



OFFICE OF
CONTROLLER

LAURA N. CHICK
CONTROLLER

200 N. MAIN STREET, RM 300
LOS ANGELES 90012
(213) 978-7200
www.lacity.org/ctr

May 30, 2008

The Honorable Antonio Villaraigosa
The Honorable Rockard J. Delgadillo
The Honorable Members of the City Council

Nearly two-and-a-half years ago, I released an audit which painted a very troubling picture at the Los Angeles Fire Department. While our firefighters were on the front lines performing heroic service, the leadership at the top was not serving them well. The lack of strong leadership at the Fire Department contributed to an environment that tolerated harassment, hazing and discrimination.

When my report was released; however, it was met with a deafening silence. It took multi-million dollar lawsuits and nearly an entire year before there was a change in leadership at the Department.

I am pleased that in the follow-up audit I release today, I can report a much different story about the Fire Department.

Real change must come from the top down, and in the last year-and-a-half, Chief Douglas Barry has taken bold action to put the Department on a new track. Chief Barry has effectively strengthened communication by developing a formal vision for the Department and personally visiting nearly every fire station to directly deliver his expectations.

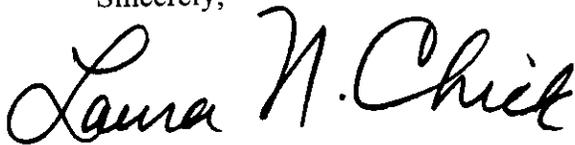
The Fire Department has implemented standard, consistent and fair disciplinary guidelines. The complaint and investigatory function has been restructured within a new division, the Professional Standards Division, which now lies outside of the Operations chain of command.

Yet changing a culture will not happen overnight, and there are still key areas that must be addressed immediately. Disciplinary complaints continue to be investigated by Captains who are on rotational assignment and are permitted to work overtime in other Fire Department locations. This practice creates a revolving door and potential conflict of interest, as he or she may interact with other LAFD members who are the subjects of active investigations.

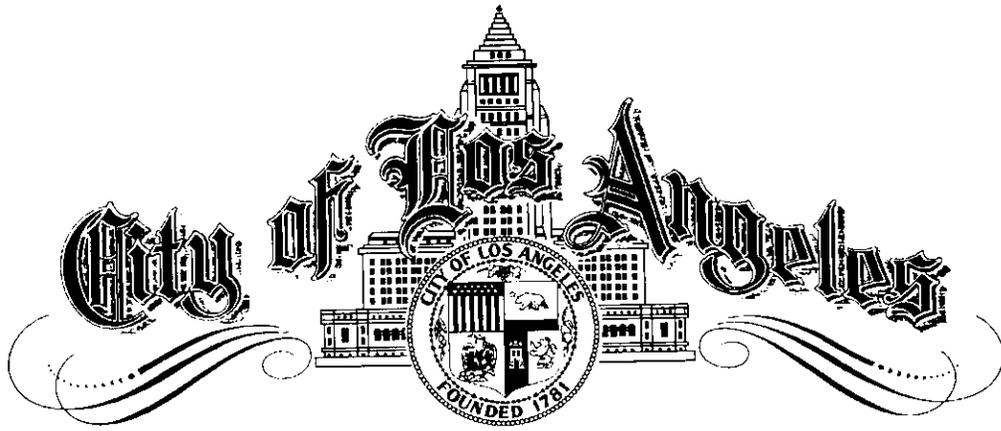
Full staffing of the Professional Standards Division will help strengthen the independence and consistency of the Department's investigative and disciplinary function. This progress may be threatened by the City's current fiscal crisis, which can impede filling these critical positions.

Over a decade ago many reforms were initiated in the Fire Department and progress was made. Unfortunately we didn't follow through to see all the reforms to completion; then the same problems reoccurred. We stand at a critical juncture to see if we will move boldly forward to once again finish what we have started. We must give the Fire Department the support, attention and resources it needs to change its culture once and for all. Which is money more painfully spent...the upfront dollars to staff the Professional Standards Division or the back end millions of dollars to pay lawyers and lawsuit claims?

Sincerely,

A handwritten signature in black ink that reads "Laura N. Chick". The signature is written in a cursive, flowing style.

LAURA N. CHICK
City Controller



OFFICE OF
CONTROLLER

LAURA N. CHICK
CONTROLLER

200 N. MAIN STREET, RM 300
LOS ANGELES 90012
(213) 978-7200
www.lacity.org/ctr

May 30, 2008

Douglas L. Barry, Fire Chief
Los Angeles Fire Department
200 N. Main Street
Room 1800, City Hall East
Los Angeles, CA 90012

Dear Chief Barry:

Enclosed is a report entitled "Follow-up Audit of LAFD's Management Practices." A draft of this report was provided to your office on May 19, 2008. Comments provided by your Department at the meeting held on May 28, 2007 were evaluated and considered prior to finalizing the report.

Please review the final audit report and advise the Controller's Office by June 30, 2008 of the actions you will take to fully implement the outstanding recommendations. If you have any questions or comments, please contact me at (213) 978-7392.

Sincerely,

A handwritten signature in black ink, appearing to read "Farid Saffar". The signature is fluid and cursive, with a prominent initial "F" and "S".

FARID SAFFAR, CPA
Director of Auditing

Enclosure

Douglas L. Barry

May 30, 2008

Page 2

cc: Genethia Hudley-Hayes, President, Board of Fire Commissioners
Robin Kramer, Chief of Staff, Office of the Mayor
Jimmy Blackman, Deputy Chief of Staff, Office of the Mayor
Karen L. Sisson, City Administrative Officer
Karen E. Kalfayan, City Clerk
Gerry F. Miller, Chief Legislative Analyst
Arif Alikhan, Deputy Mayor, Office of the Mayor
Independent City Auditors



City of Los Angeles Office of the Controller

Follow-Up Audit of LAFD's Management Practices

May 30, 2008

Laura N. Chick
City Controller

TABLE OF CONTENTS

EXECUTIVE SUMMARY	III
INTRODUCTION AND BACKGROUND	1
SECTION I: COMMUNICATION AND LEADERSHIP	4
SECTION II: COMPLAINT AND DISCIPLINARY PROCESS	8
SECTION III: HUMAN RELATIONS ISSUES WITHIN THE LAFD WORKPLACE	20
SECTION IV: DRILL TOWER RECRUIT TRAINING ACADEMY	24
APPENDIX I.....	28

FOLLOW-UP AUDIT OF LAFD'S MANAGEMENT PRACTICES

EXECUTIVE SUMMARY

In January 2006, the Controller's Office issued an audit report on the Los Angeles Fire Department (LAFD) management practices that generally found:

- A clear vision and a strong, unified "tone at the top" was lacking;
- Complaints, and the resulting formal investigation and disciplinary actions, were inconsistently handled, poorly tracked and subjective;
- Morale among female and minority members was low and workplace harassment may have been more prevalent than the number of formal complaints indicated; and
- A perception among members that the process for graduating recruits from the Drill Tower Academy was ineffective in producing well-qualified firefighters.

A year after the audit report was released, a new Fire Chief was appointed, first on an interim basis and then permanently in September 2007. Immediately upon assuming the position in January 2007, the Fire Chief began a number of initiatives to address the audit's findings, particularly those related to strengthening communication throughout the Department and establishing a tone at the top to ensure accountability and a clear understanding of expectations.

Many of the prior audit's findings focused on problems with workplace culture and environment, which will take time and continual reinforcement to correct. It is still too early to measure the impact of Departmental initiatives to address these issues through trends relative to complaints or disciplinary actions. Consequently, our follow-up audit assessed the actions taken by LAFD, including planning efforts, to address the audit's recommendations.

SUMMARY

Our review found that LAFD has made considerable progress, though most recommendations are still not fully implemented. The Department has spent much of the last two years developing comprehensive plans and working with various stakeholders and other City agencies to provide a blueprint for action. The Department now must actively focus on ensuring swift implementation of these plans to achieve the desired culture change.

KEY FINDINGS

Significant accomplishments demonstrating the positive change at LAFD include the following:

- ❑ The Fire Chief has effectively strengthened communication and the tone at the top by developing a formal vision for the department; personally visiting fire stations to directly communicate his vision and expectation to members, and issuing frequent, balanced communications to members.
- ❑ LAFD formalized a regular human relations training program that is provided to recruits during the Drill Tower Academy, members interested in promoting to rank of Captain, and all employees through the mandatory In-Service Training Academy.
- ❑ LAFD has implemented standard disciplinary guidelines. The guidelines were drafted with input from the employee representative groups and were approved by the Fire Chief in September 2007. LAFD has trained supervisors on the guidelines, and through a meet-and-confer process with both the Chief Officers Association (COA) and United Firefighters of Los Angeles City (UFLAC), formally adopted the guidelines in January 2008.
- ❑ The restructured Drill Tower Academy has resulted in a number of positive changes, demonstrated by anecdotal feedback from members and the fact that 93% of recruits successfully completed probation since the restructure in 2005. This is 5 percentage points higher than the period between 1998 and 2004, as reported in the prior audit.
- ❑ The complaint and investigatory function has been restructured within the new “Professional Standards Division” and now lies outside of the Operations chain of command. However, we still have concerns which, if not addressed, will impair the effectiveness of this critical area.

LAFD has clearly improved its management practices and appears to have made significant strides towards improving the Department’s workplace culture. However, there remain several concerns that if not addressed immediately by LAFD management could jeopardize what has been achieved to date. The following presents a summary of outstanding issues that must be addressed.

- ❑ **Disciplinary complaints continue to be investigated by LAFD Captains on rotational assignment, and members are permitted to work overtime in other LAFD field locations.**

Sound investigative and case handling practices require independence, objectivity, and confidentiality. The current practice of staffing the Professional Standards Division (PSD) with sworn personnel on rotational assignment and permitting them to work scheduled overtime outside of the PSD creates a potential conflict of interest, as he or she may interact with other LAFD members who are the subjects of active investigations. This practice impairs the perception by members of LAFD and the public of an investigator’s ability to be fair and impartial.

