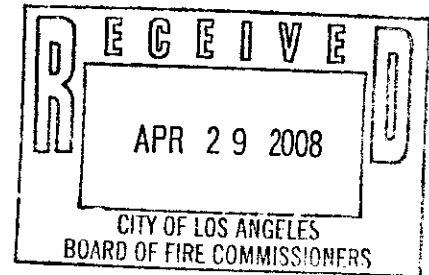


MAY 06 2008

# LOS ANGELES FIRE DEPARTMENT



DOUGLAS L. BARRY  
FIRE CHIEF



April 28, 2008

BOARD OF FIRE COMMISSIONERS  
FILE NO. 08-065

TO: Board of Fire Commissioners

FROM: Douglas L. Barry, Fire Chief <sup>NB</sup>

SUBJECT: FIRE DEPARTMENT YOUTH DEVELOPMENT PROGRAMS –  
“LEARNING FOR LIFE” YOUTH SERVICE PROVIDER

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 Withdrawn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

**Recommendation:** That the Board:

Suspend all Fire Department youth development programs associated with Learning For Life/Boy Scouts of America until the City Attorney renders a legal opinion on the Learning For Life/Boy Scouts of America affiliation and its impact on existing City anti-discrimination policies.

**Summary:**

On February 26, 2008, a letter was sent to the City Attorney and copied to the Fire Commission and others from Mr. Brian Chase, Senior Staff Attorney for the LAMBDA Legal Defense and Education Fund (LAMBDA Legal). This correspondence set forth LAMBDA Legal's concerns regarding the ongoing relationship between the Los Angeles Police Department (LAPD) and the youth service provider, Learning for Life (LFL).

LAMBDA Legal's position is that the Boy Scouts of America (BSA) discriminates on the basis of sexual orientation and religion. Furthermore, they contend that LFL (the umbrella organization for the LAPD and LAFD exploring programs) is acting as an agent for the BSA, and is the same entity for legal purposes even though they are separately incorporated.

Mr. Chase urged the City Attorney "... to issue an opinion directing the City to immediately disaffiliate with LFL so that the youth programs of the LAPD and LAFD can develop in a way that clearly rejects discrimination and that is fully consistent with Los Angeles Municipal Code Sect. 10.8.2."

On April 15, 2008, the Department provided a verbal report to the Board relative to the status of the Department's youth development programs and our affiliation with LFL. This report was provided by Battalion Chief Gregory Reynar, the Department's current Youth Development Coordinator. Following the presentation, further discussion took place regarding the appropriateness of maintaining an ongoing relationship with LFL in consideration of the correspondence received from LAMBDA Legal.

The Department has requested the City Attorney provide a formal legal opinion regarding the issues raised by LAMBDA Legal. A definitive opinion from the City Attorney has yet to be provided.

**Discussion:**

For a number of years, LFL has served as the entity responsible for partnering with the Department and many other fire and law enforcement departments across the nation to provide successful, effective explorer programs. Today, the LFL organization has 188 chartered Explorer posts in California representing more than 40 municipalities and government agencies.

Additionally, the International Association of Fire Chiefs, National Volunteer Fire Council, U.S. Fire Administration, and National Fire Academy all endorse the LFL fire exploring program.

According to the LFL website (<http://www.learningforlife.org/exploring/index.html>), the LFL organization provides exploring programs in a number of disciplines including aviation, business, communications, engineering, skilled trades, and social services, in addition to law enforcement and the fire service.

LFL's stated purpose is to provide experiences that help young people mature and to prepare them to become responsible and caring adults. Exploring is a worksite-based program and part of LFL's career education program for young men and women who are 14 (and have completed the eighth grade) through 20 years of age.

With program support received from LFL, the Department administers two primary youth development programs: the LAFD Explorer and Fire Instruction Recruitment and Education (F.I.R.E.) Programs.

