member C did not cheat on any exercises during her time at the drill tower and that her paperwork showed she passed her phases. Captain D was also interviewed in Case No. 3 and stated that there were rumors that Member C had not performed well at the drill tower, but he did not know who told him that, nor were there facts to support such rumors.

#### *Case Disposition*

The allegations were "not sustained."

**Member B Restraining Order Case:** As a result of the incidents involved in Cases 2 through 4, Member B sought a restraining order against Member C. The case was heard two months after

Member B filed Case No. 5. The bench officer that heard the case dismissed it saying it was “unfounded.”

**Member C’s television appearance:** Ten days after Case No. 3 was filed, a television channel broadcasted an interview featuring Member C and allegations that her race, gender, and military service made her a target in a department that is systematically racist and sexist.

**TABLE 1: Sequence of events in Cases 1 through 7:**

Timeline	Incident
Day 1	Member C transferred to her third assignment as a probationary firefighter (the station where Member B was assigned).
Sometime between Day 30 - 45	Permanent captain went out on leave.
Approximately 60 days after the permanent captain went on leave	Brush detail dispute between Members B and C.
Approximately 60 days after the permanent captain went on leave	PFF 3 overheard Member C’s phone conversation, during which she said she wanted to drop a bomb on Member B.
Approximately 60 days after the permanent captain went on leave	Member B sent a letter to his union complaining about Member C.
Approximately 60 days after Member B sent his letter to his union	PFF 2’s first day at the station. Incident at the fire where PFF 2 alleged Member B made disparaging comments about Member C.  PFF 2’s car is allegedly vandalized. PFF 2 is shunned by members at the station on his first day.
Two days after PFF 2 arrived at the station.	A complaint was filed on behalf of PFF 1- that Member A told PFF 1 that he received a phone call only because he was Black (Case No. 1).  A complaint was filed on behalf of PFF 2 by BC 2 alleging shunning, vandalism of PFF 2’s car and allegations related to PFF 2’s observations of how Member C was treated by Member B and the crew (Case No. 2).
Two days after PFF 2 arrived at the station.	Member C filed a complaint alleging that she was subjected to disparate treatment, beginning with her time in the Drill Tower, and that Member B was spreading rumors and making inappropriate comments about her (Case No. 3).
During the 30 days after Member C filed Case No. 3	Member B and Member C only worked together for one 24-hour shift, plus 3 hours of a different shift.
11 days after Member C filed Case No. 3	A television channel broadcasted an interview featuring Member C and allegations that her race, gender, and military service made her a target in a department that is systematically racist and sexist.
Approximately 90 days after PFF 3 overheard Member C’s comment and after Member B sent his letter to his union	Member B filed a complaint related to Member C’s comment about dropping a bomb on him (Case No. 4).
Two days after Member B filed Case No. 4	Member B was detailed out of the fire station
3 weeks after Member B filed	Member B was interviewed by the City’s workplace violence consultant.

Case No. 4	
8 days after Member B was interviewed (see above)	Member C was interviewed by the City's workplace violence consultant.
23 days after Member B was interviewed (see above)	Member B sends a letter of complaint to the Fire Chief, the same letter Member B sent to his union.
Three days after Member B sent his letter to the Fire Chief	Member B filed another complaint (Case No. 5), that he was harassed, and verbally assaulted and threatened at work, which the Department deemed a duplicate of Case No. 4.
Approximately 60 days after filing Case No. 5	Member B filed a request for a Restraining Order against Member C that was later denied by a judge.
The month following Member B's request for a Restraining Order	Member E filed a complaint alleging Member C was not capable of performing certain job skills (Case No. 7).
14 months after Case No. 1 was filed	The Department opened another case investigation based on PFF 2's investigatory interview for Case No. 2 in which he alleged that an Armenian American member was called "Armo" and a Black probationary member alleged he was treated like a slave (Case No. 6). PFF 2's interview was 35 days after Case No. 2 was filed.

---

## Case No. 8

### *Involved Members:*

Captain E - Male White

Various crew members

This case involved graffiti in a fire station. Members returned to the fire station in the evening after an incident. When one Member went to the station's men's showers, he discovered a drawing of a penis in red permanent marker on the tile wall that was strategically placed above two loofah sponges to create a complete image of a penis and testicles.

The first member to discover the image attempted to clean it off the wall and did not report it. The next day during the shift change, a member from the next shift saw the remnants of the drawing while showering in the same stall. This member then tried to clean off what was left of the image and reported the drawing to Captain E. When reporting to Captain E, this member noted that a different member may have been offended. The other member did not tell Captain E or any other captain that he was offended by the image. No member at the station stated they were offended by the image. Captain E ordered the members to clean off the image entirely. Captain E filed a complaint in CTS at the beginning of his next shift a few days later. The members at the station had line-up training on hostile work environments during their next shifts after the drawing was discovered. No member knew who drew the image nor admitted to drawing it.

During the investigation of the shower drawing, Captain E told investigators that the members at the station bought shower curtains for the locker room to add privacy for members while they changed before and after showering. The members bought these curtains and installed them before the shower drawing incident. According to Captain E, there were rumors that some members felt uncomfortable in the shower area because one member at the station would sit at his locker for extended periods of time while others were showering. Captain E did not personally observe this behavior and did not know if the members who talked about this issue were joking or serious about

feeling uncomfortable, yet the curtains were added to the locker room. Captain E made a call to PSD to get advice on the matter, but PSD never got back to him. The call to PSD occurred before the drawing in the shower incident.

#### *Case Disposition*

This case was closed as Non-Disciplinary because the investigation did not reveal a perpetrator.<sup>24</sup>

### **Cases 9 and 9a**

#### *Involved Members*

- Battalion Chief 3 - Female Black
- Former Member G - Female White

#### **Case No. 9**

This case was initiated when the Department received a letter from former Member G, a woman, who had resigned from her position as a FF on the LAFD a month earlier and joined another fire department out of state. She had been a member of the Department for about three years. In the letter, she dispelled a rumor that her resignation was due “in part” to the time she spent at a particular station working for a particular captain.<sup>25</sup> She said that she felt most comfortable at LAFD during her time at that station and said the captain showed “exemplary leadership.” While defending that captain, she also said her tenure at LAFD was “riddled with cruel leadership and misogynistic coworkers.”

One week later, she sent a second letter to BC 3 with more specific allegations. She began her letter by indicating that the LAFD “brotherhood” was full of “bigoted men” who tried to make her life and the lives of her colleagues, “miserable.”

She alleged that:

- On an unknown date, she was detailed out of an overtime station because an unidentified member said there is “no way we are working with a chick today.”
- On unknown dates, peers told her they wanted to drive their car into a tree while coming to work so they would be injured enough to not have to work that day [because of the negative way they were treated by Department members.].
- On an unknown date, an unidentified female peer had the word “junk” spray painted onto her brush coat.<sup>26</sup>
- On an unknown date “junk” was written on her (Member G’s) helmet.
- Twice on unknown dates, she heard that unidentified male peer members exposed themselves to women in the locker room and said “this is what a real fireman looks like.”
- Seconds after her interview with PSD (in Case No. 9a), an unspecified LAFD captain allegedly said to her, “Are you an athlete? Your body looks real athletic.”
- At times when she struggled during the Drill Tower, the leadership would say, “I don’t want you rescuing me,” or “Why don’t you just quit now and save us the trouble.”

---

<sup>24</sup> The OIA believed that this case should have been sustained. Even though a perpetrator was never identified, the investigation revealed that the drawing was made, therefore the allegations were true.

<sup>25</sup> She wrote the letter to defend the captain, believing the captain’s leadership was being questioned.

<sup>26</sup> Approximately six months before this member sent her letters, another female member reported that her brush coat had been defaced with the word “junk.” That member did not report the incident for more than two months, fearing she would be transferred. Further to our discussion in Section X, this is another example of a complainant who was afraid to report misconduct for fear of retaliation.

- She alleged that members at the Drill Tower fostered an atmosphere of fear and intimidation towards recruits, resulting in unspecified recruit resignations.

She also said that PFFs will not discuss their experiences with QA [Quality Assurance] because there is no confidentiality or trust between members at LAFD. She did not mention any of this at the time she resigned, nor during her exit interview.

During her investigative interview, BC 3 was asked if she had additional information about the complainant's lack of trust and confidentiality with Quality Assurance. BC 3 said:

"I think it's like every rookie, they don't want to tell anything."

- Statement by BC 3 during her interview

**NOTE:** The investigation revealed that former Member G sent letters to BC 3, and, subsequently, the two communicated by email. However, only some of the emails, not all, were collected as evidence for the investigation. This gave the impression that the investigation was incomplete and not thorough.

#### *Case Disposition*

The case was not-sustained.

**Case No. 9(a):** This case was included in the investigative file for Case No. 9. A year before former Member G resigned, a male member filed a complaint against her alleging that she had failed to report any sexist or aggressive behavior she had endured, suggesting that she should be disciplined for failing to report it.<sup>27</sup> The complaint was based on a photo, posted on social media, of former Member G at a political rally holding a sign that in Latin said, "Don't let the bastards grind you down. #LAFD." In the picture she was wearing an LAFD work t-shirt. The caption for the photo said in part, "...Unfortunately, I've also encountered men [firefighters] who don't embody the values and characteristics you'd expect from firefighters...Everyone may feel entitled to their opinions about women serving in the department, but no one is entitled to sexist or aggressive behavior. The #metoo movement isn't limited to Hollywood. Stand up, speak up, and don't let the bastards grind you down. #metoo."

The complaint also alleged that Member G had violated Department policy when she participated in a political rally wearing an LAFD T-shirt<sup>28</sup> and writing LAFD on her poster.