- ❑ **Full implementation of the Professional Standards Division requires the addition of several specialized, civilian positions.**

The Professional Standards Division plan calls for adding permanent, civilian employees to supplement staffing in the EEO and standard disciplinary investigative functions, as well as creating an independent oversight function to oversee and audit investigations and disciplinary actions. A fully staffed PSD will help strengthen the independence and consistency of LAFD's investigative and disciplinary function.

- ❑ **Procedures for fully documenting and systematically tracking complaints and the resulting disciplinary actions are not yet fully implemented.**

In our review of 5 disciplinary case files, we noted that investigative steps and case facts were clearly documented; however, the rationale for determining specific penalties was not clear. LAFD's new disciplinary guidelines allow for a broad range of action for individual offenses. LAFD should also develop a formal methodology or criteria to consider in determining specific penalties, and document this rationale in individual case files.

In addition, LAFD has not yet implemented automated complaint and disciplinary tracking systems, which were developed in 2006. Remaining actions include determining who will have system access and concluding the testing phase. LAFD management must ensure that staff from the Management Information Systems Division, Professional Standards Division and UFLAC continue to work to resolve outstanding issues. It is imperative that these systems be implemented without further delay.

- ❑ **LAFD has not adequately addressed leadership development.**

While LAFD has begun several initiatives to develop future leaders, progress has been slow. There also appears to be a culture of treating probationary employees in what could be perceived as a less respectful manner than tenured LAFD members. It is important that any level of disrespectful behavior not be allowed to go unchecked as it may undermine LAFD's ability to develop future leaders and could create an environment for more serious or egregious behavior.

An important tool for developing model leaders at LAFD is to formally evaluate all members on their demonstrated ability to uphold the Department's human relations goals. A new Executive Appraisal system has been drafted to evaluate Chiefs on adhering to LAFD's core values and human relation goals; however, no formal discussions have been held with UFLAC to revise the appraisal document for its members.

❑ **LAFD had incomplete records to support the passing grades for some recruits who graduated from the Fire Academy.**

While the Department asserts that all recruits who graduated from the Drill Tower Academy passed all written tests and exercises, we were unable to independently verify that only recruits who received passing scores graduated from the Drill Tower Academy. We reviewed original score sheets in recruit files to verify 26 grades reported as “passing” but could not identify source documents to confirm 8 grades.

Our follow-up audit of the 21 recommendations found that the Department has implemented 5 recommendations, and has partially implemented or taken initial steps to implement 16 recommendations. Our evaluation of each recommendation is discussed in the remainder of this report. In addition, Appendix 1 provides a listing of each recommendation, the implementation status, and a summary of our assessment.

Review of Report

On May 19, 2008, a draft report was provided to LAFD management. We held an exit conference with LAFD management on May 28, 2008. LAFD generally agreed with our assessment of the status of recommendations. The Department’s comments were considered before finalizing the report.

INTRODUCTION AND BACKGROUND

The Los Angeles Fire Department (LAFD) is a full-spectrum life safety agency tasked with protecting the more than 4 million people who live and work in the City of Los Angeles. Governed by a five-member civilian Board of Fire Commissioners (Board) and headed by a Fire Chief, the Department carries out its mission to “preserve life and property, promote public safety and foster economic growth” through a staff of 3,600 firefighters and more than 300 non-sworn employees. The Department is directly involved in fire suppression and prevention, emergency medical care, search and rescue, hazardous materials mitigation, public education and community service.

In January 2006, the Controller’s Office issued an audit report on LAFD’s management practices. In the same month, the Personnel Department also issued a report that identified many similar issues relative to management and workplace practices at LAFD. The Controller’s audit included 21 recommendations relative to the following four areas:

- Communication and Leadership,
- Complaint and Disciplinary Process,
- Human Relations, and
- Drill Tower Recruit Training Academy.

Immediately following the issuance of the audit, the Board convened a Stakeholders Workgroup (Workgroup) comprised of representatives from LAFD’s labor unions, i.e. United Firefighters of Los Angeles City (UFLAC) and Chief Officers Association (COA), and employee associations, i.e. Los Bomberos, Sirens, and Stentorians. The Workgroup made decisions through consensus and collaboratively developed plans to address the audit’s recommendations. The Workgroup is still active but its role has diminished, now meeting only every several months.

Progress Toward Implementation

In the two years since the prior audit was released, LAFD has made considerable progress in implementing some recommendations, though most are still in the planned or initial implementation phase. Two primary factors contributed to slower implementation of those recommendations: the appointment of a new Fire Chief, and the involvement of multiple stakeholder groups. LAFD took an inclusive approach by involving employee representative groups in the process. While this reduced LAFD management’s ability to swiftly implement actions, it was important to ensure broad acceptance of the necessary and, sometimes, difficult changes.

The following provides a summary of the more critical areas with challenges that have impaired a swift implementation.

- Two years after the prior audit was issued, LAFD finalized plans for the creation of a Professional Standards Division (PSD) to strengthen the independence, professionalism and consistency of the investigative and disciplinary process. The development of the plan was prolonged due to the involvement of multiple parties. The plan was initially created through the Workgroup and was submitted to the Mayor's Office in Summer 2007. The Personnel Department was tasked with reviewing LAFD's plan and did not submit the results of its comprehensive analysis to City Council until January 2008. To date, much of the plan remains unimplemented; however, LAFD has taken these initial steps:
 - Created a separate EEO investigative unit that is staffed by one full-time Senior Personnel Analyst II and two retired Personnel Department employees on 90-day employment contracts.
 - Assigned an Assistant Chief (Commanding Officer of PSD) to oversee the EEO and administrative (Internal Affairs) investigative functions.
 - Organizationally relocated the entire division from the Bureau of Operations so that the Commanding Officer reports directly to the Fire Chief.
- New disciplinary guidelines were implemented in January 2008. The guidelines were drafted with input from the Workgroup and were approved by the Fire Chief in September 2007. LAFD trained supervisors on the guidelines in late 2007. Through a meet-and-confer process, COA and UFLAC, formally agreed upon the guidelines in January 2008.
- LAFD designed, but has not yet implemented, information systems for tracking complaints and disciplinary actions. After the audit was released, LAFD's Management Information Systems Division (MISD) immediately began designing the complaint and disciplinary tracking systems, and both were available for testing in July 2006. However, only limited testing was performed because staffing for the PSD had not yet been identified. Once the Commanding Officer was assigned to PSD in January 2008, testing resumed. In addition, workflow policies and access privileges must still be resolved with UFLAC. The Department expects both systems will be implemented and operational in Summer 2008.

LAFD, in conjunction with stakeholder groups, spent significant time developing comprehensive plans to implement the audit's recommendations. Now that the foundation has been laid, it is critical that LAFD management works diligently to ensure these plans are implemented timely.

In addition, many of the audit's recommendations focused on addressing problems with workplace culture and environment. The Department has begun addressing these issues through a range of initiatives; however, directing an organizational culture shift requires continual reinforcement over an extended period. Two years is insufficient to assess the true impact to the LAFD culture based on the Department's recent actions.

Scope, Objective and Methodology

The objective of this follow-up review was to evaluate the progress and adequacy of the actions taken by LAFD relative to the findings and recommendations made in the Controller's 2006 audit report. Our audit was performed in accordance with Generally Accepted Government Auditing Standards and covered the period from February 2006 through April 2008. Fieldwork was conducted from February 2008 through April 2008. In conducting our follow-up audit, we performed the following:

- Interviewed LAFD management and staff involved with implementing the recommendations; Fire Commission President; representatives from Labor Unions, i.e. United Firefighters of Los Angeles City and Chief Officers Association, and employee organizations, i.e. Los Bomberos, Sirens and Stentorians; and staff from the Personnel Department and Mayor's Office.
- Reviewed a sample of disciplinary case files.
- Analyzed demographic statistics of Drill Tower Recruit Academy classes and probationary firefighters.
- Reviewed the grade reports for a sample of Drill Tower Recruit Academy classes.
- Reviewed the Complaint Tracking System, Disciplinary Tracking System and the Information Portal.

SECTION I: COMMUNICATION AND LEADERSHIP

The prior audit identified a number of issues related to the Fire Chief's leadership and communication. Specifically, the audit found:

- The Fire Chief's vision for LAFD was unclear and not well-understood by its members.
- Gaps in communication existed between the Fire Chief and members at the fire station level.
- Inconsistent communication regarding policies and expectations.

A year after the audit was released, the Mayor appointed a new Fire Chief, who immediately took action to address these issues. The Fire Chief developed a formal vision and set of operating principals for the Department. In addition, the Fire Chief issued numerous directives and has personally visited fire stations to directly communicate his vision for the department and expectations of members. While LAFD has made considerable progress to address communication and the "tone at the top," many of the recommendations remain "in progress." Full implementation requires LAFD's ongoing commitment to ensure progress is sustained over time.

Prior Recommendation #1: Develop and communicate a formal overall "Vision" for the LAFD.

Status: Implemented

Prior Recommendation #2: Set a "tone at the top" that demonstrates accountability to all organizational policies and procedures and develop protocols that ensure that policies, procedures, rules and regulations are consistent, clear and enforced.

Status: In Progress

Prior Recommendation #3: Expand and enrich the lines of communication from the Fire Chief down through the chain of command to rank and file firefighters, including more use of electronic communications media (with appropriately equipped fire stations), increased fire station visits by the Fire Chief and key commanders, periodic mandatory "all hands" meetings with battalion level commanders, and a formalized no-fault direct feedback system, such as an Employee Suggestion Evaluation Committee.

Status: In Progress

The LAFD employee stakeholder groups (stakeholders), i.e., UFLAC, COA, Los Bomberos, Stentorians and Sirens, interviewed during the follow-up audit generally indicated that top-down communication is improving. Since January 2007, LAFD has undertaken a number of initiatives to strengthen communication and the “tone at the top” within the Department.

