

# LOS ANGELES FIRE DEPARTMENT



JUL 21 2009

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FIRE CHIEF

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BOARD OF FIRE COMMISSIONERS  
FILE NO. 09-080

TO: Board of Fire Commissioners

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

**SUBJECT: RESPONSE TO ARSON/COUNTER-TERRORISM SECTION AUDIT  
QUESTIONS PRESENTED BY FIRE COMMISSION - APRIL 22, 2009**

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 Withdrawn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 your request received April 27, 2009.

### **The process for implementing the recommendations**

Upon completion of the audit and in anticipation of the resulting report and recommendations, the Department authorized formation of a workgroup (Guiding Coalition (GC)) consisting of both sworn and civilian Arson/Counter-Terrorism Section (ACTS) members to prioritize all audit recommendations and initiate steps to implement those recommendations. The workgroup reviews existing policies and practices and suggests revisions, modifications, or develops new policy, as appropriate, with the Workplace Excellence Unit (WEU) members acting as facilitators. The workgroup forwards its recommendations and completed work to a Management Review Panel, consisting of the Commanders of the Emergency Services Bureau, the Special Operations Division, and the Arson/Counter-Terrorism Section for review and approval. Once the workgroup proposals receive the Management Panel's approval, the policies will be forwarded to my office for final review, approval or disapproval, further evaluation, modification, and/or policy implementation.

Workgroup composition and purpose are addressed in a response below.

### **Describe other actions the Department plans to employ to raise the level of performance**

Several audit recommendations involve data tracking, statistical analysis, and case management. Historically, ACTS case management processes have been informal and

data tracking has received little attention, which has left Department management with few reliable tools to assure the Section functions as efficiently and effectively as possible. Improved data and case management strategies, including supervisory case reviews and arson tracking systems, coupled with definitive dispatch response criteria, investigative policies, and mandatory continuing education training requirements for investigators will provide Department management with the tools necessary to improve Section efficiency and effectiveness. Practical improvements in the recommended areas will permit management to regularly review investigator caseloads, work product, and work quality, which is anticipated to produce an enhanced level of service. Additional anticipated benefits from the recommended improvements include reduced case backlogs via improved accountability measures (regular case status updates) and formal case review. Improved caseload distribution among investigators, early identification and time management improvements, resource issues that affect investigator productivity, improved adherence to established procedures, and elimination of other productivity drains are all expected benefits.

### **Define the priorities for implementation**

The workgroup (Guiding Coalition) has established immediate, short-, mid-, and long-range goals for developing and implementing the audit recommendations, which include interim deadlines for review, submission, and approval along with time for revisions, rejections and revision approvals. Each recommendation varies in complexity and, in some cases, expense, which, in turn, affects implementation timelines. Prioritization is primarily based on operational importance, management expectations, and risk management/liability concerns. Recommendations that require little or no change and need little or no money to complete receive high priority and have shorter deadlines than those that require more work and, perhaps, moderate expense, which carry lower priority rank and have longer deadlines. Those recommendations that require extensive work in terms of planning, technical issues, and potentially great expense, carry the lowest priority and the longest deadlines as they are more involved and are more sensitive to budgetary and overtime allotments for implementation. In most cases, full implementation of or an approved implementation plan for all except, perhaps the most technically involved recommendations, is expected within the Department's six-month timeline.

### **Describe the LAPD/LAFD partnership and mentoring for investigators**

ACTS was established to provide fire investigative services for the City of Los Angeles. By City Charter, its primary responsibility is to investigate known or suspected incendiary fires and non-bomb explosions, and to find, arrest and prosecute those responsible. It is also responsible for investigating the cause of significant non-criminal fires in order to identify new or potential fire hazards, which drive corresponding changes in fire and building codes.

In 1993, the Chief of Police and the Fire Chief signed a Memorandum of Agreement (MOA) between their respective departments regarding the investigation of arson, arson