These programs, run primarily by volunteer members within the Department, provide for early education/career guidance for youth in becoming members of the LAFD. The programs also offer other important benefits: they provide youth participants with positive adult role models, provide peer support, teach life skills, promote the personal rewards of public service, and offer the Department an important avenue for the recruitment of quality male and female candidates.

The Department's programs also serve to provide positive alternatives for youth. Although not specifically intended to serve as anti-gang efforts, the programs surely assist in directing youth participants away from gang involvement and other negative influences.

The Explorer and F.I.R.E. Programs are funded through Human Relations Development Committee (HRDC) funds. Both programs have been instrumental in providing a resource pool for qualified firefighter candidates for the City of Los Angeles. The programs are actively promoted within the Department and are limited solely by the number of interested members willing to volunteer and available Department resources.

Additionally, the Department continues to support supplemental youth programs administered by the Los Angeles Unified School District at James Monroe High School ("McComb Fire Academy") and at Banning High School by providing volunteer firefighter/mentors and logistical support.

#### LAFD Explorer Program

The Department has offered an effective Explorer Program for many years. Today, eighteen LAFD Explorer Posts are located throughout the City of Los Angeles. Currently, 274 youth participants and 108 LAFD "adult leaders" are registered with LFL and participate in the Department's Explorer Program.

The Department's Explorer Program relies on LFL employees assigned to two separate LFL geographical areas (L.A. & West L.A.). Department members correspond with representatives from both areas on a weekly basis. Recently, LFL employees in both areas have expressed concern over the impending ruling by the City Attorney regarding the City's provider agency affiliation with LFL.

As a "participating organization", the Department is required to abide by LFL program requirements. LFL provides youth medical insurance coverage (nominal charge of \$1 per year paid by each participant), adult leadership training for post advisors, and youth protection training, and administers associated program activities including explorer post outing permits.

L.A. Area LFL - serves 12 LAFD posts (FS 11, 13, 27, 33, 34, 38, 44, 47, 64, 68, 88 (Crew 3), and 94.

148 Youth Explorers and 68 Adult Leaders

West L.A. Area LFL - serves 6 LAFD posts (FS 12, 15, 59, 5959 [Harbor Fire], 89, 100)

126 Youth Explorers and 40 Adult Leaders

To ensure best practices and results, the Department utilizes a Program Coordinator, Explorer Post Advisors, and Assistant Post Advisors to provide program consistency and to administer the Explorer Program. These dedicated members are primarily assigned to platoon-duty assignments and volunteer hundreds of hours annually to serve youth in this capacity. Many of the advisors are “paying back” the program after participating as LAFD Explorers themselves. Post Advisors hold regular meetings at each post and receive support from the Department Program Coordinator.

Last year, the Department formed “Crew 3”, a new wildland firefighting explorer post located at Fire Station 88, to provide youth an opportunity to receive training and exposure to careers in the wildland firefighting and forestry fields. Consistent with the Department’s other explorer posts, “Crew 3” is administered using available volunteers from within the Department and is registered with LFL.

The Explorer Program provides interested young men and women with a structured, safe exposure to the career of firefighting. The program is well known, has been stable for many years, and continues to grow.

Race, religion, gender, sexual orientation, ethnic background, economic status, and citizenship are not criteria for Explorer Program participation.

#### Fire Instruction Recruitment and Education (F.I.R.E.) Program

This program has been identified as a true school-to-career partnership (i.e., High School-College-Employer). In conjunction with the L.A. Unified School District and community college system, the program provides exposure to the fire service as a career while providing positive role models and mentors from the Department.

The F.I.R.E. Program was begun in 1994 by LAFD firefighters in cooperation with Roosevelt High School. The program was initially designed to provide students with the opportunity to be mentored by firefighters; have students become involved in their communities; and provide the opportunity for at-risk students to graduate from high school and continue on to college.

The program was identified as a success and later duplicated at Los Angeles Valley College, which then served seven area high schools (i.e., Van Nuys High School, San Fernando High School, Monroe High School, Polytechnic High School, Grant High School, Roosevelt High School, and Lincoln High School). The F.I.R.E. Program has since been presented to area high school students at West Los Angeles College, Los Angeles Valley College, and Los Angeles Pierce College.