A formal vision statement was developed and issued to all members on March 7, 2007. The vision statement has been added to the LAFD library and is anticipated to be posted at every work location by Summer 2008. The vision statement is clear and understandable and addresses diversity, a fair working environment, and public safety. LAFD also developed a set of operating principles supporting the vision statement that set broad expectations for standards of performance.

One of the most notable accomplishments in improving communication between the Fire Chief and LAFD members has been his personal visits to over 90% of the Department’s fire stations with plans to visit all fire stations by July 2008. During these visits, the Fire Chief directly communicates his expectations and vision for LAFD to the rank-and-file firefighters. These visits have also enabled members to express their concerns and questions directly to the Fire Chief. The Commission President, who is also personally visiting fire stations, indicated that members are generally able to demonstrate a comprehension of the expectations articulated by the Fire Chief, and appear to accept the Chief’s message. The Fire Chief’s initiative to personally visit all fire stations has been a critical step to improve communication and to ensure that his vision and expectations are being heard. Once he has completed his current schedule to visit each station, he should continue to have regular, open dialogues with members to sustain the positive momentum in this area.

Another significant accomplishment has been the launch of the LAFD Information Portal in December 2007. Through an intranet site, the Information Portal provides members with access to communications from the Fire Chief, as well as to the LAFD electronic library. The Information Portal also provides members with a “formalized no-fault direct feedback system” by enabling members to e-mail suggestions to the Planning Section. Staff within the Planning Section discuss the suggestion with the appropriate bureau, and communicate the disposition of the suggestion back to the member. Currently, the Planning Section does not formally track the suggestions, nor have they developed protocols for the response timeframe. However, the number of suggestions received so far has been relatively low. The Information Portal is currently in a 6-month pilot period; at the end of the pilot, LAFD should evaluate the number and types of suggestions received and determine whether formalized policies are warranted.

Since his appointment in January 2007, the Fire Chief has issued a number of communications that have ranged from reinforcing his expectations of members to highlighting LAFD’s accomplishments. Frequent, balanced communication from management helps set an important tone at the top that LAFD highly values its members, and has equally high expectations for their performance.

The Fire Chief has also demonstrated accountability to all organizational policies and procedures through his commitment to implementing the Professional Standards Division. While still in its infancy stage (as discussed in greater detail in Section II) the establishment of a robust, objective investigative and disciplinary function will be one of the most effective ways for LAFD to demonstrate that all members are accountable for their actions, and that misconduct will be appropriately handled.

LAFD has made significant progress to improve communication and to strengthen the tone at the top. However, to ensure progress is sustained over time, LAFD needs to proactively reach out to its members and frequently reinforce expectations.

Prior Recommendation #4: Undertake a comprehensive effort to develop future leaders and increase management competency to lead, guide and mentor both male and female firefighters, as well as those from all ethnic groups. Also, future leaders should be trained to address the different communication style and direction needed to assure today's generation of recruits can excel in a paramilitary organization like the LAFD.

Status: In Progress

LAFD has begun several initiatives to address this recommendation. However, progress has been slow and stakeholders indicated that LAFD does not adequately develop leadership and management skills. LAFD's specific initiatives have included:

- Incorporating leadership training into the annual mandatory In-Service Training. Courses have included "Leadership and Teambuilding" and "Leadership, Culture, and Alignment."
- Creating a draft Succession Plan for Officers, which includes a plan for department-wide seminars on operating through teamwork, operating ethically and with integrity, and operating to position the Department for the future.
- Establishing a Leadership Cadre, whose primary focus is to develop training materials, manuals, and a website for leadership resources.
- Creating a Shadow Training Program for Officers. One employee has participated and eight more are anticipated to participate within the next several months.

LAFD has also sent more than 35 employees to external leadership trainings, with 11 of these employees attending the LAPD West Point Leadership Program. The Department intends to build a diverse training cadre and develop an in-house leadership training curriculum for both sworn and civilian members. LAFD's estimated timeframe to develop this in-house program is by the end of 2008.

Because leadership development was frequently cited by stakeholders to be an area of weakness, LAFD should ensure that it is diligent in creating and implementing a

comprehensive leadership development plan that adequately addresses perceived weaknesses. LAFD should consider conducting a survey of employees to accurately identify leadership training and development needs.

Based on interviews with stakeholders and LAFD staff, there appears to be a culture of treating probationary employees in what could be perceived as a less respectful manner than tenured LAFD members. We also obtained a document unofficially circulated to probationary firefighters, titled "How to be a Good Rookie," that lists historical, though unsanctioned work standards for probationary firefighters. The list, though not condoned by the Fire Chief, is a tacit acknowledgement of expectations for new recruits and includes "unofficial" directives, such as to make coffee, be the last person to bed, and never complain. The Fire Chief addressed this issue in a recent communication and reinforced his vision to move the LAFD "in the direction of growth by focusing on leadership and the development of all members" and his expectation that every member is to be treated as a valued employee.

It is important that unsanctioned work standards or any level of disrespectful behavior not be allowed to go unchecked. These will undermine LAFD's goal to develop future leaders and may foster an environment for more serious or egregious behavior. LAFD does provide training to mentors to help teach, guide and coach probationary firefighters, emphasizing professional conduct at all times. In creating an extensive leadership development program, LAFD should ensure that it adequately addresses the development of all employees, regardless of tenure, as current and future leaders.

SECTION II: COMPLAINT AND DISCIPLINARY PROCESS

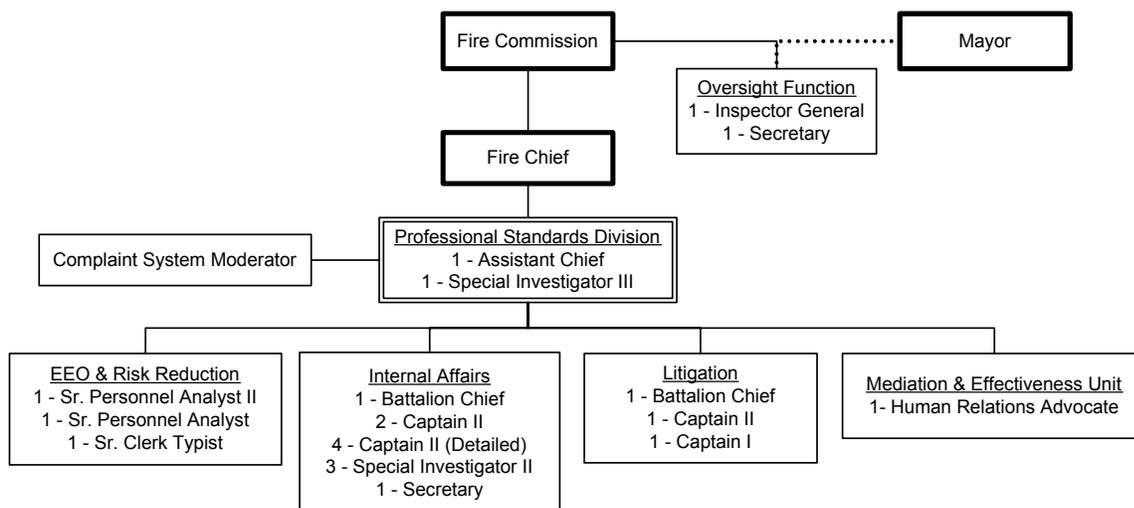
Following the Controller's 2006 audit, LAFD was faced with improving a complaint and disciplinary process that was poorly documented, inconsistent, subjective, and viewed by many firefighters as unfair. Moreover, these inadequacies poorly positioned the Department to defend itself against costly labor-related lawsuits. To address these issues, LAFD developed a comprehensive plan to create a Professional Standards Division, established a set of standard disciplinary guidelines and designed electronic systems to track complaints and disciplinary actions.

Professional Standards Division

LAFD, in conjunction with the Workgroup and the Personnel Department, developed comprehensive plans for a Professional Standards Division (PSD) to strengthen the complaint and disciplinary process. The PSD plan was presented to City Council in January 2008, two years after the prior audit was released. However, much of PSD's development was not in LAFD management's control. LAFD submitted its initial plan, which was developed through the Workgroup, to the Mayor's Office during Summer 2007. The Personnel Department was tasked by the Mayor's Office to review LAFD's plan and submitted its comprehensive analysis to Council in January 2008.

PSD is currently in its infancy with very little implemented to date. The organization chart presented as Exhibit 1 illustrates the plan for PSD when fully implemented. A brief description of each primary component's responsibilities follows the organization chart.

**Exhibit 1
Planned Organization Chart for
Fully Implemented Professional Standards Division**



Professional Standards Division Management – Reviews complaints filed, determines whether an investigation is warranted, and provides final approval that the investigation is sound and recommends penalties.

EEO & Risk Reduction (EEO Unit) – Conducts timely, thorough, objective, and well-documented investigations into allegations of unlawful discrimination in LAFD.

Internal Affairs – Investigates administrative complaints initiated by members of the public, employees or supervisors. Administrative complaints can be either performance related or behavioral, but are distinguished from complaints alleging unlawful discrimination, which is handled by the EEO Unit.

Litigation – Acts as liaison to the City Attorney’s Office on every case filed against the Department by facilitating document research.

Mediation and Effectiveness Unit – Conducts on-site facilitation at fire stations considered high-risk and individual coaching to members whose behavior is problematic.

Complaint System Moderator - Oversees case progress within the Internal Affairs and EEO Units and ensures timely and accurate data entry into the tracking systems.

Oversight Function – Provides independent oversight, and conducts audits of the Department’s administrative and EEO investigations and disciplinary actions.

To date, LAFD has created a separate EEO investigative unit that is staffed by one full-time Senior Personnel Analyst II and two retired Personnel Department employees on 90-day employment contracts. In addition, LAFD assigned an Assistant Chief (Commanding Officer of PSD) to oversee the EEO and administrative (Internal Affairs) investigative functions, and has organizationally relocated the entire division from the Bureau of Operations so that the Commanding Officer reports directly to the Fire Chief.