When the complaint against former Member G was reviewed by the Department, it was determined that former Member G was participating in a social gathering and exercising her Constitutional rights in doing so and therefore would not be investigated for the sign or social media post. Instead, she would be interviewed as a witness related to the sexist/aggressive behavior she may have encountered from other members.

When former Member G was interviewed, she stated that she personally handled a situation between her and another member in a professional manner and that there was nothing she wanted to report.

<sup>27</sup> The complainant incorrectly interpreted the Department's policy, which does not require victims to report EEO violations.

<sup>28</sup> LAFD t-shirts are readily available for purchase by anyone in several locations. This was not discussed in the investigation.

Former Member G declined to provide additional information on any inappropriate conduct that she may have experienced.

PSD correctly concluded that although the complaint was initially filed *against* former Member G, the investigation should be about whether former Member G was subjected to any inappropriate behavior in the workplace.

#### *Case Disposition*

The case was not sustained.

### **Case No. 10**

#### *Involved Members*

- Member H - Male Hispanic
- Member J - Male American Indian
- Member K - Male Black
- Member L - Male White
- PFF 5 - Female White
- Captain F - Female White
- Captain M - Male White

An anonymous complaint was made against a female captain, Captain F, alleging she failed to act when she learned that a female PFF (PFF 5) had been sexually harassed (inappropriate touching, kissing, and comments) by a male rated member (Member H). PFF 5 disclosed the harassment only after Captain F made several attempts to coax the information from PFF 5, and by giving in to PFF 5's insistence that Captain F not report Member H's misconduct.

The anonymous complaint stated that Captain F told PFF 5 she had to stand up for herself and tell Member H to stop. The complaint also stated that PFF 5 was hesitant to do this because of potential retaliation. The complaint alleged that Captain F, instead of reporting the misconduct, enlisted another firefighter to monitor the situation and that Captain F decided not to speak to Member H about his conduct nor discuss the issue with PFF 5's supervisor.

Although the original complaint was made against Captain F, the Department correctly turned this case into an investigation against Member H and created a new case against Captain F for failing to report the EEO violations.<sup>29</sup>

During PFF 5's interviews regarding the alleged misconduct of Member H, PFF 5 made 19 allegations against Member H, all of which occurred while they worked together at the fire station.

- Member H hugged PFF 5 while on duty, on more than one occasion, without her permission;
- Member H hugged and then kissed PFF 5 on the cheek while on duty without her permission,
- Member H directed PFF 5 to call him "daddy" while throwing ladders without her permission;
- Member H wanted PFF 5 to jump up and down and spin while on duty and on occasion would direct her to do this while other members watched;
- Member H put a label in PFF 5's helmet with Member H's name on it and with the number of their station, without her permission;

---

<sup>29</sup> LAFD policy requires supervisors to report allegations of discrimination, sexual harassment, and other Equity-related issues.

- Member H put a label on PFF 5's water flask that said, "I am important and I matter" without her permission;
- Member H called PFF 5's cell phone when she was off duty and during one of these calls made a comment to her that she was beautiful inside and out;
- Member H sent PFF 5 text messages to her personal cell phone when she was off duty;
- Member H, while mentoring PFF 5 on duty, used sexual innuendos to describe how a tool or machine worked;
- Member H, while on duty allegedly threatened to get PFF 5 fired, by saying, "just one phone call," when he was displeased with something she was doing, implying that he could call superiors and get PFF 5 fired;
- On more than one occasion while on duty, PFF 5 stood for hours while Member H talked to her. It was alleged some of these conversations took place between 9:00 PM and midnight;
- Member H, while on duty would follow PFF 5 around the fire station;
- While on duty, when PFF 5 was giving a litter basket drill, Member H allegedly pointed a finger at her and yelled at her to "drop the attitude." According to PFF 5, when she continued with her drill, Member H allegedly yelled at her and said, "that's the second time, don't make it a third time, drop your attitude right now;"
- Member H, while on duty, was condescending and made fun of PFF 5 during her drills by making comments such as "You don't know this?" and "How come you don't know that;"
- Member H, on more than one occasion during relief, made a scene in front of a different member, and said to PFF 5, something to the effect of "Oh there she is again. She doesn't have any questions. No questions for the drills. I guess she's going to fail her drill again;"
- Member H, while mentoring PFF 5 on duty, would describe how a tool and machine worked by using sexual innuendos. Specifically, PFF 5 alleged that during a discussion with Member H about how a washing machine worked, Member H lifted the lid on the machine and as water was going down, Member H said to PFF 5, "Did I just make you wet;"
- During her discussion with Member H about how an elevator pick was used, Member H took the pick, put it on the pedestal and said to PFF 5,
 

"Think of it like this. You're going to stick it in the girl. You're gonna go back and forth and you have to be very patient and gentle 'cause then she'll give you everything she wants." "Think about [PFF 5's fiancé] when you do this."

### *Case Disposition*

The case was sustained. Member H admitted to many of the allegations. Member H was directed by the Fire Chief to a hearing before a Board of Rights. For 18 months, Member H remained on duty in the field<sup>30</sup> until the Department was ready to choose the members of the Board of Rights. At that time, Member H retired.

-----

The OIA acknowledges that this is a small population of cases from which to draw conclusions. However, the interviews and investigations opened a window into a slice of the Fire Department, and commonalities were identified.

---

<sup>30</sup> Member H was transferred out of his regular assignment for the duration of PFF 5's time at that station. Once she was transferred as part of the normal PFF rotation, he was returned to his regular assignment.

## IX. DISCUSSION

### A. MISCONDUCT IS NOT REPORTED BECAUSE COMPLAINANTS AND WITNESSES FEAR RETRIBUTION, WITNESSES DO NOT WANT TO GET INVOLVED, OR MEMBERS ARE DISCOURAGED FROM REPORTING.

“...Women remain silent, even when they are harassed. And that continues to plague the LAFD at this time.”

- LAFD Battalion Chief who is President of Women in the Fire Service, Board of Fire Commissioners meeting October 5, 2021.

Female probationary firefighters are “trying to keep their head down,” Larson said. “They’re more concerned about keeping their job than they are trying to report discrimination.”

-Los Angeles Times Article, quoting LAFD Battalion Chief who is President of Women in the Fire Service, September 22, 2021.

Complainants and witnesses alike, regardless of their gender or role in a case, spoke of their reluctance to report misconduct.

#### 1. Reluctant Complainants

##### Cases 1 through 7

In the cases involving Member B and Member C, Member C did not report her complaints until the White male probationary member, PFF 2, began to complain on her behalf. However, Case No. 4 shows that Member C was so negatively impacted by the treatment she suffered from Member B, she was overheard on a phone call telling a third party that she wanted to “sock him [Member B] in the face.” Member C admitted to this and was disciplined for it.

However, before PFF 2 complained, Member C always insisted that everything was okay. She wrote in her emailed complaint, “Every day I am asked how it’s going at [fire station number]. I tell them GRRRRREAT!! You know it’s [fire station number]. I don’t do well with confrontation or drama hence why I attempted several times to resolve this immature childlike behavior in the front office. I hate being known as the black girl with issues. That’s not who I am!”

BC 2, to his credit, saw warning signs and he spoke with Member C “multiple times,” including about EEO issues and whether she felt any stress in her environment. However, Member C never complained.<sup>31</sup> He spoke to her about EEO issues because of things he witnessed her doing, such as requesting a transfer and not working her assigned shifts. BC 2 thought perhaps she was not happy at the station. Further, he wanted her to work her assigned shifts so she could become tiller-certified. Member C told BC 2 that she was trading her shifts and working on the weekends instead, so she could take classes. Also, BC 2 learned that Member C had asked a captain at a station other than her own to sign her transfer request. BC 2 learned of this from the captain who signed it. When BC 2

<sup>31</sup> Although Member C said in her letter that she did not complain because she did not want to be known as “the Black girl with issues,” the investigators never asked her why she did not file a complaint sooner.

asked Member C about this, she told him that she wanted to transfer so that she could be with a female captain.<sup>32</sup>

In his interview, BC 2 said he practically encouraged Member C to file an EEO complaint. At that point in the interview, BC 2's representative requested a break. After the break, BC 2 retracted that statement.<sup>33</sup> Instead, he said he wanted to make sure she knew of all the avenues available to her to make a complaint. According to BC 2, she wanted to transfer because the truck was "too hard," she was afraid of getting injured, and she wanted to work with a female captain.

BC 2 opined that maybe she was "protective" and would "go along to get along." He explained that he did not think she was hiding the truth of an EEO complaint, but rather, he thought that perhaps she believed their collective behavior was childish and she was a little embarrassed by it. When BC 2 went to the station to speak with PFF 2, the AO told BC 2 that Members B and C "go beyond" and it gets a little uncomfortable at dinner. Both of them "give as much as they get." The BC said the AO told him that the AO asked the members to "draw it back." It appeared that the BC did all he could to encourage Member C to make a complaint. But it was not enough.

BC 2 himself remained reluctant to report or get further involved in the situation. The OIA believes that BC 2 should have delved deeper into the issue, perhaps by speaking with the captain or rated members, long before this issue escalated.

It was not until the White male probationary firefighter (PFF 2) complained on behalf of Member C that she herself complained.

However, PFF 2 believed his career was "pretty much over" because he reported these incidents. He indicated that no matter what happened with the case he would be known as "the person who ratted someone out." But even PFF 2 was reluctant to report certain information, such as giving PSD the names of people who told him he should not be forthcoming with PSD during his interviews.