The F.I.R.E. Program is now being held at Los Angeles Harbor College (serving 99 students from Narbonne High School, Gardena High School, Harbor Teacher Prep Academy, Banning High School, Carson High School, and San Pedro High School).

The L.A. Harbor College F.I.R.E. Program graduated 103 cadets in 2007, and is entering its eighth year. Last year, the Harbor College Education Foundation secured a \$50,000 grant from the American Honda Motor Company specifically for use by the L.A. Harbor College program. These funds have aided in supplying program materials, tools, equipment, and uniforms for the youth participants at L.A. Harbor College.

East Los Angeles College is also offering the F.I.R.E. Program (for 25 students from Garfield High School, Roosevelt High School, and Wilson High School).

The F.I.R.E. Program provides positive firefighter role models and appropriate classroom and manipulative training to introduce young adults to the fire service as a career choice. The program is based on the idea that the fire service is actively recruiting male and female firefighters, competition is tremendous, and the key to success is early preparation, direction, and education.

The Department provides firefighter/instructors who present a standardized curriculum using uniform training manuals, firefighting tools, and equipment. Personnel involved in the F.I.R.E. Programs have been participating in the programs since their inception providing additional program consistency and continual growth opportunities. The cooperating institutions also provide logistical support, supervision, and assistance.

The F.I.R.E. Program targets high school students. The program begins with students in the 9<sup>th</sup> grade and proceeds through to college entrance. Program participants ("cadets") may begin during any program year or progress as they return in successive years to complete the F.I.R.E. Academy. The program is offered free of charge to all participant cadets.

The F.I.R.E. Program requires cadets to commit to eight consecutive Saturdays. Classes begin at 7:00 a.m. and end at 4:00 p.m. Cadets must be good citizens at home, at school, and in their communities. All participants also register with LFL.

Consistent with the Explorer Program, race, religion, gender, sexual orientation, ethnic background, economic status, and citizenship are not considered criteria for program participation.

Supplemental Department Youth Programs  
Banning High School Youth Program

In cooperation with the L.A. Unified School District, Department members who are alumni of Banning High School have returned to their alma mater to assist the school by providing an alternative to structured physical education classes.

Youth participants may volunteer for the program or are selected by school staff as potentially at-risk youth. The students are provided a positive firefighter role model from their own community to teach, motivate, and inspire to remain in school and pursue a fire service career. Students may visit Fire Department facilities, volunteer to assist the LAFD at recruit academy graduations, and participate in an alternative physical fitness regimen. LFL registration by program participants is not required for program participation.

James Monroe High School Youth Program  
"McComb Fire Academy"

In cooperation with the L.A. Unified School District, Explorer Post Advisors and Explorers from Battalion 15 and Post 100 assist Monroe High School staff with providing fire service career training to enrolled high school students as part of their high school education.

This program is a collaboration of community partners who have assisted in designing and implementing a real-world application to the student's educational high school experience. Program participants at the high school currently register with LFL.

Both the Banning High School Youth Program and the "McComb Fire Academy" have been supported with Department logistical assistance when requested.

Services Provided by LFL

As a participating organization with LFL, the Department is required to abide by LFL program requirements. LFL currently provides the following services to the Department and its adult leaders and youth:

- Adult leadership training for post advisors including annual youth protection training (occurred January 24, 2008).
- Associated program activities including awards, scholarships, explorer post activities, criminal background checks for adult volunteers, and outing permits.
- Insurance Coverage (i.e. Comprehensive General Liability, Accident & Sickness, and Automobile Liability).

➤ Comprehensive General Liability Insurance

This coverage provides protection for the LFL Office, all LFL employees, explorer posts, participating organizations, and volunteer adult participants with respect to claims arising in the performance of their duties with LFL.

Coverage is more than \$5 million for bodily injury and property damage.