Full implementation of PSD and the prior audit’s recommendations relative to the complaint and disciplinary process requires the addition of¹:

- A civilian Special Investigator III to act as the Assistant Division Manager,
- Permanently assigned staff to replace the two current EEO investigators on 90 day employment contracts,
- Permanently assigned Special Investigators to work alongside the IA sworn investigators in conducting administrative investigations, and
- An Inspector General to staff the oversight function.

One additional item to note is that the responsibilities of the Litigation function have been added to the existing duties of the Risk Management staff. A risk management function should proactively identify and prevent incidents that could negatively impact

¹ Funding for these positions has been approved in the FY 2008-2009 budget.

the Department and City, however, risk management performed by a litigation function is risk management after the fact. We recommend that the Department adequately staff separate Risk Management and Litigation functions.

Disciplinary Guidelines and Tracking Systems

The 2006 audit found that the LAFD lacked a set of disciplinary guidelines to help supervisors determine whether an event warranted progression through the chain of command. In addition, LAFD did not have an information system to track the actions taken on a disciplinary event as it progressed through the chain of command, and it was impossible to identify the number of disciplinary actions taken against firefighters at the fire station-level. LAFD has taken a number of steps to address these issues.

LAFD and its two labor unions, COA and UFLAC, agreed to a set of Standard Disciplinary Guidelines in January 2008 that list specific offenses and corresponding penalty ranges for first and repeat offenses. All supervisors have been trained on the application of the new guidelines. Development of the guidelines was critical to improve LAFD's disciplinary process because they help mitigate subjectivity at the fire station level in determining whether an incident warrants progression through the chain of command. In addition, until recently supervisors could issue a reprimand to a member for an offense. Now all offenses that warrant at least a reprimand, based on the disciplinary guidelines, are progressed through the Chain of Command to the PSD Commanding Officer. The PSD Commanding Officer then makes the determination about whether an event warrants a reprimand, a more severe penalty, or further investigation.

LAFD has also designed new automated tracking systems to streamline and support the complaint and disciplinary process. The systems are currently being tested and are expected to be operational in the Summer of 2008. While LAFD does not currently have an electronic system to track actions on an event or complaint as it progresses through the chain of command, as recommended in the prior audit, we noted from our case file review that the actions taken at each supervisory level were clearly documented in written memorandums. For more detailed information on the tracking systems, please refer to our assessment of prior recommendation 6.

Prior Recommendation #5: Reinstitute a separate Equal Employment Opportunity Unit (EEO) investigative function outside the Los Angeles Fire Department (LAFD) chain of command as was the intent of the original recommendation by the Human Resource Development Committee (HRDC) and City Council ten years ago, including confidential treatment, investigating, tracking and reporting to the Fire Commissioners and the City's Personnel Department of EEO-related complaints.

Status: Partially Implemented

With the implementation of the Professional Standards Division (PSD), the Department has partially satisfied this recommendation. Since mid-2007, the Department's EEO

Unit has been investigating EEO-related complaints and, as of January 2008, no longer reports to the Deputy Chief of Operations. Instead, the Unit reports to the PSD Commanding Officer, who reports directly to the Fire Chief. This organizational structure sufficiently meets the intent of the recommendation by removing the EEO investigative function from the Bureau of Operations chain of command.

The EEO Unit is currently staffed by one Senior Personnel Analyst II and two retired Personnel Department employees on 90-day employment contracts. LAFD, however, obtained approval in the FY 2008-2009 budget to transfer one Senior Personnel Analyst and a Senior Clerk Typist from the Board of Fire Commissioners to permanently staff the EEO function. The addition of permanent, full-time staff will help ensure investigations are conducted timely and LAFD should ensure the staffing transfer is initiated without delay.

The EEO coordinator tracks EEO-related cases on an electronic spreadsheet and will continue to do so until the Complaint Tracking System is fully implemented, projected for Summer 2008. On a weekly basis, the Fire Chief meets jointly with EEO staff, along with PSD management, representatives of the Fire Commission, City Attorney, labor organizations, and the LAFD public information officer to share updates on the status and trends related to EEO and Internal Affairs cases, as well as pending lawsuits.

While the Department has taken steps to ensure EEO-related complaints are investigated outside the Operations chain of command, we have concerns that investigations are conducted jointly by civilian EEO staff along with sworn investigators from the Internal Affairs Unit. The Personnel Department's survey of five fire departments for their report on PSD found that, in those departments, EEO complaints are investigated solely by civilians.

Moreover, sworn personnel are assigned to Internal Affairs on a two-year rotation and are permitted to work scheduled overtime at fire stations on their days off. This presents a potential conflict, because investigators may work on the weekend with the very same individuals they are investigating during the week. This conflict also may cause employees to feel uncomfortable talking to investigators who may concurrently work with accused firefighters in other areas of the Department. Using only civilians for EEO investigations helps further support independence and objectivity, and creates an environment where employees will be comfortable coming forward with complaints.

The 2006 audit commented that intimidated employees might be deterred from seeking assistance of EEO personnel located on the same floor as LAFD's executive office. The current EEO Unit is located on the same floor as the executive office, within the same suite as PSD. LAFD management indicated that PSD is located near the executive offices because this facilitates communication and direction from management. We accept the current location of the EEO Office because EEO investigators are willing to meet off-site with members.

LAFD plans to formalize EEO operations by developing a procedure manual documenting the investigation and case handling process. A comprehensive manual

will establish guidelines for file documentation, case tracking and routine reporting, and will help ensure that consistent, sound investigative practices are utilized.

Prior Recommendation #6: Establish a centralized mandatory tracking and reporting system for disciplinary and corrective actions that includes all measures taken at each LAFD level, beginning with the fire station level, decisions made at each higher level (e.g. battalion, division, bureau) when advanced through the chain of command, and ultimate results from disciplinary actions taken at the Operations command/Fire Chief/Board of Rights levels.

Status: In Progress

The Complaint Tracking System (CTS) and the Disciplinary Tracking System (DTS) have been developed, and are now in the testing and refining stage. These systems were designed with input from multiple sources, including representatives from the Board of Fire Commissioners, LAFD (management, EEO, and Operations), LAFD labor organizations (UFLAC and Chief Officers' Association), Information Technology Agency, and the City's Personnel Department. PSD staff stated that system workflow policies and access privileges are currently being developed by LAFD management and UFLAC. Both systems are scheduled to become operational in Summer 2008. LAFD should actively monitor its progress in meeting the target implementation date to further support the Department's broader initiatives to improve the investigative and disciplinary process.

Since the prior audit, the process for investigating complaints and determining disciplinary actions has changed. Investigations and disciplinary actions are no longer assigned to Operations, but are handled by the Professional Standards Division (PSD). PSD reviews complaints and determines if an investigation by Internal Affairs is warranted; or, if the complaint is EEO-related, refers the complaint to the EEO Unit for review. Investigations completed by the Internal Affairs and EEO Units are presented to PSD's Commanding Officer, who recommends disciplinary action.

CTS and DTS will capture comprehensive data and allow for pre-defined and ad-hoc reports to support centralized tracking and reporting of complaints and disciplinary actions. A case identification number assigned in CTS will carry over to DTS if, after investigation, it is determined that disciplinary action is warranted. Both CTS and DTS will track cases handled by PSD's Internal Affairs and EEO Units. However, PSD will manually transfer data from CTS to DTS.

All actions taken on a complaint can be tracked in CTS. The current design of DTS, however, only tracks the actions at three supervisory levels. LAFD should ensure that the DTS will capture a sufficient number of supervisory actions, and that the system will also include actions taken by the Battalion Chief and Commanding Officer of PSD. While not currently tracked electronically, our review of disciplinary case files found that actions taken at each supervisory level were clearly documented in written memorandums.

New Issues

In reviewing the Department's actions to implement this recommendation, we also noted two additional issues related to the Complaint Tracking System that LAFD should address.

1. CTS training has not been adequately addressed and is scheduled to begin after the system becomes fully operational. PSD staff was unable to provide any detail on the content or method of training. Additionally, the Department plans to deliver training by December 30, 2008, four months after the system goes live. The effectiveness of any system is greatly dependent on the effectiveness of its users.
2. The CTS complaint form may be too complicated for complainants to complete. Based on our review of the input form, a substantial amount of information is requested, which appears necessary for the Department to determine the appropriate action to take. However, without sufficient training or instruction on how to complete the form, complainants may not understand what is being asked. For example, the current version of the form contains five separate fields to identify the complaint type. Also, the form is lengthy, it asks for completion of more than fifty fields. While a complaint can be made by calling the PSD or by sending a letter, utilizing the system will likely be the most efficient method to initiate a complaint.

Prior Recommendation #7: Develop within the tracking system the capability to provide feedback to supervisors and accused members, within an established timeframe, regarding the status and actions taken in disciplinary cases that have progressed through channels.

Status: In Progress

LAFD is working to address this recommendation by allowing system access to CTS and DTS that is appropriate to a user's involvement with the case. For example, access privileges for an accused member may be different than that for a supervisor. As of our review, the Department has not fully defined how access rights will be assigned.

Access to the system will require a unique identification and password. The system will be accessible through an intranet link from Department computers, including those at the fire stations.

The CTS has the capability to support notifications via the City's email system. Management is considering the use of automated email alerts. However, the majority of LAFD members do not have city email accounts. The assignment of city email accounts may provide a cost efficient means to disseminate information related to disciplinary cases and other departmental matters.

Prior Recommendation #8: Empower an independent party (i.e. a monitor within a separate Internal Affairs Division) to periodically and systematically review the disciplinary tracking and reporting system for consistency and compliance as well as detecting behavioral trends, training needs, and possible policy/procedure changes.

Status: In Progress

The Department's implementation plan for the Professional Standards Division proposes a civilian Moderator position to manage and report on disciplinary data. The Moderator will oversee case progress within the Internal Affairs and EEO Units and will report directly to the PSD Commanding Officer.

