

2013-2014 GRAND JURY REPORT

Idyllwild Fire Protection District Board of Commissioners / Finance Committee

Background

Idyllwild Fire Protection District (IFPD) was founded in 1946 to provide fire protection to unincorporated mountain communities in the proximity of Idyllwild, Riverside County.

At the time of this 2013-2014 Grand Jury investigation, the IFPD employed one chief, one administrative captain, two shift captains, two paramedics (that are reserves), eight EMT's (that are reserves) and one part-time administrative assistant.

The Idyllwild Volunteer Fire Company (IVFC) became a part of IFPD in 2011. Prior to this, the IVFC served with Riverside County Fire as the Garner Valley Company at Station 53 in Garner Valley. Currently, the IVFC has twelve members, one squad unit and meets the second Saturday of the month in the IFPD conference room.

A board of five elected Fire District Commissioners (Board) governs the IFPD. The Board meets once a month. The meetings are open to the public and held at the Idyllwild Fire Station training room.

The Board Policy states in part...

The primary responsibility of the commissioners is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to District staff members. The Board shall address and resolve policy issues and set priorities.

A Finance Committee was formed by the Board in January 2014 that includes two Board members and three Idyllwild residents. The Finance Committee meets every two weeks.

Methodology

The 2013-2014 Grand Jury conducted its investigation using the following methods:

Obtained sworn testimony from:

- 14 past and present members of the IFPD
- Cal-Fire / Riverside County Fire Chief
- IFPD Fire Chief
- IFPD Captain, Paramedic , Training Officer (aka Administrative Captain)
- An IFPD Board Commissioner
- Idyllwild residents
- A concerned citizen
- A former Garner Valley firefighter

Reviewed the following documents:

- IFPD Policy and Procedures
- IFPD Rules and Regulations
- Past Grand Jury reports
- Letters from past and present members of the IFPD
- Firefighter Code of Ethics
- Cal-Fire Policy and Procedures
- IFPD Incident Logs
- Letters from Lenoir Community College in North Carolina
- California State Fire Marshall Training Division sheet
- IFPD Board of Commissioners Agendas / Minutes
- IFPD Finance Committee Agendas / Minutes
- The Ralph M. Brown Act (California's open meetings law)
- California Firefighters Procedural Bill of Rights Act
- IFPD Board of Commissioners Policy and Procedures

Grand Jury visitation and interview:

- Riverside County Emergency Medical Services Agency (EMS)
- Director and Assistant Director of EMS

Findings

Accusations Made by the IFPD Captain, Paramedic, Training Officer (aka Administrative Captain)

1. Incidents of accusations:

- According to a paramedic reserve (PR), he was doing paperwork in the IFPD break room when the Administrative Captain (ADCAP) told the PR to pose in a sleeping position on a recliner, so he could take his picture as if sleeping on the job. He led the PR to believe the picture was all a “joke.” The ADCAP then sent the picture to the PR’s full-time employer, Pechanga Fire Department (PFD). However, on a conference call with the ADCAP, the PR and the Chief at PFD, the ADCAP denied the “joke” and stated, “The PR begged me to lie to the Chief, so he would not get into trouble at the PFD.” The PR was then placed on disciplinary watch by the Chief at PFD as a result of the statements made by the IFPD ADCAP.
- According to sworn testimony, the ADCAP has spread slanderous comments against a reserve firefighter (RF). The ADCAP accused this RF, of unethical behavior and posting pictures on Facebook wearing IFPD property while off duty. Sworn testimony from several firefighters stated these accusations are completely false. On the ADCAP’s regular day off he contacted several firefighters and asked them to write statements indicating he had never spoken negatively about the RF.
- While enroute to a call on October 8, 2012, an accident occurred between IFPD Truck 625 and IFPD ambulance 621. The driver of Truck 625 backed up hitting ambulance 621. There was no ground guide (safety procedure for backing up a vehicle) for Truck 625. The passenger in Truck 625 was the ADCAP when Truck 625 hit ambulance 621. The two ambulance personnel, an RF and a PR, had exited the vehicle and were at the back of the ambulance 621 with the swing doors open when they felt the impact on ambulance 621. The truck driver and ADCAP returned to the fire station to retrieve the other ambulance. After the paramedics stabilized the patient, the patient was transported down the hill to Hemet Hospital.

According to sworn testimony, the ADCAP asked each ambulance personnel to take the blame for the accident because they needed to “protect” the driver in Truck 625. Through sworn testimony the /Grand Jury learned that the truck driver was up for a promotion at

that time. Both ambulance personnel refused to take the blame, but did sign an accident letter the ADCAP created to absolve all involved, including himself.