The General Liability Insurance provided to LFL volunteers is excess over any other insurance the volunteer might have to his or her benefit, usually a homeowners, personal liability, or auto liability policy. There is no coverage for those who commit intentional or criminal acts.

By providing insurance coverage to volunteers on an excess basis, LFL is able to purchase higher limits. Because of the high limits, volunteers should not be placed in a position where their assets are jeopardized because of a negligence liability claim or lawsuit arising out of an official LFL activity.

➤ Accident & Sickness Insurance

Accident & Sickness Insurance coverage is provided by the LFL insurance carrier (HSR) and covers all registered youth and adult leaders in the event of an accident or sickness occurring during sanctioned exploring meetings, activities, and events. Most importantly, the policy becomes primary when no other insurance is available for the injured individual.

The cost of this insurance coverage is \$1 per person per year and is paid at the time of charter renewal or when registering additional youth and adult participants. The Accident & Sickness Insurance fee is added to the program registration fee, which is \$7 per person per year.

LFL is able to secure this inexpensive insurance coverage (\$1/yr) due to the size of the LFL organization (nation-wide and includes nearly one million participants).

➤ Automobile Liability Insurance

This insurance is considered secondary insurance to the self-insured City of Los Angeles. All vehicles must be covered by a liability insurance policy. An LFL Local Outing Permit is required when posts travel overnight or outside their LFL area.

Travel to and from a regularly scheduled meeting is not considered part of an official LFL activity and is not covered by the General Liability Insurance policy. However, transportation planned in advance, as part of an activity and documented on the approved outing permit, is covered.

### LFL and the BSA

Prior to receiving the correspondence from LAMBDA Legal, the Department was not aware of an existing nexus between LFL and the BSA. This was partially due to actions taken by LFL during their incorporation (in 1991) to incorporate independent of the BSA. LFL employees have portrayed the existing relationship between the BSA and LFL as simply an "independent contractor" affiliation. However, it has recently come to the attention of the Department that LFL employees may be compensated with actual BSA paychecks. Furthermore, LFL employees report to the local BSA council that provides assistance, direction, and supervision to regional LFL offices.

Considering existing City policy regarding discriminatory business practices, the Department has appropriate concern that maintaining a relationship with LFL - absent a legal opinion from the City Attorney - may actually support the BSA in violation of City anti-discrimination guidelines.

Whether by City Attorney direction or Department action, disassociating with LFL would create short- and long-term obstacles that would need to be addressed to maintain existing Department youth programs. These obstacles include:

1. Identifying and providing appropriate replacement insurance coverage for youth participants (insurance coverage similar to that provided by LFL is available through the CAO administered "Volunteer Worker Insurance Program." This insurance coverage would require the nearly 400 current youth participants to be registered as volunteers through the Mayor's Volunteer Program).
2. Replacing Department provided uniform items including existing uniform patches, helmet shields, and personal protective equipment bearing the term "Explorer" ("Exploring" and "Explorer" have been trademarked by LFL).
3. Developing new Department youth program materials (including manuals, participant applications, and program documents).
4. Identifying alternative activities for youth participants (LFL-sponsored training exercises and explorer musters will no longer be available for LAFD participation).
5. Providing additional Department staff to effectively manage the replacement youth programs (the Department will no longer be provided LFL administrative support and program assistance - currently provided at no cost to the City).
6. Providing training to LAFD members including annual youth protection training for adult leaders and new post orientation training for fire station personnel (the LAFD will no longer be provided LFL training - currently provided at no cost to the City).



In order to maintain current Department youth programs and effectively address obstacles created by disassociating with LFL, an appropriate transition period would be required. This temporary transition period would allow the Department an opportunity to continue current Explorer and F.I.R.E. Programs, identify funding and logistical support for required program changes, and then develop and implement a revised youth program.

**Conclusion:**

The Department has a long-standing history of providing safe and effective youth development programs. LAFD youth programs continue to grow in popularity and are currently serving hundreds of youth participants.

Board report prepared by Gregory Reynar, Battalion Chief, Battalion 15, "A" Platoon.