The job description developed by LAFD outlines the Moderator's responsibilities as follows:

- Ensure timely and accurate data entry into the tracking systems,
- Use tracking system data analysis to:
 - Develop recommendations for training,
 - Develop recommendations for policy or procedure change,
- Develop and disseminate reports based on tracking system data, and
- Propose appropriate changes to the tracking systems.

The Department plans to utilize a vacant Management Analyst II position as the PSD Moderator. LAFD has submitted their staffing proposal to the Office of the City Administrative Officer (CAO) for review. Due to the City's current hiring freeze, LAFD's proposal requires the CAO to recommend approval to fill the position and the Mayor's approval. If the staffing request is not approved, LAFD should develop an alternative plan to have another employee, such as the civilian Special Investigator III position planned for PSD, assume the Moderator responsibilities as part of their routine duties. It is important that the person who will manage and report on disciplinary data is able to do so within PSD in an independent manner, and has sufficient time to carry out these duties.

Once the Moderator position is filled, it will be important for LAFD to develop expectations for the reports to be disseminated on disciplinary tracking data, particularly determining who should receive the reports and the extent of the data provided. It will also be helpful to ensure regular communication between the Moderator and the Human Relations Training Coordinator to address training needs identified from behavioral trends as evidenced by complaints and disciplinary data.

Prior Recommendation #9: LAFD should develop, with input from the firefighters' and chiefs' unions, a set of standard disciplinary penalty guidelines for sworn firefighters that reflect the unique accountability resulting from their public safety responsibilities; and, once developed assure that they are consistently applied and fairly administered. The standard disciplinary penalty guidelines should include specific penalties for specific offenses, repeat offenses and include criteria for progression through channels.

Status: Partially Implemented

LAFD developed Standard Disciplinary Guidelines (Guidelines) that list specific offenses and corresponding penalty ranges appropriate for sworn firefighters for first and repeat offenses. The guidelines were developed in conjunction with the Chief Officer's Association, United Firefighters of Los Angeles City, and input from the Fire Commission and employee groups, i.e. Sirens, Stentorians, and Los Bomberos. The guidelines were formally agreed upon by COA and UFLAC in January 2008 and will apply to all cases with an incident date on or after January 1, 2008. Per the Department, all Captains and Chiefs received four hours of classroom training on the Disciplinary Guidelines.

The guidelines will help reduce subjectivity at the fire station level since any offense listed on the disciplinary guidelines should progress through the chain of command to PSD. Until very recently, members could be issued reprimands by his/her supervisor. Now, only the Commander of PSD makes the determination about whether an offense warrants a reprimand or a suspension, based on the Guidelines.

As of our review, no investigations had been completed where the new Guidelines would apply. Therefore, we cannot comment on the Department's application of the Guidelines. We also noted that there is no detailed guidance for selecting a specific penalty within the established range of discipline as set forth in the Guidelines. This is particularly important because the range of discipline for a first offense can run the entire spectrum from a reprimand to termination.

Per LAFD, the wide range allows for latitude in considering mitigating factors for individual cases. It is important that the Department develop formal criteria on what factors should be considered in determining penalties to minimize the perception that the process is overly subjective, and to help ensure fairness and consistency. PSD is addressing this issue by drafting a worksheet to help standardize how specific penalties are determined.

Lastly, LAFD should periodically review the Guidelines for continued relevance and appropriateness, and with input from appropriate stakeholders, make revisions as necessary.

Prior Recommendation #10: Eliminate the practice of proposing greater disciplinary punishment simply to create a bargaining position for negotiating a lesser punishment with the accused member or the union. Rather, only propose penalties that are consistent with a set of disciplinary penalty standards developed through joint cooperation of the firefighters' and chiefs' unions.

Status: Partially Implemented

In January 2008, the Fire Chief formally communicated the Department's intent to discontinue the practice of proposing harsher discipline as a negotiating tool. The Fire Chief indicated that this practice had stopped prior to his written instructions. As of our review, there were no completed disciplinary cases where the penalties were assessed under the recently finalized Disciplinary Guidelines. Therefore, we could not test for the consistent application of the current Disciplinary Guidelines.

Per the Department's records, since January 1, 2007, 14 of the 29 disciplinary cases had the recommended penalties reduced. We reviewed LAFD's current practices related to recommended and final penalties imposed to determine whether there was a sound rationale for penalties recommended and ultimately meted out. We selected 5 disciplinary cases; 3 of the cases were selected because the recommended penalty was reduced, and the other 2 because they were for the same type of offense.

Overall, we noted that the Department still needs to improve its documentation of the reasons for changing or reducing a penalty. For the three cases with reduced penalties, the initial recommended penalties were made by the PSD Commanding Officer and were revised after the Skelly Hearing. In one case, the suspension was reduced from 12 days to 8 days; and in the other two cases from 6 days to 4 days. PSD staff stated that a recommended penalty is only reduced when new evidence or mitigating circumstances are presented during a Skelly Hearing. However, because the case files did not clearly document the rationale for reducing the penalties, it is difficult to assess whether this recommendation is fully implemented.

This issue may be addressed by the Department's planned recording of Skelly Hearings, as required by the Firefighters' Bill of Rights. An audio recording will help "document" what is presented during the Skelly Hearing. LAFD currently has eight tape recorders to document field interviews and Skelly Hearings, and has ordered more to facilitate and provide support for the disciplinary process.

Prior Recommendation #11: Assure that Skelly hearings are continued when new information is presented so that a response from key witnesses or supervisors can be obtained. Also, ensure that all outcomes and decisions that result from Skelly hearings are sufficiently documented and supported.

Status: Implemented

The Fire Chief issued a formal communication in January 2008 directing compliance with this recommendation, though according to LAFD, this practice has been in place for some time. PSD staff stated that Skelly Hearings are continued when new evidence arises.

According to LAFD, the need to continue Skelly hearings because of new evidence happens infrequently. A random sample of disciplinary cases did not include any instances where Skelly hearings were or should have been continued. As previously discussed, Skelly Hearings will now be recorded, which will serve as a record of when the hearing is or should be continued because new evidence was presented.

Based on the Department's actions, we consider this recommendation to be implemented.

Prior Recommendation #12: Create a separate Internal Affairs Division within the LAFD with permanently assigned investigative staff who possess the necessary expertise, experience and training to conduct the wide range of investigations to ensure public accountability of the LAFD, as well as prepare and maintain professionally documented investigative files. Necessary knowledge, skills and abilities of the investigators would likely come from prior experience as former or current peace officers, and other government investigators or inspectors.

Status: In Progress

Recommendation #13: Require that the separate Internal Affairs Division report to both the Fire Chief and Fire Commission, but be otherwise removed from the chain of command and work closely with the Fire Commission's EEO on EEO-related complaints. This unit's mission should be to hold all LAFD members accountable to comply with policies and standards.

Status: Partially Implemented

The Department has taken steps to implement portions of these recommendations. In January 2008, LAFD moved its investigative function, now called the Internal Affairs Section (IA), from the Bureau of Operations to the newly created Professional Standards Division (PSD). IA reports to the PSD Commanding Officer, which reports directly to the Fire Chief. This arrangement removes IA from the Operations chain of command, yet maintains accountability with the Fire Chief. This organizational structure was agreed upon by the Personnel Department, the Mayor's Office and LAFD management, and appears to meet the intent of our recommendation.

Independence and Objectivity

Issues still exist relative to the lack of permanently assigned investigators. Currently, Internal Affairs investigations are conducted by two Captains on a two-year special duty assignment. In addition, to address caseload demands, the investigative staff is supplemented by two additional Captains on short-term assignments, typically only a

few months. The formal PSD plan calls for the addition of three permanent civilian Special Investigators to IA and LAFD was allocated funding for the positions in the FY 2008-2009 budget. The addition of permanent, specially trained civilian investigators to Internal Affairs will help improve consistency and better address the intent of the recommendation. LAFD must now ensure that the positions are filled timely.

Of greater concern is a potential impairment to the objectivity and independence of the investigative function, since PSD sworn staff are permitted to work overtime in other LAFD field locations, even when assigned to an investigative role. We reviewed payroll records of PSD investigators and found that they work overtime with some frequency. This creates a potential conflict of interest, as a PSD staff member may interact with other LAFD members who are the subjects of active investigations. In addition, this practice impairs the public perception of an investigator's independence, and his or her ability to be fair and impartial.

The January 2006 audit found the disciplinary process to be subjective and viewed as unfair by firefighters. Sound investigative and case handling practices require independence, objectivity, and confidentiality. The practice of PSD personnel working scheduled overtime outside of PSD compromises these qualities. LAFD should discontinue the practice of allowing PSD investigative staff and management to work outside of the Division. This issue also promotes the argument for civilianizing all special duty disciplinary positions. The Controller's April 2006 review of LAFD special duty assignments identified many benefits of civilianizing disciplinary positions, including the elimination of a real and perceived conflict of interest.

Professionalism

LAFD is ensuring that investigators receive training. Recent investigator training has included Board of Rights preparation and presentation, investigative techniques, due process and rights of firefighters, report writing, and EEO violation recognition and reporting.

However, we noted several steps LAFD should take to further professionalize the investigative process. First, IA should formally document its investigative processes in policies and procedures. These manuals should define responsibilities for the PSD Commander, Battalion Chief and investigators, and formalize timeframes in which investigations should be completed.

During our review of investigative case files, we noted that documents were well-organized and clearly explained what steps had been taken. However, evidence of a supervisory review of the file was not clearly documented. For example, while each case file had an attached Disciplinary Case Tracking Sheet, there were no initials documenting the supervisory review. Each case file should clearly indicate that a supervisory review of the file was conducted.

Prior Recommendation #14: Consider creating within the separate Internal Affairs Division an Internal Auditor or Monitor position to provide oversight of the investigative process to ensure and maximize accountability.