related crimes, and officer involved shootings by arson investigators. As part of this MOA, LAPD provides investigative training for Fire Department Arson Investigators through its in-house training programs and at ACTS request. Training available to Arson personnel as the result of this MOA includes the LAPD Basic Detective and LAPD Homicide courses in addition to firearms and use-of-force training. Although LAPD and LAFD frequently work together investigating the crime of arson and associated criminal offenses, which have resulted in the formation of several "task forces," and regularly work together at fire incidents, the MOA contains no provisions for LAPD personnel to mentor Arson investigators. This has forced ACTS to rely on in-house mentoring to train new investigators in various law enforcement related topics including how to conduct criminal investigations, how to write reports, how to present cases to prosecutors for filing, and how to conduct investigative follow-ups. Unfortunately, this contractual oversight and the relative isolation in which Arson Investigators work relative to mainstream law enforcement has, over time, resulted in the procedural deficiencies identified in the audit team's report. Temporarily detailing Arson Investigators to LAPD Detective units will address this issue by exposing ACTS investigators to modern and current cross-disciplinary investigative techniques and practices as used by seasoned and experienced detectives in a real-world setting. Discussions with LAPD indicated that a 30-day (one month) detail would be sufficient to expose ACTS investigators to investigative practices and techniques. The goal is to improve the quality of ACTS investigations by providing ACTS investigators with the opportunity to observe skilled police investigators in action.

#### **Detective School – when this training begins and who will be trained**

LAPD offers a two-week "basic detective course" that includes 35 modules of instruction tailored to specifically to LAPD policies and procedures. The course is offered four times per year and primarily designed for newly promoted detectives or individuals interested in promoting to the position of detective. Of the 18 Investigators assigned to ACTS, 16 have already attended this 80-hour course. The remaining two investigators will attend as scheduling permits.

The Audit also recommended courses offered by the Robert Presley Institute of Criminal Investigation which provides a core course that offers standardized, non-agency-specific instruction in conducting criminal investigations. Subjects covered in the core course include crime scene management and reconstruction, organization and personal case management skills, application of interviewing and interrogation techniques, identification of and access to information sources, case documentation, case presentation, evidence handling and recognition, and surveillance. These courses are offered three times per year and space is limited. Three investigators have tentatively been scheduled to attend this course in September 2009.

**Exchange program for Arson Captains with LAPD investigators and detectives and when will it begin**

As envisioned, the request for an experienced detective from LAPD to assist both ACTS Captains and the Senior Investigator with management and operational expertise in criminal investigation is less of an exchange program than a mentoring and advisory program. This item is designed to address issues inherent in the traditional "administrative assignment" rotation model when assigning supervisory staff to a specialized investigative unit like ACTS, by providing section command staff with ready access to seasoned Police supervisory resources. The implementation timeline for this item is expected to begin with the new fiscal year, as some components will require variable staffing hours to complete. At tentative estimate for all sworn members to participate in the exchange program would require approximately 2,700 hours of variable staffing hours to accomplish. An additional 2,100 hours of variable staffing hours would be required to fulfill all of the audit recommendations.

ACTS investigators will be "administratively detailed" to LAPD detective units in a kind of "mentorship" program to obtain hands on criminal investigation training with investigators from outside of their immediate circle of coworkers. While significant improvement in ACTS investigations is anticipated as a result of this program, there are substantial associated personnel costs and fiscal constraints which will push implementation into fiscal 2009-2010.

**How will the threshold for responding to arson calls be adjusted to ensure a more comprehensive response to potential arson incidents?**

The Manual of Operation, Section 2/1-63.10, identifies specific criteria under which an incident commander shall request immediate Arson Investigation Unit response. The criteria are: (a) incendiary or suspicious fires (or attempts of same) when, in the incident commander's opinion, arson investigation section assistance is indicated; (b) juvenile fires when, in the incident commander's opinion, arson investigation section assistance is indicated; (c) fatalities or probable fatalities; (d) serious burns; (e) explosions; (f) greater alarm fires when more than 10 companies are working; (g) special incident; (h) a suspect is in custody at the scene; (i) the incident commander has an eye witness of the arson crime at the scene; or (j) undetermined fires with a loss of \$25,000 or more.

Arson investigators often "triage" requests based on information they receive from incident commanders and base decisions on the necessity of an immediate response on whether a witness or suspect was or is at the scene. While the incident information would ultimately be entered into the National Fire Incident Reporting System (NFIRS) and provided to ACTS, in the time between the incident and the resulting report, evidence may have become contaminated and witnesses, who might have been on scene at the time of the incident, may no longer be present.

Under current procedures, improvements to those established in the manual must undergo discussion and review, first at the employee workgroup level and then at the

management level. Consequently, it is premature to speculate on the final form suggested improvements to the current Arson response procedures will take based on this model. Thus far, the process has resulted in minor proposed changes to current practice. These include dispatch thresholds to greater alarm fires and providing the requested A-Unit specific information on dispatch. Investigator input has been valuable in assessing the operational effectiveness of a related policy. The requirement that OCD notify responding Arson Investigative teams of the reason behind a particular Arson response, which will allow investigators to remotely assess the type of resources they may require before arriving on scene, and have received management panel approval.

