

Audit Update: Fire & Rescue has taken steps to improve accountability; Human Resources made one improvement to its investigation guidelines, but disagrees others are necessary

This is a one-year follow-up to our 2022 report, [Fire & Rescue does not have a coherent accountability system](#) that recommended Fire set clear expectations for work requirements and employee conduct, and Human Resources improve guidance and monitoring of complaints, investigations, and discipline.

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Summary

In our 2022 audit on the Portland Fire & Rescue Bureau's complaint, investigation and discipline system, we found that the Fire Bureau did not have a coherent employee accountability system. Although a study of its workplace culture found some employees, particularly women and people of color, felt alienated, it had not offered training recommended to improve its workplace, nor ensured that employees attended a mandatory training on prohibited conduct. It had also not established and well-communicated processes for filing complaints, conducting investigations, and imposing discipline that employees trusted.

Some Fire Bureau employees perceived investigations into misconduct as inconsistent or unfair and thought they took too long; these conditions took a toll on morale. We also found that discipline decisions were unpredictable, time-consuming, and viewed as unfair.

During the three years we reviewed in our audit, the Bureau of Human Resources performed most investigations into employee misconduct at the Fire Bureau. We could not determine whether those investigations were consistent or fair, primarily because documentation was incomplete. We found Human Resources' investigative procedures were unclear and did not include guidance to help ensure investigations were well documented or timely, or that notice was given to employees when investigations were complete. We also found Human Resources was not tracking all complaints it received, only those that were investigated, and that its tracking of investigations and discipline was incomplete and included errors.

We made nine recommendations for how the Fire Bureau could improve the way it handles complaints, investigations, and discipline. The Fire Bureau is in the process of implementing or has implemented them all. The Fire Bureau established methods and guidance for complaints and is developing guidance to help ensure investigations are consistent, impartial, and timely. Additionally, the Bureau's discipline process is more predictable and better communicated. The Bureau is in the process of updating governing documents to reflect improvements to its accountability system.

We made two recommendations for how the Bureau of Human Resources could improve its investigation guidance and central documenting and monitoring of complaints, investigations, and discipline. Human Resources updated its guidance to incorporate one element of our recommendation, but does not plan to implement the remaining elements. It is in the process of improving its central tracking.

Fire has begun to improve its professional workplace, but needs to expand training and ensure that understanding of Bureau diversity, equity, and inclusion efforts are shared beyond its executive team

The Fire Bureau has a unique workplace culture shaped by firefighters living together and protecting each other's lives. Across Portland, there are more than 30 fire stations staffed by small teams of firefighters working 24-hour shifts every third day. During their shifts, firefighters respond to emergencies, maintain equipment and the station, eat meals, train, exercise, and pass free time; they generally spend most of their 24-hour shift together, except when they retire to their own rooms to sleep.

During our audit, employees described their workplace as a family and some said the close-knit culture was the best part of the job. But a 2018 Portland State University study found that the Fire Bureau's family-like culture made some employees—particularly women and people of color—feel alienated or pressured to conform. The study found that the close-knit environment at Fire stations had fostered conflict and unprofessional behavior, including offensive jokes and comments related to sex, race, gender, sexual orientation, and nationality. We found that 43 percent of investigations into Fire Bureau employees from 2018 to 2020 involved allegations of unprofessional behavior, including discourteous, offensive, racist, or harassing conduct.

We made two recommendations to help the Bureau set clear expectations for work requirements and employee conduct; the Fire Bureau is in the process of implementing both.

The University's study included ways to improve the Fire Bureau's professional workplace and help advance its goal to promote diversity, equity, and inclusion. We recommended the Fire Bureau improve training and norm-setting, as identified in the study.

The Fire Bureau is in the process of implementing most of the study's recommendations. For example, since the audit:

- The Fire Bureau reported that its executive team participated in equity leadership trainings as part of their work to develop a shared understanding of the Fire Bureau's diversity, equity, and inclusion efforts. The Fire Bureau needs to foster this understanding beyond its executive team.



- The Fire Bureau developed guidelines and drafted updates to a General Order in May 2023 to help supervisors and managers have constructive discussions with employees about unprofessional behavior. They hope to have the updated Order implemented by the end of 2023.
- The Fire Bureau added a class to the April 2023 Lieutenant Academy on early intervention. A Fire Bureau manager said they plan to offer the class to other supervisors and develop trainings on coaching and counseling employees.
- The Fire Bureau developed training and resources for firefighters transitioning from peer to supervisory roles and included them in its April 2023 Lieutenant's Academy. A Fire Bureau manager said they plan to offer the class to other supervisors.