Member C reported that when she was supposed to be transferred to a new station, she received an anonymous call during which the caller said, "We don't want a Black girl at [station number]."

After Member C was interviewed by the news media and her interview aired, she received a call during which the caller told her that in the past, Black members were called the N-word and did not complain and that she is a disgrace to the Stentorians (the Black firefighter's association).

She also received another anonymous call after her television appearance during which the caller asked "is this firefighter [Member C's name]?" She said "yes" and then the caller said "why'd you do the interview?" At that time, Member C hung up.<sup>34</sup>

---

<sup>32</sup> Member C never actually asked for the transfer.

<sup>33</sup> The investigator did not ask him why he changed his testimony.

<sup>34</sup> Member C provided the Department with a copy of another anonymous message which she received through her Instagram account. "I hope [Member B] KICKS YOUR ASS in court [referring to his application for a restraining order] ... You and your girl power bullshit won't fly at work. I am glad that legal smoke is being blown in your face. I have sued three feminist pieces of shit and won all three cases. I advise men on how to fuck people like you up. Man Power! This is a man's world!!! What? You thought you could threaten people at work? This is your reality check. You will think twice before you fuck with another man at work. [Member B] is a Jew. The judge in the case is a Jew. Them Jews are gonna FUCK YOU UP! Good for them! When you lose your job because of your conduct and the lawsuit...that will be icing on the mother fucking cake. [Member B's] gonna win! Yes sir!! You are gonna get that man power! And oh yeah, fuck Beyoncé." A complaint was filed after the OIA determined the cases for this audit. That case was investigated, but a subject was never identified and the case was adjudicated Non-Disciplinary and closed.

As part of her complaint against Member B, Member C sent an email to PSD in which she said,

"It's time for a real change. LAFD must respect women, all women. I'm not doing this for me. I'm doing this for every firefighter, male and female, who wants to put an end to workplace harassment and discrimination but is afraid of the outcome. Instead, the firefighter quits and works for L.A. County Fire Department. Unfortunately, not only will I be known as the Black girl but the Black girl who 'snitched.' My career is over. I can't go back. Everywhere I go I will be known as something unpleasant, instead of FF [her name]."

*- Member C in an email to PSD.*

## **CASES 9 and 9a**

When interviewed for Case 9a, former Member G was still a member of the Department. When asked if she had been subjected to inappropriate behavior because she was a woman, she said there was nothing she wanted to report, and that any interaction she had with another FF had been "professionally dealt with between him and I." When asked if she had been subjected to any inappropriate behavior, she said there was nothing she wanted to report.

When former Member G wrote the second letter in Case No. 9, after she had resigned, she wrote, "I am finally in a position where I can speak up about what was going on." However, after outlining her allegations in her letter, she still would not engage with the Department for an interview. She did not respond to multiple requests to interview her about her allegations. Two years after she sent her letters, she reported her experiences to the Los Angeles Times (after the statute of limitations expired).

## **Case No. 10**

PFF 5 was adamant about not reporting the sexual harassment to which she was subjected. In fact, when she finally told Captain F, it was only because the captain agreed not to report it.<sup>35</sup> PFF 5 told fellow crew members about the harassment, but feared she would lose her job if they reported it, so she told them not to report.

During PFF 5's interview, she emphasized that she was not the one who reported the incidents (this was an anonymous complaint). When the investigator asked her concerns about reporting this to the Department, the complainant stated, "I don't want to get fired. I don't want to lose my job." Later she said to the investigator,

"I don't know if you know who I am. I'm a probationary firefighter. I'm only at my second house; I'm trying to move on to my third house. I don't want to report this. I didn't report this. I just want to pass probation. I don't want to lose my job."

*-PFF 5 during her investigative interview*

When asked why she thought she would lose her job, PFF 2 said the subject used to tell her that she was just "one phone call away." She understood this to be a threat that he could make one phone call and she would lose her job.

---

<sup>35</sup> Because the Captain agreed to keep the information confidential, she was disciplined for failing to report the misconduct.

"That freaks me out. I already know I'm a girl. I already know I stick out. I'm not trying to. I'm trying to do my job like everyone else."

*-PFF 5 during her investigative interview*

Later in her interview, she reiterated her concern and said she thought she would lose her job because "I feel like I was being groomed. Like him telling me, again, 'one phone call'. And, again, if I didn't call him or do something; I was going to lose my job."

**Note:** The investigator in this case never asked the complainant about her grooming reference. Being "groomed" or "grooming" can be associated with sexual abuse cases. "Sexual grooming is a preparatory process in which a perpetrator gradually gains a person's or organization's trust with the intent to be sexually abusive... The victim is usually a child, teen, or vulnerable adult. Aspects of sexual grooming may include:

- targeting the victim,
- securing access to and isolating the victim,
- gaining the victim's trust, and
- controlling and concealing the relationship."<sup>36</sup>

A different captain who was interviewed as a witness said that PFF 5 was worried about retaliation after the anonymous complaint was filed.

"I spoke with her later about her future in the Department. She was very worried that she would be labeled as the probationary member who caused this issue."

*-Captain/Witness during an investigative interview.*

## **2. Reluctant Witnesses**

Case investigations revealed a reluctance and unwillingness of witnesses to report misconduct. Members do not want to get involved in these situations, and in some cases, are explicitly told to keep issues away from supervisors.

### **Cases 1 through 7**

Captain G, in charge of overseeing the success and well-being of PFFs, happened to see Member C the day after PFF 2's first day and after PFF 2 reported the incidents of that day. When the investigator questioned Captain G whether Member C reported allegations related to race or gender to him, he told the investigator that she did not and that he does not like to get involved.

"Cause I try to not get in[volved]... I remember specifically when I talk to particular individuals, I try to not even bring that [whether a PFF was subjected to EEO violations] up — make that not an option because it really shouldn't be."

*-Captain G (during an investigatory interview) who is in charge of overseeing the success of PFFs.*

<sup>36</sup> Understanding Sexual Grooming in Child Abuse Cases, by Daniel Pollack and Andrea MacIver. November 1, 2015. American Bar Association.

[https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases/), accessed January 20, 2022

**NOTE:** The investigator never asked Captain G to elaborate on what he meant by this. Who were the “particular individuals” and why EEO issues should not be an issue or an option for discussion with people who seemingly have been subjected to this kind of misconduct.

PFF 2 reported that he was the target of retaliation when unknown members put a liquid resembling coffee on his car (a rare model). PFF 2 believed this happened because he had reported Member B’s alleged discriminatory conduct toward Member C. Both BC 2 and Captain G did not believe anyone purposely dirtied PFF 2’s car since the crew had done a hose change in that area earlier that day. Also, both BC 2 and Captain G tried to talk PFF 2 out of believing this was so. BC 2 even refused to go look at the car when PFF 2 asked him to do so. PFF 2 shared pictures of the substance on his car with Captain G. According to Captain G, PFF 2 told him that this was retaliation against him [PFF 2] and part of the reason he did not feel safe at the station. Captain G told the interviewer that at that time he told PFF 2 “I don’t think they messed with your car.” He said this because PFF 2 told him that the crew had done a hose change that day in the location where the car was parked. However, PFF 2 indicated that no other car was covered with the liquid residue.

Captain G said,

“...looked to me like maybe there was some water that happened to land, got on his [PFF 2] car and somebody made a half assed attempt to wipe it and it dried as a smear...it didn’t look malicious at all. I’m not a car expert but, had he washed it and waxed it, I think it would have been just fine. ... appeared to be straight water, didn’t look malicious at all and didn’t appear to damage permanently. If he had washed and waxed it, it would be just fine. He didn’t say what state it had been in before. Obviously, something on it and somebody appeared to wipe it. My opinion was he was using the car thing to plead his case.”

Captain G also said that it is common courtesy within the Department to inform someone if you get their car wet, but this did not happen in the situation involving PFF 2.

Further, Captain G told investigators that, although he did not delete them, he did not have the photos that PFF 2 sent him of the car.

**NOTE:** The investigator told Captain G that they would help him find the photos on his phone, but it does not appear they ever collected the photos from Captain G’s phone as evidence in this investigation.

Additionally, Captain G told PFF 2 that Member B had posted something negative about PFF 2 on PFF 2’s Facebook page. Captain G suggested that PFF 2 should try to find the post. This “advice” by Captain G appears irresponsible. To suggest that Member B had wronged PFF 2 without further information is inappropriate, especially from a captain responsible for overseeing the health, well-being and progress of probationary members.

**NOTE:** Captain G was never asked about the Facebook post in his interview. He was never asked why he did not get additional information about it. He was not asked who told him about it.

## Case No. 10

Several members were aware of the incidents of sexual harassment and did not report them.<sup>37</sup> A captain who was informed of the misconduct, was disciplined for failing to report it.

Although “shocked” by the misconduct of Member H, several non-supervisor members knew what was happening to PFF 5, but chose not to report it. Instead, someone anonymously reported the female captain instead of reporting the conduct of the harasser.

Member J told investigators that he knew:

- PFF 5 was given an unwelcome hug by Member H.
- Member H had kissed PFF 5, then tried to kiss her again, but she pulled away.
- Member H made the elevator pick comments, something like “putting a pick in the elevator and turning it like your boyfriend would do to you.”

Member J gave PFF 5 a copy of the Discrimination Prevention Policy Handbook (DPPH),<sup>38</sup> and explained the various avenues available to her to report the incidents. He also spoke with Member H and told him to stop whatever he was doing to PFF 5. The OIA commends Member J for taking steps to stop the behavior, however, he was not a supervisor and had no authority over the matter. Member J never reported this to the chain of command.