Status: In Progress

LAFD was allocated 6 months of funding for one position to provide oversight as part of the FY 2008-2009 budget. The oversight function will be independent from LAFD management and will report directly to the LAFD's Board of Commissioners (Board). According to the Department, the Board is currently working with staff from the CAO, Personnel Department and Mayor's Office to define the title of the function and the appropriate employee classification.

Only six months of funding was allocated because it is estimated that the position will not be filled until mid FY 2008-2009. An independent oversight function of the Department's investigative process will help provide assurance to employees and the public that LAFD has an investigatory process that is confidential, objective, effective and fair. It is critical that the Board and City representatives work diligently to ensure the position is filled within the estimated timeframe.

SECTION III: HUMAN RELATIONS ISSUES WITHIN THE LAFD WORKPLACE

The prior audit included survey results of LAFD's sworn minority, women and probationary members and officers that suggested issues existed relative to low morale, workplace harassment, and differential treatment, particularly related to fairness and uniformity of disciplinary actions. While the Department has taken a multi-faceted approach to address these issues, lasting change will take time and ongoing reinforcement through a combination of new and established initiatives.

Prior Recommendation #15: Undertake a department-wide initiative to address LAFD's hostile workplace issues, including harassment, hazing and discrimination concerns. Under the Fire Chief's leadership, this comprehensive effort should include gaining input and insights through workplace forums and focus groups representing all civilian and sworn firefighter levels, employee associations and unions and other interested stakeholders. The objective of these meetings would be to create specific action plans to address problems identified, and to establish measurable timelines for completion. The LAFD's approach must be developed in such a way that all employees are encouraged to participate without fear of retaliation or other retribution.

Status: In Progress

Adequately addressing this recommendation relies on LAFD implementing many of the other closely related audit recommendations, including increased communication from the Fire Chief and setting a tone at the top; human relations and leadership training; and implementation of the Professional Standards Division. There is some indication from stakeholders that the professional climate within LAFD is changing; however, such a broad cultural shift will be a long, continuous process requiring a range of initiatives.

LAFD did not, however, seek input through focus groups to identify problems, as recommended by the audit. Instead, LAFD appears to have relied largely on the input from a department-convened Stakeholders Workgroup, which was comprised of only one individual from each of the following employee groups: United Firefighters of Los Angeles City (UFLAC), Chief Officers Association (COA), Los Bomberos, Sirens, and Stentorians. While formal forums or focus groups open to all members would have been a preferable means of obtaining employees' specific concerns, LAFD is nevertheless taking a holistic approach to address workplace issues.

Many of the initiatives to address the audit's other recommendations (which are discussed in detail in their respective sections of this report) comprise a multi-faceted approach to address workplace issues. Another initiative directly addressing this recommendation is LAFD's plan to create a Mediation and Effectiveness Unit, within the Professional Standards Division, to conduct onsite training and group facilitation at

problematic fire stations. LAFD recognizes that structured on-site training and facilitation is a critical component of the Department's initiative to address workplace issues. It enables training staff to deliver information in a setting where it can be immediately applied and measured.

LAFD obtained funding in the FY 2008-2009 budget to convert one part-time Human Relations Instructor to a full-time Human Relations Advocate. This individual has conducted some on-site training; however, visits have been loosely structured and performed only when instructors are not needed in the classroom. With the creation of the Unit, this employee will now formally work with PSD staff and use CTS to identify high-risk work sites that may benefit from targeted training. LAFD should monitor the workload of this Unit to ensure one employee is adequate, and adjust the staffing level if necessary.

Prior Recommendation #16: Create an employee evaluation and recognition process that addresses firefighter adherence to, and application of, the human relations goals of the LAFD. Assure through training, professional development and counseling that each member is accountable and has the tools to effectively fulfill the LAFD's core values regarding workplace interactions.

Status: In Progress

LAFD and the Chief Officers Association (COA) have drafted and are currently revising a new Executive Appraisal form for Chief Officers. We reviewed the draft Executive Appraisal form and found it to be much more structured than the current evaluation process, which will help standardize performance evaluations for Chief Officers. In addition, the draft Executive Appraisal includes an assessment of Chief Officers' integrity, adherence to LAFD core values and mission, and assesses their ability to lead, develop and ensure the well-being of subordinates. LAFD and COA estimate that the Executive Appraisal form will be implemented during the Summer of 2008 and will run as a pilot program (with no impact on salary) for one year. LAFD should actively work with COA to ensure that the new appraisal process is fully implemented as soon as possible.

No formal discussions have been held between LAFD management and UFLAC relative to revising the appraisal document for UFLAC members; however, a mutual interest appears to exist to revise the performance evaluation process for these members.

Formally evaluating members on upholding LAFD's human relations goals aligns personal goals with the vision for the Department. In addition, it furthers LAFD's efforts to strengthen personal accountability by providing a means to formally recognize positive behavior. Performance evaluations, reinforced by formal human relations and leadership training and professional development opportunities, constitute critical components of an overall strategy to move the Department forward in a positive direction.

Prior Recommendation #17: Determine whether the current promotional system administered by the Civil Service Commission can be modified to include subjects related to human relations management and other areas directly related to LAFD's mission. Work with the appropriate organizations to assure the promotional process is relevant to LAFD's needs.

Status: In Progress

LAFD has begun to address this recommendation. The Captain I exam administered in December 2006 incorporated human relations components, such as interpersonal relations, leadership skills and supervisory abilities. The Department also piloted a revised exam process in April 2008 for the Captain II pay-grade advancement, which is not a civil service promotion. The revised exam allows many of the operational-type questions to be covered through a simulation exercise so that the interview portion can emphasize human relations and leadership topics. The exam also includes a syllabus of recommended reading that includes books on sexual harassment, management techniques, as well as LAFD's mission, core values and operating principles.

Based on the success of the Captain II exam, which at the time of review was too soon to assess, LAFD plans to collaborate with the appropriate stakeholder groups and the Personnel Department to similarly revise other civil service promotional exams.

Prior Recommendation #18: Continue to provide the recent department-wide Human Relations training initiatives and, through a rigorous feedback system, expand or strengthen them as opportunities arise.

Status: Implemented

Human Relations Courses

LAFD has developed a formal human relations training program, which is delivered to recruits during the Drill Tower Academy, members interested in promoting to rank of Captain, and all employees through the mandatory In-Service Training Academy, as well as through other venues. Stakeholder feedback we received on the Department's human relations training was generally positive.

New recruits receive a series of human relations trainings totaling 6.5 hours. Specific topics include group dynamics, prevention of hazing and harassment, and work environment. Just prior to graduation, recruits are assessed on how much of the human relations information taught during the Drill Tower was retained and the topics are reviewed once again. Prior to completing probation, firefighters also attend a 1.5 hour session on ethics, integrity and personal responsibility, and are again assessed on their ability to recognize and report incidents of discrimination, harassment, hazing and retaliation.

Human relations training has also been incorporated into LAFD's regularly scheduled In-Service Training. Human relations and leadership topics are blended into a 4-hour course that is required for all sworn members twice a year. Recent training topics have included LAFD's vision, integrity and the work environment, core values, and building an exceptional team.

For members interested in promoting to the rank of Captain, LAFD offers a day-long course, which covers topics including group dynamics, work environment and conflict management. In addition, 3 hours of human relations training is delivered to members on the promotional list for the rank of Captain I.

Human relations topics have been addressed in four of the five Executive Officer Symposiums for members at the rank of Battalion Chief and above, and their civilian equivalents.

Evaluation of Training

All employees are requested to complete a course evaluation at the end of each session. LAFD has two part-time employees who synthesize the responses, assign an overall score to each question, and color code student comments as "strengths," "items to consider," and "items to address." The HR Training Coordinator reviews the information on a monthly basis, and uses the information to modify the presentation format.

We noted a potential weakness in that the Human Relations Coordinator designs the curriculum, yet is the only person formally evaluating the course feedback. While the evaluation results have been shared with the Fire Commission and LAFD management on an ad-hoc basis, no formal or regular reporting exists. To address one of the Personnel Department's audit recommendations, LAFD plans to hire an evaluator by Summer 2008 to assess the effectiveness of the human relations courses, and to recommend necessary changes.

SECTION IV: DRILL TOWER RECRUIT TRAINING ACADEMY

The 2006 audit found circumstances when the prior Fire Chief overruled the Drill Tower instructor's recommendations to fail recruits, particularly women and African-Americans. The practice of graduating recruits who did not meet Drill Tower standards essentially transferred the responsibility for failing unqualified recruits to field supervisors during the probationary period. The prior Fire Chief stated that cases were overruled when the recruit's score was "borderline" in meeting Drill Tower standards, and that allowing these recruits extra time and training during the probationary period was warranted. LAFD eliminated the need for this practice when it restructured its Drill Tower Academy in 2005. Recruits now have multiple opportunities to practice and re-take tests if they did not receive a passing score. In addition, recruits who are otherwise performing well are allowed transfer to the Department's other Drill Tower to retake those portions that they failed.

Prior Recommendation #19: Assure that only recruits who have achieved passing scores for each performance standard during the Drill Tower academy are hired as probationary firefighters.

Status: Partially Implemented

The Drill Tower Academy is an 18-week intensive training course combining classroom and tactical instruction that prepares firefighter recruits to perform in dynamic, realistic situations. Recruits attend one of LAFD's two Drill Tower training facilities. The Drill Tower Academy was shut down between September 2004 and August 2005 to assess its effectiveness and improve the program. The restructuring period resulted in a number of positive changes, including:

- Development of standard performance criteria for graded exercises.
- Allowing recruits several make-up opportunities to achieve a passing score in areas tested.
- Providing recruits whose scores fall within 5 points of passing on exercises, but have otherwise performed well, one opportunity to transfer to LAFD's other Drill Tower to repeat those areas in which they did not pass.