Ultimately though, the Department itself must determine where to establish its priorities for fire investigations, both criminal and accidental, when balancing department resources in terms of dispatch, coverage, the number of allotted personnel, liability and risk management issues, and similar concerns.

**What are the details for the Guiding Coalition? What are their goals, timelines, and objectives? Who are the participants? How often do they meet and for how long? What is their role relative to implementing the audit recommendations?**

The Guiding Coalition is a workgroup consisting of ACTS personnel established to develop, update, and/or revise policies and procedures relative to ACTS. The goal(s) of the Guiding Coalition is to fully implement the audit recommendations consistent with the Department's objectives, the Department's CORE values, and the expectations of the public. It also acts as a conduit through which section members can suggest changes to section policy and procedure without inundating management with requests that would not meet approval of their peers. The Coalition includes the following ACTS personnel: the Captain II, the Senior Investigator, one Day Investigator, one A-Unit 1 Investigator, one A-Unit 2 Investigator, and one Senior Clerk Typist. The Workforce Excellence Unit facilitates meetings and maintains work schedules. The Guiding Coalition generally meets every two weeks for a period of between 2 and 3 hours. Changes to policies and procedures this body recommends are forwarded to a Management Panel for review and approval prior to forwarding to the Fire Chief for final policy implementation.

**Who is researching best practices in other agencies? How long has this research been in process? When will the best practices report be ready?**

In October 2008, two Officers from the Bureau of Emergency Services (one with previous fire investigator experience) were detailed to ACTS to conduct a "best practice" review of several comparative fire agencies with fire investigation responsibilities throughout North America. The purpose was to analyze practices in use elsewhere relative to LAFD ACTS policies and procedures and identify areas in which other agency approaches, where different, might benefit LAFD. Letters were sent to 25 agencies that were full-time, paid municipal departments serving a population of not less than 500,000, requesting information on each agency's Fire Investigation Section.

The requested information included: unit composition (size, command staff, investigators, and civilians); work locations (satellite and centralized); standard operating procedures and guidelines; formal education requirements, training standards; uniform policies for officers and investigators; work schedules (days and platoon); response policy, dispatch policy, emergency and non-emergency response; case load; arson report procedures; use of force procedures; origin and cause, criminal prosecution, and district attorney staff; and canine policy.

Since arson is both a fire and a crime, it does not fit exclusively into the domain of either the fire department or police department. Most of the agencies contacted, fell within one of the three following categories that describe the composition of their respective Fire Investigation Sections:

Independent, but coordinated – The fire department handles the origin and cause only. If a fire is determined to be incendiary or suspected to be arson, the police department carries forward with the criminal investigation and files the case with the prosecutor's office.

Integrated fire and police team – Fire and police personnel work jointly and usually are "cross-trained," each with the power of arrest. With this type of arrangement, the unit members collaborate on cases, but report to their respective police or fire department commanders. There are some joint fire and police units where all function under a single command.

Fire Department exclusive – Fire department investigators are responsible for all phases of cause determination and criminal investigation (LAFD model). For this arrangement to work, fire investigators must be trained and certified as law enforcement officers and have power of arrest.

Out of the 25 agencies contacted, only 12 agencies responded to the Department's request. The survey team prepared a report of its findings from the survey responses last fall.

### **What is the timeline for the implementation of the audit recommendations?**

The Department's goal is to expedite and implement the audit recommendations as soon as practicable and with all recommendations approved for implementation by the estimated date of November 1, 2009 (six (6) months). Since some of the audit recommendations are more complex than others, Department management does not anticipate that all recommendations will be fully implemented or in progress within the six (6) month timeline, as economic and budgetary constraints will undoubtedly delay some plans. Department management does, however, anticipate that a written plan of action will be developed and approved for all recommendations prior to implementation within the six (6) month window. For example, "establishing formal supervisory requirements for 1) fire investigation reports, 2) booking approval, and 3) arrest reports have already been implemented, whereas the recommendation of "expanding the role

of first responders to conduct more in depth preliminary investigations to "filter" and categorize incidents assigned to ACTS" will require on-going training to all LAFD Officers.

While this training can be modified to fit specific needs, the California State Fire Marshal's "Fire Officer Certification" curriculum requires a 40-hour course in basic fire investigation to be certified by the State Fire Marshal as a fire officer. Training the Department's complement of field officers (471 Captains and 48 Chief Officers) would take a considerable amount of time to fully implement.

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