Member J told investigators that he was so impacted by what PFF5 told him that on his day off, he texted PFF 5 and told her he would be off that day and wanted to make sure she would not be in a situation where she was alone with Member H if she was uncomfortable.

Member K said he knew of the harassment and was “shocked” by the subject’s behavior. Member K thought it “unbelievable” that Member H:

- Kissed PFF 5 on the cheek and tried to kiss her on the lips.
- Told PFF 5 to call him “Daddy.”
- Made a comment to PFF 5 in the laundry room, like “Did I make you wet?”

In response, Member K advised PFF 5 to discuss this with her fiancé so they could decide how they wanted to handle this. This member also said that he had heard that Member H asked another female probationary member to call him “Daddy,” but he could not remember from whom he had heard this.

Member K did not report any of this to the Department.

Member L personally witnessed Member H hugging PFF 5. Sometime after that incident, PFF 5 told Member L that she had received an inappropriate text and was told an inappropriate joke by Member H. Member L told investigators that he did not want to see the text or hear what was said [the joke]. Member L told PFF 5 that *she* (emphasis added) needed to tell a captain or report it in CTS. When asked why he did not want to see the text or hear the joke, he said,

---

<sup>37</sup> Since this complaint was reported anonymously, it is possible that one of the four crew members reported it. As mentioned above, the complaint was filed against the captain for not reporting the sexual harassment, not against the harasser.

<sup>38</sup> Issued to all members by the Fire Chief on December 6, 2012, the DPPH is a “ready reference and a summary of the Fire Department’s policies, complaint procedures, and guidelines for maintaining a discrimination free workplace.” The DPPH facilitates members’ familiarity with, and understanding of, their role in stopping, preventing, reporting and resolving potential incidents of discrimination, harassment, retaliation, and hazing. The Department uses the DPPH as its reference to determine if allegations meet EEO standards. The DPPH also defines hazing and related prohibited behaviors.

"I did not want to get personally involved. It was her business to handle and to go to a supervisor or report to CTS."

*-Member L, during his investigative interview.*

This case was reported anonymously through MyVoiceLA, the City's portal for sexual harassment complaints. The fact that the anonymous complainant did not report directly to the Department perhaps further highlights a distrust of the Department's processes, or fear of retaliation.<sup>39</sup>

Captain M was asked if he was ever made aware of inappropriate interactions between the harasser and the PFF. He answered, "Just the rumors I heard from people. And, I don't like to spread rumors. I don't know any specific facts. And I've heard a lot of rumors, so... I'm going to wait for all this to play out."

Captain M said he never saw anything, didn't know any specifics, and was not willing to go on record with what he heard. He said a fire station is "about the best gossip you're ever going to be around."

**NOTE:** Every investigative interview begins with an admonishment that the member being interviewed must answer all questions under penalty of insubordination. Members cannot choose to withhold information. The investigators should have again directed the member to answer the questions. It was particularly concerning that this witness was a supervisor.

After the harassment was reported, Captain M became very concerned about the well-being of PFF 5, going so far as to speak with her to ensure that she was in a productive environment conducive to her learning. He did not exhibit this level of concern before the case was reported, even though he had heard rumors of what was happening to her.

Further, Captain M reported that, during a conversation with PFF 5 (after the harassment had been reported), she told him,

She was very worried that she would be seen as the probationary member who caused this issue.

*-Captain, telling the investigator what PFF 5 told him during a conversation they had after the case was reported.*

The Department has a zero-tolerance policy for retaliation, but this has not assuaged targets' fears. Not only was this demonstrated by the testimony of members in these cases, but public comment at Fire Commission meetings echoed these sentiments. These cases confirm a deep fear of retaliation.

### ***3. Members are discouraged from reporting misconduct, but encouraged to keep things "in-house" or "plead the fifth."***

Members demonstrated a preference for addressing issues "in-house" rather than reporting them to supervisors so they can be investigated.

---

<sup>39</sup> Complainants can report allegations of misconduct anonymously to LAFD.

## Cases 1 through 7

A witness told investigators that "things are kind of handled in-house between the **firemen** [emphasis added]. And, the rated member takes control of the station. You know, unless things blow up, then it goes to the front office. But we try to keep things away from the front office."<sup>40</sup>

In another example of members trying to keep things "in-house" and away from supervisors, a high-ranking member advocated for keeping issues at the station and dealing with them there, rather than reporting them up the chain of command. Also, it was reported that the high-ranking member encouraged members to keep issues away from the captain as well.

"We all come from different walks of life, and we have to work it out. You don't need to go to the front office."

*-Reported by two firefighters in their investigative interviews, about comments made by a high-ranking member during a meeting with the station crew.*

PFF 2 said that some people at his station commended him for standing up and others gave him the "cold shoulder." According to PFF 2, in reference to his involvement in the complaints related to Member B and Member C, multiple members told him to,

"Plead the fifth,' it doesn't involve you." And "say you 'can't recall' when answering questions from investigators."

*-PFF 2 told the investigator during his investigatory interview.*

Referring to the members who told him this, PFF 2 said,

"Well, I know because you're a coward and because you're so afraid of doing the right thing that you want to fit in with the clique of the L.A. City firefighters, or as they call it, we're 'firemen,' and I know that 44 years ago they changed it from being a fireman to being a firefighter and that's been on here and other numerous things the chief has put out and I've maybe heard it twice even working overtime. That's why I said the stuff that gets put out, nobody cares. There's no repercussions."

In fact, PFF 2 said that when he was requested to attend interviews with PSD, he was asked by another member if he was, "going downtown to rat people out" or if he was "simply trying to get out of work."

*-PFF 2 said he was asked this on his way to an interview with PSD.*

When PFF 2 was asked who told him this, he said he would not name them because he feared retaliation.

---

<sup>40</sup> Almost 50 years ago, LAFD officially adopted the gender-neutral term "firefighter." A Member with more than 10 years on the Department was still using the sexist term "firemen," rather than the inclusive and officially sanctioned term "firefighter." This by itself sends a message of disparate treatment toward female members.

### **Case No. 8**

A member from one shift discovered the drawing of the penis in the shower, but did not report it. Nor did anyone else from that shift. A member from the next shift finally reported the drawing. The person who first saw the drawing tried his best to wash it off. The second person also tried to wash it off and did not report it to the captain. Pictures of the drawing were not taken.

The Department has a zero-tolerance policy for retaliation, but this has not assuaged the fears of targets. Not only was this demonstrated by the testimony of people in these cases, but recent public comment at Fire Commission meetings echoed these sentiments. The reports of complainants in these cases confirmed a deep fear of retaliation.

## **B. SUPERVISORS ARE NOT HELD ACCOUNTABLE**

The quotes and examples of inaction or ineffective action by supervisors were derived from interviews with Department investigators. When additional allegations of misconduct come to light during an investigation, it is common practice for the Department to begin a new investigation or to add the new allegations into the investigation, and/or for training or counseling to ensue in order to correct a transgression by a member. The Department should have considered allegations against the supervisors or, at the very least, counseled the supervisors on their affirmative duty to address these situations: There was no evidence in these cases that that was done.

### **Cases 1 through 7**

- A high-ranking officer encouraged members not to disclose misconduct to supervisors. This type of direction to members may force aggrieved individuals to acquiesce and discourage them from seeking help from behaviors that may be detrimental to their health or safety, or for which the Department and City may be liable.
- BC 2, Captain A, and Captain G all tried to talk PFF2 out of believing an unknown liquid had been put on his car in retaliation for him defending Member C. A supervisor's job is not to talk members out of filing complaints or out of believing that they were subjected to misconduct. Rather, a supervisor should be reporting the misconduct, addressing it, and ensuring that all members work in an environment free of discrimination and harassment.
- Captain G refused to engage with Member C about any EEO-related behaviors to which Member C may have been subjected. Captain G even said that he believed he should not venture into discussions about EEO-related misconduct at all. This was directly antithetical to his duty as a captain.
- When PFF 2 told Captain G that he was concerned for his personal safety, Captain G never asked him who caused this concern. Captain G just knew that PFF 2 needed to be moved because he said he did not feel safe at that fire station. Captain G said that PFF 2 was not your average person, he was "hard headed," and that usually someone else would "shut up and just work," but PFF 2 would not do this. This is another example of a supervisor failing in their duty to take timely corrective action.

### **Case No. 10**

- Captain M told PFF 5 that her situation was "not something I need to know about" unless she really wanted to tell him. However, this captain had a duty to take timely and effective corrective action.

According to the DPPH:

*“Officers, managers and supervisors may create liability (against the Fire Department, themselves or both) for acts of discriminatory or harassing conduct between members in the workplace, if Officers, managers, and supervisors know or should have known of the conduct unless they can show they took timely and effective corrective action. Ignorance of discriminatory activity is not an acceptable defense for inaction of an Officer, manager, or supervisor, if through reasonable care they should have been aware of the conduct.*

*Officers, managers and Supervisors who become aware of discriminatory conduct have the obligation to immediately report the harassment in accordance with the procedures described in this Handbook, even if the occurrence is not directly within their regular line of supervision or responsibility...”*

The supervisors discussed above, either intended to dismiss the complaints of members, willfully ignored them, or openly discouraged people from bringing complaints to other supervisors. Fostering an environment of secrecy promotes further transgressions when perpetrators know that their behaviors are allowed because members are encouraged to keep the information away from supervisors. It would be appropriate to hold these supervisors accountable for their inaction, if the investigation proved this to be a violation of policy. At the very least, these supervisors should have undergone training or counseling to explain and impress upon them their duty to act in these situations.

