



LOS ANGELES FIRE DEPARTMENT

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FIRE CHIEF

August 7, 2015

BOARD OF FIRE COMMISSIONERS
FILE NO. 15-087

TO: Board of Fire Commissioners
FROM:  Ralph M. Terrazas, Fire Chief
SUBJECT: ARSON COUNTER-TERRORISM AUDIT REPORT UPDATE

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 Withdrawn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

SUMMARY

In December 2014, the Office of the Independent Assessor (OIA) completed an audit of the Arson/Counter Terrorism Section (ACTS) and reported its findings to the Board of Fire Commissioners (Board). The audit was conducted to assess the status of recommendations made during the 2008 Los Angeles Police Department (LAPD) audit, assess the quality of ACTS investigations, and determine background and training standards. On May 5, 2015, ACTS presented a status report to the Board on progress made at ACTS regarding the audit.

RECOMMENDATION

That the Board:
Receive and file this report.

DISCUSSION

By power of the City Charter, the LAFD has the authority to investigate all fires that occur within the City of Los Angeles. The LAFD has a signed Memorandum of Agreement with the Los Angeles Police Department stating that "the Fire Department shall retain responsibility for all arson investigations, as well as any arson/insurance fraud occurring within the City, with the Police Department acting in a supportive role. When another crime is identified, i.e. arson/murder, the appropriate entity within the Police Department shall have the investigative authority."

In May 2014, the OIA began a review of ACTS. The audit was conducted to:

- Assess the status of implementation of recommendations from the LAPD Audit,
- Assess the quality of recent ACTS investigations, and
- Determine if members working in ACTS possess the requisite background qualifications and firearms training required for the assignment.

The audit was presented to the Board of Fire Commissioners on December 16, 2014.

The OIA Audit objectives were:

- Objective 1: Policies and Procedures
- Objective 2: Quality of Investigations
- Objective 3: Investigative Training
- Objective 4: Supervisory Oversight
- Objective 5: Background Investigations and Firearms Qualifications for Peace Officers

The OIA made several recommendations. The audit reinforces and supports actions currently in motion by ACTS supervision to address deficiencies and improve performance. Work addressing the audit had already begun and continues to fall in line with the recommendations in the audit report.

Listed below are the steps being taken to address each audit recommendation:

1. Update and maintain an Arson Procedures Manual.
 - The Arson Procedures Manual was found to be in need of several updates. Progress is slow due to staffing shortages and a lack of subject matter experts (SME).
 - A revised Arson Procedures Manual is being developed which will incorporate the Office Procedures Manual, Arson Procedure Bulletins (23 total), and the clerical procedures.
 - A Management Analyst is needed to keep all policies and manuals current.
 - There are 23 APB's used to provide structure and continuity to daily arson related activities. To date, 9 APB's have been updated and approved. The following APB's have been updated and are attached for the Board's consideration:
 - APB #12 – Arson Case Filings; update June 23, 2015
 - APB #18 – Use of Department Helicopters; update June 23, 2015
 - APB #19 – Supervisor Notification of Arrest; update June 23, 2015
 - A Captain II has been detailed to ACTS to focus on statistical information administrative procedures.
2. Develop policies reflecting the responsibilities of first responders and ACTS investigators regarding engaging in activities that will lead to more thorough and complete investigations (i.e. crime scene preservation, canvassing for witnesses and surveillance cameras, obtaining contact information, and interviewing all witnesses).

- ACTS has revised and requested to post the Arson Reference Guide. This information will list the categories when it is necessary to the contact Arson Section.
 - Arson Reference Guide is on the ePCR tablet.
 - ACTS has been to each Bureau offering to provide training on Origin and Cause guidelines.
3. Add "Canvassing for Witnesses" heading to Arson Procedure Bulletins #13.
- Subject matter experts are currently reviewing APB #13 for practical application in a field setting.
 - The APB now includes a heading titled "Canvassing and Witnesses"
4. Update Notification Protocols.
- APB completed and approved. Protocols being utilized as outlined.
5. Record (audio and video) and book into evidence suspect interviews.
- APB #13 is currently being reviewed and evaluated. Part of the revision of this APB includes language that suspect interviews should be recorded (audio and video) and that the recordings should be booked into evidence.
 - Each arson investigator has been issued a digital recorder in an effort to provide the tools necessary for this practice.
6. Greater detail conducting in-person interviews with material and percipient witnesses.
- Efforts are being made to train all arson investigators regarding interview techniques through training scenarios.
 - ACTS is working with LAPD to provide specific and recurring training regarding interviews.
7. Formalize partnerships with LAPD and/or other law enforcement agencies.
- On-going: A thorough and collaborative process already exists. Currently there are ATF and LAPD Major Crimes Detectives working in conjunction with LAFD Arson Investigators on arson cases.
 - ACTS has two LAFD Arson Investigators assigned full-time to the Federal Bureau of Investigation (FBI) coordinated Joint Terrorism Task Force (JTTF).
 - ACTS regularly works with LAPD personnel from the Major Crimes Division and Criminal Conspiracy Section.
 - ACTS participates in the South Bay Arson Task Force.

8. Adopt formal investigative training requirements and standards.
 - ACTS requested and received training in April 2015 on NFPA 921/1033 to address the significant changes that have occurred in the *"2014 Guide for Fire and Explosion Investigations"*.
 - ACTS received Force Option Simulator Training in June 2015.
 - ACTS is receiving "Use of Force" training several times a year through LAPD.
 - High Value Interrogation Techniques.
 - ACTS has developed and is currently training Investigators on Evidence Collection.
 - Undercover Officer Perkins Training in May 2015.
9. Supervisor approval on investigative reports ensuring accuracy and completeness.
 - On-going action has ACTS supervisors are actively reviewing reports for accuracy. Areas of focus include adherence to policies, evidence preservation, witnesses, interviews, notifications, and case management.
10. Comply with 2011 Letter of Agreement (LOA); Psychological Evaluations.
 - Full compliance on this recommendation.
11. Ensure compliance with all LAPD policies related to firearms qualifications.
 - On-going: LAPD Use of Force Policy – Directive No. 1, Directive No. 5, and Special Order No. 36, LAPD Special Order No. 24 Qualification Schedule.
12. Ensure weapons qualifications standards including corrective action.
 - On-going: Arson Captains track, record and document all firearms training.
 - LOA Item #13: The LAFD Arson Investigators shall adhere to LAPD's policies on use of firearms, the use of deadly force, and officer-involved shooting investigation procedures.
 - Investigators that do not follow weapons qualification standards will be entered into CTS.

CONCLUSION

The OIA audit identified areas that require attention and, if implemented, will improve performance, reduce risk management concerns, and enhance accountability. ACTS supervision is working closely with the OIA in an effort to clearly understand all issues identified and implement needed changes. Implementing OIA recommendations will enhance investigative practices, improve the quality of work, and heighten the level of service ACTS renders to the community of Los Angeles.

Although there is room for improvement, ACTS performance is recognized favorably and frequently praised within the law enforcement community. Although we view implementing the changes detailed above as a high priority, staffing levels require day-to-day operational needs to be the primary focus, leaving reduced staffing to address policy and manual updates. The addition of a Management Analyst and an additional Senior Investigator will be of great assistance in complying with all issues identified by the OIA and in keeping ACTS current with all applicable practices within the field of arson investigation.

Board report prepared by Robert W. Nelson, Commander, Arson-Counter Terrorism Section.