Anecdotal feedback from stakeholders indicated the quality of rookies graduating from the Drill Tower Academy is much better since it was restructured. This can be confirmed through our observation that 93% of recruits have successfully completed probation since the Drill Tower Academy was restructured in 2005. The success rate increased 5 percentage points since the period between 1998 and 2004, as reported in the prior audit. Moreover, according to LAFD data, 100% of the rookies that did not successfully complete probation resigned rather than had to be terminated. The

majority stated their resignation was for personal reasons or because they were hired by other fire departments; one rookie was listed as having resigned in lieu of termination.

To verify that only those recruits that received passing scores graduated from the Drill Tower Academy, we reviewed the detailed grade report for two Drill Tower classes, one with a graduation date in February 2007 and the other in February 2008. The grade reports were generated from a Department database. We noted that the February 2007 class report was missing a number of grades, and a number of students who graduated did not have a passing score listed for certain exercises. LAFD updated their database during the audit and provided us with a complete report. To test the integrity of the data, we reviewed the source documents for a random selection of 26 grades for written tests and exercises that we had previously noted as missing or questionable.

For the 26 grades tested, we were able to independently verify 11 grades reported as “passing” through original score sheets. For 7 grades, we were able to identify that the recruit passed the exercises through other documents in the file. For example, in some instances, we noted the existence of “weekly performance reports” signed by the recruit and the Drill Tower Captain summarizing the grades earned during a particular week. In other instances, we could not verify that the recruit passed a particular exercise when performed as a stand-alone test, but the recruit later passed the exercise during the complex, manipulative testing period. However, for the remaining 8 grades, we found no evidence of source documents in recruit files to support the passing grade.

The Department asserts that the recruits who graduated from the February 2007 class passed all written tests and exercises. According to the Chief of Recruit Training, due to time constraints, it is sometimes LAFD’s practice to allow recruits to ‘make-up” certain single exercises during the manipulative testing period. If this is indeed a standard and accepted practice, it should be formalized in the Department’s Drill Tower Policies and Procedures to ensure fairness to all recruits. In addition, the Department should ensure that all documents supporting a recruit’s grades are maintained in the files, and that all grades are consistently entered into the database.

While we could not independently verify through testwork that only recruits who received passing scores graduated from the Drill Tower Academy, we consider recommendation 19 to be “partially implemented” based on the LAFD’s Drill Tower restructuring and evidence suggesting that recruits graduating from Drill Tower are better equipped to perform the expected duties.

Prior Recommendation #20: Cease the Fire Chief's practice of overruling Drill Tower instructors' recommendations to terminate recruits until the resulting qualitative and quantitative impact to the recruit, co-workers and the public have been fully considered; and the perception among firefighters of special treatment and favoritism has been addressed. While the number of firefighters from certain underrepresented groups has increased as a result of the Fire Chief overruling Drill Tower instructors, only if such an evaluation overwhelmingly demonstrates that an overriding public benefit is achieved can such actions be justified.

Status: Implemented

On January 24, 2008, the Fire Chief issued a communication to the Commander of the Bureau of Training and Risk Management formalizing his commitment not to overturn Drill Tower instructors' recommendations to terminate recruits that did not achieve passing scores in the Training Academy. The Fire Chief also stated, and the Chief of Recruit Training confirmed, that he has not overruled any recommendations to terminate recruits with unsatisfactory scores.

We consider recommendation 20 to be "implemented" based on the Fire Chief's formal commitment not to overturn Drill Tower instructors' recommendations and that we did not find any evidence through our testwork to suggest this practice is still followed.

Prior Recommendation #21: Review the Drill Tower statistics for the 2005 graduates and those that come later to assure that retention rates, manipulative and academic test scores and other performance measures fulfill LAFD's need to train and advance fully competent firefighters. Also, track graduates through their probationary periods to determine whether the newly revised curriculum needs to be modified.

Status: Implemented

LAFD maintains and reviews Drill Tower Academy statistics on an ongoing basis. In addition, extensive exit interviews are conducted with every recruit who does not complete the Drill Tower Academy. LAFD has a Quality Assurance Unit that tracks every probationary member through their one-year probationary period. Specifically, probationary firefighters' performance is monitored through the Daily Observation Reports completed by the Company Officer, the 5-month and 11-month assessments, and through personal contact. The Recruit Training Section uses the information obtained during the probationary period to recommend any necessary changes to the Drill Tower Academy.

Respectfully submitted,



For **Thomas Martinez**
Internal Auditor II



Sara Glick, CIA
Internal Auditor III



Cynthia Varela, CIA
Chief Internal Auditor



Siri Khalsa, CPA
Deputy Director of Auditing



Farid Saffar, CPA
Director of Auditing

APPENDIX I
LAFD MANAGEMENT PRACTICES IMPLEMENTATION STATUS

Reco.	Recommendation	Auditor Evaluation	Status
SECTION I: COMMUNICATION AND LEADERSHIP			
1	Develop and communicate a formal overall "Vision" for the LAFD.	LAFD developed and communicated a formal vision statement and operating principles.	Implemented
2	Set a "tone at the top" that demonstrates accountability to all organizational policies and procedures and develop a protocol that ensures that policies, procedures, rules and regulations are consistent, clear and enforced.	<p>Since his appointment in January 2007, the Fire Chief has issued a number of communications and personally visited over 90% of fire stations to directly communicate his expectations of members.</p> <p>LAFD has taken initial steps to implement its comprehensive plan for a Professional Standards Division to ensure accountability to all organizational policies.</p>	In Progress
3	Expand and enrich the lines of communication from the Fire Chief down through the chain of command to rank and file firefighters, including more use of electronic communications media (with appropriately equipped fire stations), increase fire station visits by the Fire Chief and key commanders, periodic mandatory "all hands" meetings with battalion level commanders, and a formalized no-fault direct feedback system, such as an Employee Suggestion Evaluation Committee.	<p>In addition to the Fire Chief's personal visits to fire stations, LAFD has addressed this recommendation by implementing an Information Portal in December 2007. Through an intranet site, the Information Portal provides members with access to communications from the Fire Chief, as well as to the LAFD electronic library. The Information Portal also provides members with a "formalized no-fault direct feedback system" by enabling members to e-mail suggestions to the Planning Section.</p> <p>This recommendation remains in progress because LAFD must continue to proactively reach out to its members and frequently reinforce expectations to ensure progress is sustained over time.</p>	In Progress
4	Undertake a comprehensive effort to develop future leaders and increase management competency to lead, guide and mentor both male and female firefighters, as well as those from all ethnic groups. Also, future leaders should be trained to address the different communication style and direction needed to assure today's generation of recruits can excel in a paramilitary organization like the LAFD.	<p>LAFD implemented several initiatives to address leadership development, including establishing leadership training, a succession plan, a shadow training program for officers, and a leadership cadre to develop leadership resources. However, progress has been slow and many stakeholders indicated that LAFD does not adequately develop leadership and management skills.</p> <p>There also appears to be a culture of treating probationary employees in what could be perceived as a less respectful manner than tenured LAFD members. Any level of disrespectful behavior may undermine LAFD's goal to develop future leaders and create or continue an environment for more serious or egregious behavior.</p>	In Progress

Reco.	Recommendation	Auditor Evaluation	Status
SECTION II: COMPLAINT AND DISCIPLINARY PROCESS			
5	Reinstitute a separate Equal Employment Opportunity Unit (EEO) investigative function outside the Los Angeles Fire Department (LAFD) chain of command as was the intent of the original recommendation by the Human Resource Development Committee (HRDC) and City Council ten years ago, including confidential treatment, investigating, tracking and reporting to the Fire Commissioners and the City's Personnel Department of EEO-related complaints.	<p>LAFD established an EEO investigation unit within the Professional Standards Division, outside of the Bureau of Operations chain of command. The EEO Unit is only partially staffed as intended. Currently, the staffing structure is comprised of one Senior Personnel Analyst II and two retired Personnel Department employees on 90-day employment contracts. LAFD, however, obtained approval in the FY 2008-2009 budget to transfer one Senior Personnel Analyst and a Senior Clerk Typist from the Board of Fire Commissioners to staff the EEO function.</p> <p>We have concerns that investigations are conducted jointly by sworn investigators from the Internal Affairs Unit and civilian EEO staff. Best practices indicate that EEO complaints should be investigated solely by civilians.</p> <p>EEO lacks a procedure manual to assure sound investigative, case handling, and reporting practices.</p>	Partially Implemented
6	Establish a centralized mandatory tracking and reporting system for disciplinary and corrective actions that includes all measures taken at each LAFD level, beginning with the fire station level, decisions made at each higher level (e.g. battalion, division, bureau) when advanced through the chain of command, and ultimate results from disciplinary actions taken at the Operations command/Fire Chief/Board of Rights levels.	<p>The Complaint Tracking System (CTS) and the Disciplinary Tracking System (DTS) have been developed, and are now being tested and refined. Both systems are scheduled to become operational in Summer 2008.</p> <p>CTS and DTS will capture comprehensive data and allow for pre-defined and ad-hoc reports to support centralized tracking and reporting of complaints and disciplinary actions.</p> <p>All actions taken on a complaint can be tracked in CTS. The current design of DTS, however, only tracks the actions at three supervisory levels.</p> <p>The following new issues were identified:</p> <ul style="list-style-type: none"> • CTS training has not been adequately addressed and is scheduled to occur 4 months after CTS becomes fully operational. • CTS complaint form is lengthy and detailed. A more user friendly version 	In Progress