- In another incident, according to sworn testimony the ADCAP instructed a paramedic student to “start an IV” on a patient to which the patient stated “No! I don’t want an IV; I don’t want to go to the hospital.” The PR’s mental assessment of the patient indicated the patient was capable of making that decision. After reassessing the patient and before the paramedic student could finish explaining the procedure to the patient, the paramedic student was ordered to “start the IV” by the ADCAP.

The paramedic student asked the paramedic engineer if there was anything he could have done differently on this call. The paramedic engineer indicated that the paramedic student had “handled the call just fine.” The paramedic student said the ADCAP stated “I need to teach you this lesson of ‘blind obedience’.”

- In 2012 the ADCAP accused a paramedic student of forging his signature on a “preceptor attendance log” from Lenoir Community College (LCC). The ADCAP even went so far as to write letters to LCC stating that he was positive that he did not sign the attendance log. The Grand Jury learned through sworn testimony and a forensic handwriting expert report, the accusation of forged signatures was *false*. The paramedic student stated the ADCAP, “for a reason unknown to me, was attempting to harm my career by making false statements.”
- Sworn testimony has revealed to the Grand Jury that the ADCAP approached an RF offering to submit his California State Fire Marshal Training Divisions Sheet to the state. The RF told the ADCAP he had not completed all the requirements. The ADCAP submitted the training sheet to the IFPD Fire Chief for his signature anyway. The RF never submitted the training sheet to the California State Fire Marshall, because he had not completed the training hours for every required skill on the Fire Fighter I sign off sheet.

The RF did not want to put himself in a position of being approached by any superior and asked to perform one of the skills on the Fire Fighter I training sheet and not be proficient at it.

Nonfeasance / Fire Chief

2. Nonfeasance is a failure to act under an obligation to do so; a refusal (without sufficient excuse) to do that which it is your legal duty to do.

The findings are as follows:

- The Fire Chief signed an Idyllwild Fire Protection Employment Contract on July 18, 2012, with the Board. According to sworn testimony the Fire Chief was required to obtain his California Paramedic Certification within the first six months of employment. As of the dates of the Grand Jury investigations, the California Paramedic Certification had not been obtained.
- The Grand Jury interviewed past and present firefighters with many of the same testimonies regarding the Fire Chief:
 - “Lack of leadership”
 - “Communication does not filter down”
 - “Morale always a problem”
 - “Weak Chief”
 - “The Administrative Captain needs to be doing a lot less and the Chief needs to be doing a lot more”
 - “Supervision is non-existent”
- As previously reported in the Grand Jury 2013-2014 report titled “Idyllwild Fire Protection District,” the Administrative Captain has too many job responsibilities.

Violation of the Ralph M. Brown Act

3. On March 18, 2014, three Board members and three members of the IFPD Finance Committee took a trip to Cal-Fire / Riverside County Command Center located in Perris. The Board and Finance Committee members met at the Perris Command Center to discuss the dispatch agreement IFPD has with Riverside County. The trip/meeting of the Board and Finance Committee constituted a quorum. The meeting was neither publically noticed nor open to the public, as required by the Ralph M. Brown Act. According to sworn testimony the Board and Finance Committee members were in violation of the following section of the Ralph M. Brown Act: 54956, which states in part...

Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed.

Past Riverside County Grand Jury reports have found violations of the Ralph M. Brown Act by the Board.

Recommendations

Idyllwild Fire Protection District Board of Commissioners Idyllwild Fire Protection District Finance Committee

Accusations Made by the IFPD Captain, Paramedic, Training Officer (aka Administrative Captain)

1. IFPD shall follow the Firefighter's Code of Ethics, which states in pertinent parts...

Avoid situations that would adversely affect the credibility or public perception of the fire service profession.

Never harass, intimidate or threaten fellow members of the service or the public and stop or report the actions of other firefighters who engage in such behaviors.

A code of ethics training program shall also be a part of the overall training.

IFPD Board shall conduct an independent investigation into the ADCAP's behavior and consider terminating him for violating the Firefighters Code of Ethics and placing IFPD in a potentially liable position.

Nonfeasance / Fire Chief

2.
 - The Fire Chief shall obtain his Paramedic Certification and show proof that he is in compliance with his employment contract.
 - The Board shall ensure the Fire Chief assumes full management responsibility of fire department services and activities (i.e. fire prevention, suppression, investigation, emergency medical services on public education).
 - The Board shall thoroughly evaluate the Fire Chief's duties, responsibilities and performance, conduct an independent investigation and consider termination.

Violation of the Ralph M. Brown Act

3. The Board and Finance Committees shall comply with the provisions of the Ralph M. Brown Act at all times to ensure compliance at all future meetings.

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