## **C. CONFLICTS ARE MANAGED INEFFECTIVELY**

### **Case No. 1 through Case No. 7**

Captain A repeatedly talked about how Members B and C fought “like brother and sister.” Captain A also said that he told Member B to stop the bickering and that he told both members to stop calling each other “Firehouse Girl” or “Firehouse Boo.” Captain A said he told Member B (on multiple occasions) to stop this name-calling. The AO also mentioned that he tried to get Member B to stop. However, their efforts to address the conflict between Members B and C failed. The AO told the investigator that he did not report the “banter” between Members B and C when they called each other “work husband” or “wife” or “boo” because he thought he could fix it without going to the “front office.” He did not think this issue needed to be reported. This is consistent with other examples of efforts to keep inappropriate conduct away from captains and other supervisors.

Supervisors need to know how to identify these situations and handle them *effectively*. Captain A, a second captain, the AO, and the crew all knew something was brewing between Member B and C, yet their attempts to resolve it failed. They did not seek intervention. Even Captain A said that he told BC 2 that PFF 2 was simply caught up in a preexisting dispute between Members B and C. They were unable to recognize that Member B and C’s dispute had not been addressed in a manner that would put an end to behavior that was disruptive to the entire station’s work environment.

Additionally, PFF 2 complained to Captain A that he was being shunned by members, particularly by Member B. Captain A said,

“Your job’s not to worry about that. Your job’s to learn your job. You’re a third house rookie. I got shunned. Everyone gets shunned. Is it good? It’s bad! I was, but if they’re not talking to you, come to me. We’ll straighten it out. We’ll handle it. And, well, I’m sorry for that but you’re here to learn your job. I get it. That’s what they, that’s what they -- shouldn’t do to anybody.

*-Captain A said this during his investigatory interview about PFF 2’s experience being shunned.*

Furthermore, the Fire Chief must demand that issues be addressed ***immediately and effectively***. The OIA is not suggesting that jokes and banter be banned from the workplace, however, in this case everyone knew Member B and Member C’s behavior had become inappropriate, especially the nicknames such as “station boo” or “station husband/wife”.

PFF 2 reported that when a member made a comment about how people of color and women are unable to do the job, such as throwing the 35’ extension ladder, Captain A responded by saying that he too is unable to throw the 35’ extension ladder.

Also, BC 2 sensed that there was something amiss, since he noticed Member C’s absences from her shift and heard that she wanted to transfer out of the station. He spoke with Member C on more than one occasion about EEO matters, but she repeatedly told him nothing was wrong. His instincts appeared to be correct, yet because Member C said nothing was wrong, BC 2 did not pursue a remedy.

Even if incidents are not officially reported to PSD or a member’s chain of command, they can and should be addressed through training, counseling, mediation, or other initiatives. The Department is legally obligated to prevent and address harassment. The OIA commends BC 2, Captain A, and the AO for trying to end the conflict between Members B and C. Unfortunately, their attempts were ineffective. The Department needs to provide tools and training to more effectively deal with these issues.

#### **Case No. 8**

During the investigation, the captain discussed a previous incident in which the crew bought additional shower curtains and hung them in the locker room to provide additional privacy from a member of the crew. Captain E attempted to get advice on how to handle the situation from PSD, but never heard back. Additionally, Captain E never did anything about this when he did not hear back from PSD.

#### **Case No. 10**

Several members knew about the persistent inappropriate actions and comments made by Member H to PFF 5, but none reported it. When PFF 5 reported the egregious misconduct to Captain F, she requested confidentiality. Captain F attempted to get another member to keep an eye on Member H. If members who knew about the sexual harassment had reported this to supervisors or attempted to get Member H to stop as soon as they learned about it, the harassment may have stopped sooner.

Ineffective conflict management was evident especially when a shift lacked a permanent captain. In Cases 1 through 7, Captain A said in his interviews on several occasions that this was not his crew. He even said, “It’s not my shift and I am gonna keep repeating that.” BC 2 said that part of the

problem with the shift was that it lacked a consistent captain. Furthermore, members were unanimous in reporting that the once congenial relationship between Member B and C declined shortly after their regular captain took extended medical leave to recover from an injury. All agreed that the relationship was fine before this. This phenomenon is one the OIA has seen repeatedly throughout the years. Similar to the Substitute Teacher Effect,<sup>41</sup> SOD captains seemingly witness crew members demonstrating their worst behavior. But unlike substitute teachers, SOD captains do not take full responsibility for the crew, especially as it relates to any interpersonal issues that arise while they are on duty with a crew they do not consider their own.

Not only is there a trend toward not getting involved or hiding incidents from supervisors, but when supervisors know about these incidents, they do not have the requisite training or tools to handle conflict effectively.

Members and supervisors attend mandatory EEO training. Recruits receive training while in the Drill Tower (recruit academy). Table 1 below shows the EEO training provided to Department members, as reported by the Department to the OIA.

**TABLE 1: DEPARTMENT EEO TRAINING**

TRAINING TITLE	AUDIENCE	LENGTH	MANDATED BY:	FREQUENCY REQUIRED
Workplace Harassment and Abusive Conduct Prevention: Non-Supervisor Version	All non-supervisor employees every two years as initiated by Personnel AND any new employee within 6 months of assignment	1 hour	State Law	Every other year
Workplace Harassment and Abusive Conduct Prevention: Supervisor Version	All supervisors every two years as initiated by Personnel AND any new supervisor or lead employee within 6 months of assignment	2 hours	State Law	Every other year
Anti-Bias Learning for Employees (ABLE)	All employees and Commissioners/Board Members	1 hour 30 minutes	Mayor	Annual
Workplace Equity Policy Training	All employees and Commissioners/Board Members	30 minutes	Mayor	Every other year

Despite the current available training, these cases show that workplace harassment, biased behavior, and abusive conduct remain present in the workplace.

---

<sup>41</sup> The Substitute Teacher Effect posits that students are at their worst when their regular teacher is absent and a substitute teacher fills in. *The Substitute Teacher Effect: A novel study on student misbehavior in school*, Sammy Kayes, 2016.

As part of the Department's current strategic plan,<sup>42</sup> Goal 2 states: "Embrace a Healthy, Safe, and Productive Work Environment Strategy 1: Create and implement an organizational structure to address human resources, personnel management and workplace environment" and includes "the Department will 'Develop a comprehensive and all-inclusive workplace sensitivity training for all members.'" This should include tools to effectively address conflicts.

All members must work to create a harassment and discrimination free work environment. Supervisors must be given more effective tools to handle these situations and be encouraged to report matters to higher level supervisors. Minor situations need to be addressed before they escalate to something bigger.

In his article, *Sexual Harassment in the Fire Service, Essential Information for Limiting Harm*, former firefighter-turned-lawyer Kurt Varone states, "Officers should have discretion to handle a company-level interpersonal dispute between their subordinates provided they make a good-faith determination that their intervention will **fully and completely resolve the problem** [emphasis added]."<sup>43</sup>

In Case No. 10, crew members knew of the harassment and did little about it, leaving PFF 3 to fend for herself and deal with the subject on her own.

Furthermore, as the examples above indicate, people actually *knew* what was happening and, for whatever reasons, were reluctant to get involved. The Department needs to ensure that members know they *must* get involved. The expectation must be that everyone is responsible for creating a productive work environment.

Varone writes,

"Most firefighters know full well that if they report sexual harassment, their lives will never be the same... This creates an environment where a sexual harassment victim may not report the harassment until it has caused her great emotional harm... This is where officers can play a vital role in recognizing inappropriate behavior in the workplace and stopping it without waiting for the victim to complain."<sup>44</sup>

The previous Fire Chief put out portal messages about zero tolerance for EEO incidents. These messages were and are important. However, they need to be more frequent, and followed with regular training, constant reinforcement, and accountability to achieve behavioral change. In the past, the failure of some to report harassment and discrimination has been the reason given for inaction -- if members do not report harassment or discrimination, then the Department did not know about it, so nothing could be done. This is not true. The Department must create an environment where these issues are addressed holistically; with preventative measures, articulation of clear expectations, accountability, and real consequences. All of these together send a message of inclusion, encouragement to report incidents, and that these matters are taken seriously.

In his article *Culture v. Behavior, Efforts on Meaningful Firefighter Change* (October 20, 2021), former Fairhaven New Jersey Fire Chief Scott Eskwitt suggests that fire department culture has both desirable and undesirable aspects. Grouping aspects of culture into blanket statements does not necessarily reflect individual behaviors. Therefore, he suggests that rather than focusing on changing

---

<sup>42</sup> The OIA recognizes that the strategic plan was formulated and adopted by the previous Fire Chief, and that the current Fire Chief is in the process of creating a new one.

<sup>43</sup> "Sexual Harassment in the Fire Service, Essential Information for Limiting Harm, A Q & A with Kurt Varone, J.D., EFO." Lexipol

<sup>44</sup> Id.

culture, fire chiefs should focus on changing behaviors that create mental and physical risks for firefighters. He also states that he is not interested in changing people's views, merely their behavior while at work, through adherence to policy.

“Only through constant reinforcement will members understand departmental expectations. Employees subject to mistreatment have realistic and reasonable avenues for reporting and protection from retaliatory behavior. Employees engaging in behaviors that violate policy can expect significant consequences, and all members know that senior officers and administrators take the issue seriously. For example, when it comes to policies related to conduct, discrimination, anti-retaliation and reporting, aside from fully dedicated training sessions, I try to work in at least 10 minutes during operations training to address a personnel policy.”<sup>45</sup>

## D. WOMEN ARE HELD TO A HIGHER STANDARD

Women are held to higher standards within the Department, as evidenced in multiple cases. Time and again during BOFC discussions about increasing diversity on the Department (specifically related to increasing the number of women and people of color), the firefighter's union publicly stated that, while they are in favor of a more diverse workforce, this should not come at the expense of lowering performance standards. Perhaps ironically, the evidence in these cases revealed that women are held to higher standards than their male counterparts.