Reco.	Recommendation	Auditor Evaluation	Status
		should be made available for use by the complainant.	
7	Develop within the tracking system the capability to provide feedback to supervisors and accused members, within an established timeframe, regarding the status and actions taken in disciplinary cases that have progressed through channels.	LAFD is working to address this recommendation by allowing system access to the Complaint Tracking System (CTS) and Disciplinary Tracking System (DTS) that is appropriate to a user's involvement with the case. As of our review, the Department has not fully defined how access rights will be assigned.	In Progress
8	Empower an independent party (i.e. a monitor within a separate Internal Affairs Division) to periodically and systematically review the disciplinary tracking and reporting system for consistency and compliance as well as detecting behavioral trends, training needs, and possible policy/procedure changes.	LAFD has submitted to the CAO a proposal for a civilian Moderator position to oversee case progress, and manage and report disciplinary data.	In Progress
9	LAFD should develop, with input from the firefighters' and chiefs' unions, a set of standard disciplinary penalty guidelines for sworn firefighters that reflect the unique accountability resulting from their public safety responsibilities; and, once developed assure that they are consistently applied and fairly administered. The standard disciplinary penalty guidelines should include specific penalties for specific offenses, repeat offenses and include criteria for progression through channels.	LAFD developed Standard Disciplinary Guidelines, effective January 01, 2008, which list specific offenses and corresponding penalty ranges for first and repeat offenses. LAFD has not developed formal, detailed guidance for selecting a specific penalty within the established range of discipline as set forth in the Guidelines. This is important because the range of discipline for a first offense can run from a reprimand to termination.	Partially implemented
10	LAFD should eliminate the practice of proposing greater disciplinary punishment simply to create a bargaining position for negotiating a lesser punishment with the accused member or the union. Rather, only propose penalties that are consistent with a set of disciplinary penalty standards developed through joint cooperation of the firefighters' and chiefs' unions.	LAFD formally communicated its intent to discontinue this practice. However, we noted that the Department still needs to improve its documentation of the reasons for determining proposed penalties and for changing or reducing a penalty.	Partially Implemented
11	Assure that Skelly hearings are continued when new information is presented so that a response from key witnesses or supervisors can be obtained. Also, ensure	LAFD issued a formal communication directing compliance with this recommendation. A random sample of disciplinary cases did not include any instances where Skelly hearings were or	Implemented

Reco.	Recommendation	Auditor Evaluation	Status
	that all outcomes and decisions that result from Skelly hearings are sufficiently documented and supported.	should have been continued. Based on the Department's actions, we consider this recommendation implemented.	
12	Create a separate Internal Affairs Division within the LAFD with permanently assigned investigative staff who possess the necessary expertise, experience and training to conduct the wide range of investigations to ensure public accountability of the LAFD, as well as prepare and maintain professionally documented investigative files. Necessary knowledge, skills and abilities of the investigators would likely come from prior experience as former or current peace officers, and other government investigators or inspectors.	LAFD has partially satisfied this recommendation. LAFD transferred its investigative function to an Internal Affairs Unit within the Professional Standards Division (PSD) and ensures that investigators receive training. The following issues remain: <ul style="list-style-type: none"> • Internal Affairs (IA) investigations are conducted by Captains on rotational assignments. Funding for three permanent Special Investigators was allocated as part of the FY 2008-2009 budget. LAFD should ensure these positions are filled timely. • PSD staff frequently work overtime in other LAFD field locations. This practice creates a potential impairment to independence and objectivity which is critical to the investigative function. • IA has not formally documented its investigative processes in policies and procedures. 	In Progress
13	Require that the separate Internal Affairs Division report to both the Fire Chief and Fire Commission, but be otherwise removed from the chain of command and work closely with the Fire Commission's EEO on EEO-related complaints. This unit's mission should be to hold all LAFD members accountable to comply with policies and standards.	Internal Affairs reports to the Professional Standards Division Commanding Officer, who reports directly to the Fire Chief. This organizational structure appears to meet the intent of our recommendation because it removes IA from the operations chain of command, yet maintains accountability with the Fire Chief. Full implementation of this recommendation depends on LAFD implementing recommendation #12.	Partially Implemented
14	Consider creating within the separate Internal Affairs Division an Internal Auditor or Monitor position to provide oversight of the investigative process to ensure and maximize accountability.	LAFD was allocated 6 months of funding for one position to provide oversight as part of the FY 2008-2009 budget. The oversight function will be independent from LAFD management and will report directly to the LAFD's Board of Commissioners (Board). The Board is currently working with staff from the CAO, Personnel Department and Mayor's Office to define the title of the function and the appropriate employee classification.	In Progress

<i>Reco.</i>	<i>Recommendation</i>	<i>Auditor Evaluation</i>	<i>Status</i>
SECTION III: HUMAN RELATIONS ISSUES WITHIN THE LAFD WORKFORCE			
15	Undertake a department-wide initiative to address LAFD's hostile workplace issues, including harassment, hazing and discrimination concerns. Under the Fire Chief's leadership, this comprehensive effort should include gaining input and insights through workplace forums and focus groups representing all civilian and sworn firefighter levels, employee associations and unions and other stakeholders. The objective of these meetings would be to create specific action plans to address problems identified, and to establish measurable timelines for completion. The LAFD's approach must be developed in such a way that all employees are encouraged to participate without fear of retaliation or other retribution.	<p>Many of the initiatives to address the audit's other recommendations, including increased communication from the Fire Chief and setting a tone at the top; human relations and leadership training; and implementation of the Professional Standards Division, comprise a multi-faceted approach to address workplace issues.</p> <p>Another initiative directly addressing this recommendation is LAFD's plan to create a Mediation and Effectiveness Unit, within the Professional Standards Division, to conduct onsite training and group facilitation at problematic fire stations. LAFD recognizes that structured on-site training and facilitation is a critical component of the Department's initiative to address workplace issues. It enables training staff to deliver information in a setting where it can be immediately applied and measured. LAFD obtained funding in the FY 2008-2009 budget for a full-time Human Relations Advocate to staff this Unit.</p> <p>LAFD did not, however, seek input from focus groups, as recommended, but instead relied on input from a department-convened Stakeholder's Workgroup.</p>	In Progress
16	Create an evaluation and recognition process that addresses firefighter adherence to, and application of, the human relations goals of the LAFD. Assure through training, professional development and counseling that each member is accountable and has the tools to effectively fulfill the LAFD's core values regarding workplace interactions.	<p>LAFD and the Chief Officers Association have drafted a new Executive Appraisal form for Chief Officers, which includes an assessment of Chiefs' integrity, adherence to LAFD core values and mission, and assesses the Chiefs' ability to lead, develop and ensure the well-being of subordinates. The new appraisal form should be implemented during the Summer of 2008.</p> <p>LAFD has not held formal discussions with United Firefighters of Los Angeles City (UFLAC) to revise the appraisal document of non-Chief members.</p>	In Progress
17	Determine whether the current promotional system administered by the Civil Service Commission can be modified to include subjects related to human relations management and other	<p>LAFD incorporated human relations components into the Captain I civil service promotional exam administered in December 2006.</p> <p>LAFD also administered a revised</p>	In Progress

Reco.	Recommendation	Auditor Evaluation	Status
	areas directly related to LAFD's mission. Work with the appropriate organizations to assure the promotional process is relevant to LAFD's needs.	Captain II pay-grade advancement exam in April 2008 that emphasized human relations and leadership topics. LAFD plans to work with appropriate stakeholder groups and the Personnel Department to similarly revise other promotional exams.	
18	Continue to provide the recent department-wide Human Relations Training initiatives and, through a rigorous feedback system, expand or strengthen them as opportunities arise.	<p>LAFD implemented a formal Human Relations Training program, which is delivered to recruits in Drill Tower Academy, members seeking promotion to Captain, and all members through the mandatory In-Service Training Academy.</p> <p>The Human Relations (HR) Training Coordinator reviews course evaluations monthly and uses the information to modify presentation format.</p> <p>We noted a potential weakness in that the HR Coordinator designs the curriculum but is the only person to evaluate course feedback. Evaluation results have been shared with the Fire Commission and LAFD management on an ad-hoc basis, however, no formal or regular reporting exists.</p> <p>LAFD plans to hire an evaluator by Summer 2008 to assess human relations courses and recommend necessary changes.</p>	Implemented

Reco.	Recommendation	Auditor Evaluation	Status
SECTION IV: DRILL TOWER RECRUIT TRAINING ACADEMY			
19	Assure that only recruits who have achieved passing scores for each performance standard during the Drill Tower academy are hired as probationary firefighters.	We could not independently verify through testwork that only recruits who received passing scores graduated from the Drill Tower Academy; however, we consider recommendation 19 to be “partially implemented” based on the LAFD’s Drill Tower restructuring and evidence suggesting that recruits graduating from Drill Tower are better equipped to perform the expected duties.	Partially Implemented
20	Cease the Fire Chief’s practice of overruling Drill Tower instructors’ recommendations to terminate recruits until the resulting qualitative and quantitative impact to the recruit, co-workers and the public have been fully considered; and the perception among firefighters of special treatment and favoritism has been addressed. While the number of firefighters from certain underrepresented groups has increased as a result of the Fire Chief overruling Drill Tower instructors, only if such an evaluation overwhelmingly demonstrates that an overriding public benefit is achieved can such actions be justified.	<p>On January 24, 2008, the Fire Chief issued a communication formalizing his commitment not to overturn Drill Tower instructors’ recommendations to terminate recruits that did not achieve passing scores in the Training Academy. The Fire Chief also stated, and the Chief of Recruit Training confirmed, that he has not overruled any recommendations to terminate recruits with unsatisfactory scores.</p> <p>We consider recommendation 20 to be “implemented” based on the Fire Chief’s formal commitment not to overturn Drill Tower instructors’ recommendations and that we did not find any evidence through our testwork to suggest this practice is still followed.</p>	Implemented
21	Review the Drill Tower statistics for the 2005 graduates and those that come later to assure that retention rates, manipulative and academic test scores and other performance measures fulfill LAFD’s need to train and advance fully competent firefighters. Also, track graduates through their probationary periods to determine whether the newly revised curriculum needs to be modified.	<p>LAFD maintains and reviews Drill Tower Academy statistics on an ongoing basis.</p> <p>LAFD Quality Assurance unit tracks every probationary member through the one-year probationary period.</p> <p>Recruit Training Section uses probationary data to develop recommendations for changes to Drill Tower Academy.</p>	Implemented