

# LOS ANGELES FIRE DEPARTMENT



JUL 21 2009

DOUGLAS L. BARRY  
FIRE CHIEF

July 8, 2009

BOARD OF FIRE COMMISSIONERS  
FILE NO. 09-081

TO: Board of Fire Commissioners

FROM: Douglas L. Barry, Fire Chief *DLB*

SUBJECT: RESPONSE TO UFLAC CONCERNS RESULTING FROM LAPD AUDIT  
OF ARSON/COUNTER-TERRORISM SECTION

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

## For Information Only

The following information is provided per the April 29, 2009 correspondence from UFLAC received at the Fire Commission Office on May 7, 2009.

## **The Audit of the Arson/Counter-Terrorism Section**

The impetus of the audit of the Arson/Counter-Terrorism Section (ACTS) was a concern from the ACTS Command Staff that standard law enforcement practices were not be adhered to. Administrative discussions concluded that an outside party review the Section's policies and procedures and application of these policies and procedures to assess the quality of the Section's investigations. The model of the audit was a "Quality of Investigations Audit". The methodology and model utilized for this audit does not include interviewing all members of the section being audited.

The overall objectives of the audit were designed to:

1. Evaluate the adequacy of ACTS policies and procedures,
2. Determine whether ACTS assigned all incidents received from the NFIRS system for investigation,
3. Determine whether arson investigations met **basic investigative standards** relative to:
  - a. Collection and preservation of evidence,
  - b. Canvassing for witnesses,
  - c. Witness interviews,
  - d. Identification, connection, pursuit, and follow-up of investigative leads

4. Evaluate supervisory oversight over:
  - a. Fire investigative reports,
  - b. Booking approvals,
  - c. Arrest reports,
  - d. Case management

The methodology of the audit consisted of reviewing existing policies and procedures, interviewing management and supervisors, and reviewing a sample collection of 149 investigations between January and September 2008. Discussions were held with the Section Commander, Senior Investigator, an investigator from the day unit, and an investigator from a platoon-duty arson-unit regarding an overview of the Section's policies and procedures, general information on the ACTS investigative process, and details on how the processes work.

The audit findings are contained in the LAPD report presented to the Fire Commission on April 22, 2009.

The findings and solutions to the deficiencies identified are being addressed by a workgroup consisting of both representatives of management and investigators of ACTS to ensure that the expertise and perspective of the investigators are being considered in the implementation process.

UFLAC also raises concerns as to "the current working environment at the arson section" and a multitude of complaints that have been filed with the Department regarding the management and supervision of the section. The author also indicates his perception that "these issues continue to go unaddressed". The Professional Standards Division is actively investigating complaints arising out of ACTS, reviewing and currently adjudicating cases that have been completed.

Board report prepared by John Miller, Battalion Chief, Arson/Counter –Terrorism Section.

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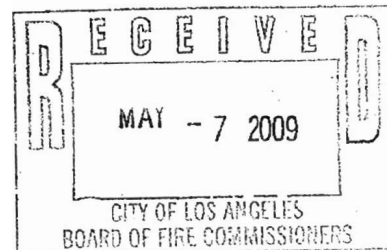


# UNITED FIREFIGHTERS of LOS ANGELES CITY

Local 112 IAFF AFL-CIO-CLC

April 29, 2009

Genethia Hudley-Hayes, President  
City of Los Angeles  
Board of Fire Commissioners  
City Hall East 1800  
Los Angeles, CA 90012



Madam President,

I was in attendance at the last Fire Commission meeting at the request of President McOsker. One of the Agenda items was a report regarding the LAPD audit on the Arson Section. In the audience that day was about a dozen of our arson investigators. They were very concerned about the results of this audit.

One of their biggest concerns was that they were never given an opportunity to provide their input to the auditors. I know one of the auditors told the Commission that Supervisors and Investigators were interviewed, but that statement was not correct. In fact, not one of the Investigators in attendance that day had been interviewed. I am concerned about any audit results that are determined without the input of the people who actually do the work on a daily basis. I'm sure you would agree that their input in both identifying the problems and the solutions would be invaluable.

Another concern that wasn't addressed in the audit and is of a serious nature is the current working environment at the arson section. Multiple complaints have been filed with the Department regarding the management and supervision of this unit. These issues continue to go on unaddressed.

The members of the Arson Section would like to meet with the Fire Commission and the Fire Chief to address their concerns. This was done very effectively in the late 90's when the Fire Commission held hearings to discuss Paramedic issues. Every Paramedic who wanted to testify in front of the Commission was allowed to do so, and it was an incredible eye opener for both the Commission and the Chief. As a result, the first EMS five year plan was developed with much success. I believe that both the Fire Commission and the Fire Chief could learn a great deal about the issues affecting the Arson Section by speaking to its members directly. By allowing these members to speak freely and without the fear of reprisal, I believe these problems can be resolved.



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If I can help facilitate this meeting in any way, please do not hesitate to ask. I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pimentle", written in a cursive style.

David Pimentle, Secretary  
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