### Cases 1 through 7

- While reviewing the investigations for Cases 1 through 7, several members maligned Member C (a newer Black, female member) for not being tiller-certified. She was called “terrible” and accused of “[not knowing] her job,” because she was not tiller-certified. Also in these investigations, members mentioned a 13-year tenured male member on the crew who never obtained tiller certification. While each member made negative comments about Member C's lack of tiller certification, none complained about the male member, nor did they accuse him of being unable to perform his job.
- Member C was frustrated because she was detailed out of her station several times to fill vacancies such as brush patrol. Ironically, Member C's lack of tiller-certification saved Member B and others who were tiller-certified from being detailed because they were needed to staff the truck at their station. Being detailed is unpopular. Member B insisted that Member C be the one detailed out because she was the member with the least seniority, but then complained that she was not around enough to obtain tiller certification. Captain A finally created a rotation schedule for details out of the station. Although Member B was responsible for Member C's details out of the station, he vehemently and repeatedly complained that she was never there, putting her in a no-win situation.

### Case No. 9

After former Member G participated in a large public event, she allegedly posted a photo on social media showing her carrying a sign at the event which read “Don't let the bastards grind you down. #LAFD.” The complaint accused former Member G of violating Department rules because **she** failed

---

<sup>45</sup> *Culture v Behavior, Efforts on Meaningful Firefighter Change* (October 20, 2021). Eskwitt, Scott. <https://www.lexipol.com/resources/blog/culture-vs-behavior-focus-your-efforts-on-meaningful-firefighter-change/> Accessed March 23, 2022.

to report that **she** was the victim of harassment.<sup>46</sup> The complainant made no allegations against the perpetrator who allegedly harassed former Member G. This is a clear example of victim blaming. The complaint also demanded more from former Member G than is required by policy. Former Member G later resigned from the Department and made allegations that she was indeed the victim of harassment and discrimination. Although she resigned and left the state, she remained reluctant to submit to an interview about her allegations.

### **Case No. 10**

A tenured member with many years on the Department (Member H) repeatedly touched and kissed PFF 5 and allegedly made sexually suggestive comments to her. Several members knew that she was subjected to this behavior, but she did not want the harassment reported because she feared her career would be forever jeopardized.

When the misconduct was finally reported, the anonymous reporting party's allegations focused on the female captain's (Captain F) failure to report misconduct, rather than on Member H who was sexually harassing PFF 5. The anonymous complainant alleged that Captain F, to whom the victim confided, violated Department rules by not reporting the misconduct to the Department. The sexual harassment was also reported, but as a secondary matter to the allegations against the female captain. The victim endured months of unwanted advances from the perpetrator, yet the person who reported the case did not consider this the crux of the allegations. Rather, the complainant chose to first condemn the female captain, then address the actions of the male member.

In Section X. B., the OIA discussed situations in which supervisors should have been trained, counseled or disciplined. Of all the cases reviewed, the only supervisor held accountable was the woman (Captain F), who was disciplined.

The OIA is not suggesting that misconduct by women be ignored. We are simply suggesting that this is a small glimpse into an environment that is more inclined to blame women than address misconduct by men.

Additionally, blaming victims or members in the minority does not inspire a sense of confidence or safety for members reporting equity issues to the Department hoping their concerns will be taken seriously.

## **E. CASE REVIEWS REVEALED SHORTCOMINGS IN INVESTIGATIONS**

### **1. Investigators did not thoroughly investigate disparate treatment allegations.**

#### **Cases 1 through 7**

- Investigators asked every witness if they had heard negative rumors about Member C before she joined the station crew. For those who said they did, they said that the rumors were based on Member C's performance, not her race or gender. One witness, Member E, listed several deficiencies he attributed to Member C. The investigator took all of this at face value without ever delving into the possibility that Member C was being treated differently than others. In fact, the only person responsible for evaluating Member C was Captain A who said her performance was according to standards. The investigators never reviewed her actual performance evaluations. Allegations that she actually failed the drill tower, but was allowed to graduate anyway, were found to be without merit. A witness told the investigator that Member

---

<sup>46</sup> There is no Department rule nor City policy requiring victims to report harassment.

C was much worse than any other PFF who came through the station, but formal evaluations were not collected as evidence or compared. Furthermore, malicious gossip is explicitly prohibited by Department policy, yet investigators did not explore whether these "rumors" may have constituted misconduct.

- That members disparaged Member C for not being tiller certified, but did not say anything negative about the 13-year tenured member who also was not tiller certified, was a glaring disparity in the cases that was not fully explored by investigators as evidence of possible bias toward Member C, based on her race or gender.

Throughout the investigations in these cases, the investigators persisted in asking members if their dislike and disdain for Member C was based on her race and/or gender, or based on her performance. Again and again, the investigator asked witnesses if their negative comments about Member C were based on gender or race. When a witness denied it was, then the investigator would ask, "so it [their disdain for Member C] was performance-based?" Invariably they would say "yes."

The OIA is unsure if any member of the Department would openly acknowledge, or even recognize that their bias may have been based on race or gender (or any protected status). Not only would this be an admission of misconduct, but of blatant sexism and racism. In order for investigators to discern if racism or sexism was present, skillful and strategic questioning of witnesses is necessary to determine if disparate treatment existed.

Furthermore, investigators never explored whether Member C was deficient in her performance compared to other members who had just completed their probation. Nor did they explore policies related to timelines for tiller certification.

This scenario, in which a long-tenured male member and Member C both lacked a skill, presented the perfect opportunity to explore whether the crew's bias was truly related to gender and/or race, or purely performance, however, the investigators failed to robustly question witnesses and gather evidence about this issue.

Captain A, the one member officially charged with evaluating Member C's performance, said that she met Department standards, was always upbeat and positive, and "worked her tail off."

- Several members complained that Member C was taking too much time off -- to serve military duty and take classes. Although she was not working her shift, she was working on other shifts. Captain A initially told the interviewer that Member C's time off was "excessive," but then said "she has a right, she can use it however she wants." Captain A was then asked, "Did you ever talk to her about when she was taking time off?" He replied, "No, I just gave her off whenever she wanted." At the same time, Captain A complained about the amount of time Member C was absent from work, he also admitted that she was entitled to take the time off and that he granted all her requests without comment. Again, Member C was placed in an untenable situation.

Other supervisors questioned Member C's military time off. Eventually, all were told that what she was doing was in accordance with Department rules.

**NOTE:** Investigators never questioned the supervisors about policies for handling military leave. Nor did they ever ask supervisors about whether they questioned male

members about their military leave. Questions such as these may have elicited information related to whether Member C was subjected to disparate treatment.

## **2. Failure to consolidate the cases involving PFF 2, Member B, and Member C led to incomplete investigations and adjudications.**

### **Cases 1 through 7**

Cases 1 through 4 were filed within five weeks of each other.<sup>47</sup> Within those five weeks, the Department interviewed only one witness, BC 2, about Case No. 2. During that interview, it was apparent that there was a significant, on-going conflict between Members B and C, and that PFF 2 was caught up in the conflict on his first day at the fire station. Instead of investigating all the allegations in one consolidated case, the Department chose to treat each complaint as a separate independent investigation. Each witness was interviewed by different investigators in each case resulting in witnesses being interviewed multiple times about the same conflict (although separate specific incidents within the conflict) by investigators who had no knowledge of the nature of each witnesses' testimony in the other/separate cases. This was inefficient and caused investigators to fail to identify credibility issues or examine the totality of the circumstances to determine if misconduct had occurred, specifically instances of sexual harassment or a hostile work environment.

#### **a. Credibility**

Member B's statements were contradicted on several occasions by fellow crew members. However, because the Department chose to separately and independently investigate each case, investigators were not privy to the inconsistencies and did not ask logical follow-up questions to address the inconsistencies. Ultimately, the adjudicator could not and did not properly assess credibility. In fact, in Case No. 2, the adjudicator wrote (without explanation) "Equal credibility was affixed to [Member B and PFF 2]."

The OIA's review of the investigations revealed that Member B's statements were contradicted by his fellow crew members. This, however, was not apparent to the investigators because different investigators were assigned to each case, so none had knowledge of the inconsistencies. Therefore, the final disposition of the cases did not accurately reflect the entirety of the situation.

As stated above, the OIA recognized, as soon as reviews began, that one case did not provide the complete picture of the nature of the conflict, leading the OIA to include all of the related cases in the assessment.

Three examples are presented below:

1. Upon learning that Member C was transferring into their station, Member D requested to be transferred out. Member B offered to assume Member D's cooking duties, if Member D would remain at the station. Member B denied he made this deal with Member D. However,
  - Member D contradicted Member B when he told investigators that Member B did make that offer.
  - Member C said that Member D told her of this deal.
  - Members B and D admitted that Member B in fact assumed Member D's cooking duties, but Member B denied it was because of the deal.

---

<sup>47</sup> Case No. 5 was filed approximately eight weeks after Case No. 4 and deemed a duplicate of Case No. 4. Therefore, the allegations in five of the seven cases were known to the Department within the first five weeks.

2. Member B denied that he ever called Member C "pet names" such as "station wife" or "boo."

However, Member B was contradicted when,

- One captain said he heard both Member B and C call each other these pet names.
- Two other crew members said Member B and Member C both called each other these names.
- Two additional captains said they heard from crew members that Member B and C called each other these pet names, and
- Member C said that Member B called her his station wife and Boo.

3. Member B denied making disparaging remarks about Member C to PFF 2 at the fire incident.

However,

- Member B told Member D that PFF2 told Member C of Member B's disparaging comments (about Member C) which was the reason Member D called PFF 2 "a rat". Member D called PFF 2 "a rat" because Member B told Member D that PFF 2 told Member C that Member B had made the disparaging comments.
- Member B himself admitted telling Member D that PFF 2 told Member C that Member B was "talking shit about her [Member C]."
- Member C told the captain that she heard Member B making the disparaging comments about her at the fire incident.

***b. Witnesses (and subjects) were interviewed on multiple occasions about the same incidents***

Witnesses and subjects were interviewed multiple times about the conflict involving Members B and C. This caused resentment and made interviews difficult for investigators. On several occasions, witnesses would not answer questions, because they said they had already given the Department the information. Additionally, witnesses refused to answer questions stating that the subject matter related to a different investigation and was outside the scope of the current case.

At one point during Member B's interrogation as a subject, his attorney became so outspoken that it threw the Department's investigator off their line of questioning and the investigator did not finish asking about an issue.

It is important to note that all members, at the outset of their interviews, are ordered to answer all questions, under penalty of insubordination. Representatives do not have authority to direct members to refrain from answering. If and when a representative tries to do this, investigators should again direct members to answer questions and ensure they do.

The OIA recognizes the challenges encountered by investigators when representatives and attorneys are disruptive, but remaining on task is crucial to conducting a complete interview.

According to the National Labor Relations Board, a union representative must remain civil and may not interfere with an employer's legitimate efforts to conduct an investigation. An employer may lawfully remove a union representative from a meeting if they engage in disruptive or hostile behavior.<sup>48</sup>

---

<sup>48</sup> <https://www.nlrb.gov/about-nlrb/rights-we-protect/your-rights/weingarten-rights>

**c. The Department assessed harassment claims on a case-by-case basis rather than determining the cumulative impact of members' behavior**

Together, PFF 2 and Member C made numerous allegations related to the improper manner in which Member C was treated by multiple members on the Department. Among these allegations:

1. Being told that high ranking Black LAFD members were visiting her “because of who you are” and receiving explicit confirmation that this innuendo refers to her sex and race.
2. Being told (and knowing) that male coworkers had attempted to transfer out upon learning that a woman would be transferring in.
3. Being referred to as “Predator” in reference to her hairstyle.
4. Being accused of benefiting from a high ranking Black LAFD member’s nepotism by a coworker who assumed, but admittedly did not know, if she and the high-ranking Black member were related.
5. Being subjected to widespread rumors that she failed to qualify for her job, but was given special treatment and allowed to pass.
6. Being accused of being dangerously incompetent but “protected” from being fired because she is a Black woman.
7. Being told by a direct superior on her first day that a “neck rolling” and “finger snapping” attitude would be problematic (see the discussion on page 41).
8. Having coworkers disparage her as dangerously incompetent to an assigned mentee.
9. Having coworkers refer to a group of female firefighters as “the pink engine crew” and claim that such women will “run” to female captains with their issues.
10. Having coworkers claim that equal employment opportunity policies are lowering LAFD standards and subjecting firefighters to increased risk of harm and death.
11. Having a coworker accuse the LAFD of ignoring his cries for help because he is a White male accusing a Black female and claiming that both the City and the Department are “afraid” to accuse a Black female of misconduct.

However, the Department considered the allegations individually within each case, and on a case-by-case basis rather than together, resulting in a failure to sustain any EEO allegations against the perpetrators for hostile work environment or harassment. The allegations listed above, if taken together, could have resulted in policy violations, a sustained case, and discipline.

The DPPH says,

“actions that may create [a] hostile environment ... include, but are not limited to: ... Making offensive remarks about looks, clothing, body parts ... Use of racially derogatory words, phrases, epithets ... Comments about an individual’s skin color or other racial/ethnic characteristics ... Making disparaging remarks about an individual’s gender that are not sexual in nature.”<sup>49</sup> Moreover, the LAFD has a “zero tolerance policy toward discrimination, harassment and retaliation.”<sup>50</sup> Supervising employees are responsible for fostering and maintaining “a professional and discrimination-free workplace.”<sup>51</sup>

The experience of Member C, based on her interactions with all members, was in opposition to the rules and regulations of the Department. And, as mentioned above, the Department did not act to

---

<sup>49</sup> Discrimination Prevention Policy Handbook at 3-4.

<sup>50</sup> Discrimination Prevention Policy Handbook at 1.

<sup>51</sup> Id.

provide her with a discrimination nor harassment free work environment. Members responsible for this should have been held accountable.

## F. RACIST AND SEXIST COMMENTS WERE MADE WITHOUT CENSURE

The cases reviewed for this report included evidence of racism and sexism. Investigative interviews and other evidence provided a glimpse into the sentiments of members which contributed to an environment that does not support women or people of color. During investigative interviews, members made several racist and sexist comments. Often, these comments were made "off the cuff" or in a matter-of-fact manner, seemingly without the witness understanding the offensive nature of their language. Similarly, witnesses reported comparable comments they heard from others. The situations in which troubling comments or actions were recalled by witnesses and complainants were too numerous to include in this report. The OIA selected some examples.

- During his interview, Member E was asked if he had heard anything about Member C before she transferred to his fire station. Member E said one of Member C's previous captains told Member E that Member C would fit in great because she has a lot of brothers, so she's not part of the "pink engine crew."

"The Pink Engine Crew.' A group of females [firefighters] that really watch out for each other... Women who go running to female captains [to complain]."

- As described by a male witness, quoting a captain.

Member E also reported that the same captain told him that since she [Member C] is female, they would all have to watch their language. Member E also reported that he heard Member C failed all her evolutions at the Drill Tower, but she was "pushed through."

**NOTE:** The investigator later asked Member E, if anything Member E had heard was based on race or gender, and Member E said no. But the comments were explicitly based on gender; a fact that escaped the investigator.

- Furthermore, at the time Member C learned of her probationary transfer from one station to another, Member C said she was told that the crew at the new station was unhappy she was coming there (she was the first woman to work at that station) and that two members had put in for transfers. This was confirmed by BC 2. Member D also acknowledged that he requested a transfer upon learning that Member C was being transferred there.
- As mentioned above in the summary of Case No.1, a member told a probationary firefighter that he received a call from a BC only because he was Black.

PFF 2 also reported that when BC 2 came to read and talk about the Fire Chief's message about inclusion, a few members made comments such as "Well why do we hire people like this?"

"The Mayor wants a certain number of females, they can't do the job, look at them." and "We are worried about race. We have a certain number of Black people, now, a certain number of Latinos; it doesn't matter if they qualify for the job or not."

*-Reported by a PFF, attributed to a tenured member, after a supervisor read the Fire Chief's message about diversity and inclusion to the crew.*

During her interviews, Member C noted several troubling comments which were allegedly made to her by a captain upon her arrival at a station as a PFF. Although it appears that the captain was trying to be an ally and a mentor to Member C, he said things to her, such as "You work for LAFD and there have not been a lot of Black females on the job . . . you are like number five, so they [male members] may have stereotypes of what they believe of a Black female but you need to look past that." Member C said that the captain told her she came to the station with "baggage and drama, that she doesn't throw ladders or do drills." Finally, she said the captain looked her in the eye and said,

"[L]ook sister, I don't want to hear it, but if it's true, we're gonna have problems, but I will give you a chance. I'm not going to judge you off of what I've heard, I already talked to my chief. But if you come with all this neck-rolling, finger snapping, I'm not going to do something, we're going to have problems."

*- Member C quoting a captain.*

When PFF 2 first arrived at the station, Member D told PFF 2 that PFF 2 came to the station with a bad reputation. Member D further said,

"People on the Department gossip like women."

*- Said by Member D in his investigatory interview.*

Member E said that it was always uncomfortable having Member C at the station.<sup>52</sup> When asked what could not be done with or said to a female member, the witness initially said he did not know and then said "cussing" and that guys just "try to watch their mouths."

"Having her there just made things totally different. Things are just always uncomfortable because we can't be ourselves around her. You know, it's always just... it's almost like having a civilian in the station where we have to watch everything we say or do."<sup>53</sup>

*-Witness in his investigatory interview, referring to a female firefighter who had been assigned to his station.*

These comments were particularly concerning to the OIA, and caused reviewers to wonder what happens at this fire station. A fire station is a workplace like any other. Laws and rules governing

<sup>52</sup> The investigation revealed that Member C was the first woman to be assigned to the station.

<sup>53</sup> A witness testified that Member C was the first female to be assigned to that station in at least 13 years (perhaps ever).

acceptable behavior toward fellow members are exactly the same as they are in a traditional office. The comments made here demonstrate an attitude antithetical to respecting laws and rules that govern the work environment. Furthermore, the OIA questions the work of captains and other supervisors responsible for this station. Everyone deserves a respectful and inclusive workplace.

Members requested transfers out of the station when they heard Member C was transferring in.

“People had put in for transfers when they heard she [Member C] was coming [to the station].

*-Battalion Chief, during his investigatory interview.*

Member C was told by a captain that two members wanted to transfer. Member D, a rated member, requested a transfer when he learned Member C was assigned to the station. He told interviewers that he based his decision to transfer on the fact that “I did hear rumors about her. That she had a really bad attitude. That she was not a very good rookie and I didn’t want to be involved in something that might blow up.”

Member B offered to assume Member D’s cooking duties if Member D stayed and rescinded his transfer request. Member D denied that the offer was the reason he decided to stay, but acknowledged that Member B took over his cooking duties. Member B denied that he made a deal with Member D, but admitted to cooking for Member D.<sup>54</sup>

Member B, in his written complaint to the Fire Chief, made explicit comments based on Member C’s race and gender. The way this complaint was filed, in and of itself, has racist and sexist undertones.

“I am a White male. I’ve been trying to protect myself from a Black female with self-proclaimed, ‘powerful connections.’”

“The Los Angeles City Fire Department and the City of Los Angeles are afraid to say that there is a scurrilous Probationary Firefighter on the Department that is an African American female...”

*-Complaint letter submitted by Member B referring to allegations of misconduct by Member C*

- PFF 2 said that Member B said “Look at her” or “Just look at her.” The investigator asked PFF 2 if there was anything Member B said “that we can draw a direct nexus to the fact that she was an African American woman.” PFF 2 replied that he heard that Member C had been referred to as “Predator” by another member. The Department never followed up on this allegation.

“They referenced to her [sic] as a predator, not like a predator, but as like the movie, fictional character Predator, because of her hair. . . So you’ve seen the movie Predator? With Arnold Schwarzenegger? . . . Well, the hair, big dread-locks looking, she has I guess similar style of hair, that’s the only way I can think of it. Because it’s like look, she’s got Predator hair.”

*-PFF describing to the interviewer racist names other members called Member C*

<sup>54</sup> Member B denied that he offered to cook for Member D in exchange for Member D rescinding his transfer request. Member D explicitly contradicted Member B, but the Department did not investigate Member B for making false or misleading statements in violation of Department policy.

In 2019, the California legislature added “hairstyle” to the definition of “race,” as a protected status. “In a society in which hair has historically been one of many determining factors of a person’s race, and whether they were a second-class citizen, hair today remains a proxy for race. Therefore, hair discrimination targeting hairstyles associated with race is racial discrimination.”<sup>55</sup> Although this did not become law until after the alleged incident occurred, the Department never explored the veracity of the incident or the racial inferences associated with this derogatory remark. No other Member was questioned about this by investigators, including Members B and C.

- A female captain spoke of the stigma that follows women who report misconduct, saying:

“There is a certain stigma, at least among female FFs. Unfortunately, people get grouped into categories. You’re one of those females that files complaints and becomes blacklisted people don’t want to work with you because you carry around a little black book and you will be the first person to put people in CTS if they say or do something”

*-As explained by a female captain in an investigatory interview*

### **G. FIRE STATIONS ARE NOT TREATED LIKE TRADITIONAL WORKPLACES, RATHER "HOUSES" OR HOMES, AND MEMBERS ARE CONSIDERED "FAMILY."**

Numerous examples from investigatory interviews demonstrate the pitfalls involved in the persistent reminders that the Fire Department is a family, and stations are “houses” rather than workplaces. The fire service is a uniquely dangerous profession, but creating feelings of safety and security, and that fellow firefighters have each other’s backs through a culture of “family” can create a work environment that is antithetical to those goals and EEO laws. These are comments that were made during interviews:

#### **Cases 1 through 7**

- After the captain held a meeting with Members B and C after Member C’s comment that she wanted to “drop a bomb” on Member B, the captain said that the two of them “hugged it out,” implying that they worked out their differences.<sup>56</sup> Having members hug after having a disagreement is not an appropriate way to handle conflict in the workplace.
- The captain knew that Members B and C referred to each other as husband and wife or “station Boo.” The captain reacted appropriately when he told them to stop doing this.
- BC 2 told Member B that he should not be concerned about PFF’s military service. The BC said, “You are all **brothers** [emphasis added] of the badge.”
- BC 2, during an investigatory interview, commented that he and the captain were trying to figure out if “this is a huge issue or just a *little family squabble*.” [emphasis added].
- BC 2 said the captain told him that Member B and C are like “brother and sister.” Member C used this same language when she told BC 2 that she and Member B are “like brother and sister, we have good days and bad.”

<sup>55</sup>California SB188. Enacted July 3, 2019.

<sup>56</sup> Apparently, this was not the case since Member B filed a complaint about the comment several months later.

- During an investigatory interview, the AO said that the issues between Member B and C should not be going to the Chief's office, that "you know we should handle this in house, kinda like hey we're a family we should handle it together."

#### **Case No. 10**

- PFF 3 told the investigator that the subject emphasized to PFF 3 the family nature of the Department: "He emphasized the 'family thing.' Captain was her grandpa. Member H was her dad. Other FFs were her brothers and sisters." He told her to call him "daddy" during ladder throwing drills. He would also ask her "who am I" until she responded with "my Daddy."
- The subject himself admitted that "one time when he hugged her, he kissed her around the back of her jaw, he was happy or excited." He claimed he "tried to treat her like family..." He said he hugged other members (but did not kiss them). He admitted that he referred to the captain as her grandfather and himself as her father.

Even Department manuals refer to the members as family.

The Accident Prevention & Safety Manual Safety Bulletin's "10 Commandments of Safety:" provide, 1) You are a City employee, and this, in a sense, have two families. Care for others at work as you would care for people at home. Be sure that you and others around you understand and accept a personal responsibility for safety.

Department management should work to emphasize leadership, accountability and consistency as they focus on their rules-based, hierarchical culture that prioritizes "doing things right."

### **H. NEWER MEMBERS, WOMEN, AND MEMBERS OF COLOR WERE DISPROPORTIONATELY IMPACTED**

Probationary members, newer members, women, and people of color were complainants in 60% of the cases.

- In six of ten cases, the complainant was a probationary firefighter or newer member.
  - Four probationary firefighters were complainants (Cases 1, 2, 6, and 10). Of those four, two were Black and one was a woman (Cases 1, 6, and 10).
  - Member C complained about incidents that occurred when she was a recruit in the Drill Tower, on probation, and within months of completing her probation. PFF 2 also made allegations in which Member C was the complainant (Cases 2 and 3).
  - Former Member G resigned after working for the Department for less than four years (Case No. 9 and 9a).
- In six of ten cases, one or more complainants was a woman and/or person of color.
  - PFF 1 (Case No. 1)
  - PFF 4 (Case No. 6)
  - PFF 5 (Case No. 10)
  - Member C (Cases 2 and 3)
  - Former Member G (Case No. 9 and 9a)

## X. CONCLUSION AND RECOMMENDATIONS

This review identified commonalities from the 10 cases reviewed by the OIA. These cases provided evidence of a fear of reporting misconduct by fellow firefighters. Members are afraid of retaliation and retribution and therefore are reluctant to report misconduct. The attitude in the Fire Department allowed for sexual harassment to take place without consequences because members fail to acknowledge that preventing and reporting misconduct is everyone's responsibility and leads to a safer work environment.

For more than 25 years, studies have been conducted, reports written, recommendations made and implementation plans devised, related to equity and inclusion, and discrimination and harassment in the LAFD. Still, women and people of color are targets of discrimination and harassment, and poll higher than others related to their mistrust of the Department based on harassment and bullying, and perceived discrimination.

The cases reviewed in this assessment demonstrate that there remains a strong and pervasive belief that transgressions should not be reported, and that the complainant, rather than the perpetrator, suffers retaliation and retribution for the duration of their career if allegations of discrimination and/or harassment are brought to light. So, complainants suffer in silence and perpetrators are rarely disciplined. And the not-so innocent by-standers either turn a blind eye, or do what they can, minimally, to try to diffuse the situation without causing a stir.

The City recently adopted a new Workplace Equity Policy (Policy), effective March 30, 2022, which clearly states the obligations of supervisors related to any and all Policy violations. The Policy applies to everyone in the City, including supervisors in the Fire Department. The Policy states in part:

*"Supervisors must report any potential Policy violation as soon as practically possible (usually within 48 hours of being notified of the potential Policy violation). Supervisors must report **any and all potential Policy violations** they become aware of. Supervisors shall not discourage or refuse to accept reports of violations of this Policy for any reason, nor may supervisors decline to report as required by this Policy – even when the reporting party requests that no action be taken, or where the supervisor does not personally regard the report as reasonable, timely, significant, or true. Supervisors are also required to fulfill their reporting duties regardless of whether any of the parties involved are direct subordinates of the supervisor or in the supervisor's chain of command. Failure by any supervisor to carry out these duties may be cause for discipline. For this reason, it is recommended that any supervisor who is unsure whether a Policy violation has occurred report the incident through the City's Workplace Equity Complaint Procedures."*

There should be no confusion about what is expected from supervisors and how the City expects these issues to be addressed. Every City Department has been directed to follow the new Policy.

Entities who reviewed the Department in the 25 years preceding this assessment, made many recommendations. The most recent, from Deloitte's review, are as good and viable as the many that came before them (see Section VI, Page 3).

Here, the OIA added our recommendations to those made in the past:

1. The Fire Chief must create an environment in which everyone takes responsibility for creating an inclusive workplace; where reporting misconduct is honored as a Department priority, and targets and reporters are protected from any and all retribution.
2. Supervisors must be held accountable for creating a harassment and discrimination free workplace. This must include zero tolerance for racist and sexist comments. Supervisors must receive training to effectively manage conflict, and prevent and stop inappropriate conduct.
3. Investigators must receive additional training, especially related to investigating disparate treatment allegations, and cases in which multiple allegations are made between a few members.
4. The Department must instill in members an understanding that the Department is a workplace, not a home or a family, where all related rules, laws, policies and procedures apply. This should begin with language such as “Fire Station” rather than “Fire House,” and “Assignment” rather than “House.”

The OIA is confident that the new Fire Chief knows these issues must be addressed and encourages her to do so as soon as possible.