In contrast to the progress described above, the Fire Bureau has yet to offer a training on “soft skills” such as communication, conflict resolution, and team development as recommended in the study. A manager said the Fire Bureau is interested in offering this, but has not yet identified a timeframe for completion.

The Fire Bureau entered a contract in November 2022 for an equity audit intended to analyze the Bureau's structure and equity outcomes, and help it develop an equity plan, something it did not have during our 2022 audit. According to a Fire Bureau manager, the audit was paused in May 2023 because Fire Bureau leadership wanted to address concerns heard from firefighters. As of September 2023, they were not sure when the audit will be restarted and had no plans to amend its existing contract with the consultants hired for the audit—that contract expires in November 2023.

During our original audit, managers from the Fire Bureau and Human Resources reported that many Fire employees had not completed refresher training required of all City employees on prohibited harassment, discrimination, racism, and retaliation in the workplace. We were unable to verify the completion rate because Human Resources' training records were not accurate, and the Fire Bureau did not track them. To address this, we recommended that the Fire Bureau verify that all employees complete training on prohibited conduct in the workplace, as required by City rules.

The Fire Bureau is in the process of implementing this recommendation. A Fire Bureau manager said they developed an accurate record of training completion. As of June 2023, they found nearly all employees had completed the initial training and 16 were overdue for the refresher. According to the manager, the Fire Bureau notified employees who were overdue, and provided two additional training sessions beyond those offered by Human Resources. The manager said the Fire Bureau will continue to monitor



employees' completion of required training and ensure its records systems are accurate and current.

Fire established methods and guidance for complaints, but needs to make anonymous reporting options clearer, and codify the responsibilities of the Professional Standards Office

In 2022, we found that the Fire Bureau's complaint process was unclear. The Fire Bureau did not communicate publicly how employees or community members could make complaints, and two internal documents gave differing instructions, referred to non-existent entities, or directed employees to go to the supervisor of the employee who was the subject of the complaint, which may have dissuaded some from reporting. Some employees were hesitant to go outside the Fire Bureau with complaints, despite a Citywide rule that employees may report complaints of harassment, discrimination, racism, and retaliation directly to Human Resources.

In addition, we found that Fire Bureau supervisors received little guidance on what to do if they received a complaint about an employee from a co-worker or the public. As a result, individual supervisors could decide how to best respond. This latitude is problematic in a workplace like the Fire Bureau that views itself as a family and where supervisors often have long-standing relationships with employees they oversee. We could not verify the consistency of supervisors' handling of complaints because the Fire Bureau did not document or track complaints, and Human Resources only tracked complaints it or the Fire Bureau investigated.

To improve the Fire Bureau's complaint system, we recommended that it develop methods and guidance to ensure the following:

- Employees and the public understand how to file complaints and have access to multiple reporting options, including one for anonymous complaints;
- Managers and supervisors know procedures for complaint-handling, including how they are documented, routed, and tracked;
- Complaints are centrally and accurately recorded in a format that enables trends to be identified and evaluated for intervention, training, and policy changes, and that this analysis is performed.

We also recommended that the Fire Bureau encourage employees to report harassment, discrimination, racism, and retaliation. We said the option to go directly to Human Resources should be clear and promoted in case employees are not comfortable reporting up the chain-of-command. We added that supervisors and managers who fail to forward such complaints to Human Resources should be disciplined as required by City rule.

The Fire Bureau is in the process of implementing three of these recommendations and has implemented the fourth.

The Fire Bureau drafted various governing documents to outline complaint procedures for the public, employees, and managers. Once finalized, employees and the public will have multiple avenues to submit complaints, including to Fire Bureau managers, Human Resources staff, and a phone number and a new online form established in June 2023.



The form allows for anonymous commendations and complaints, but a complainant would only know if they began filling out the form because the Fire Bureau has not yet communicated this in policy, rules, or memos, which they should. The Fire Bureau should also consider adding a link to the form on its homepage and making it clear there that complaints can be made anonymously.

The Fire Bureau's draft General Order on Equal Employment communicates that employees who feel they have been subject to prohibited harassment, discrimination, racism and retaliation may complain to supervisors outside the chain-of-command and directly to Human Resources.



The Fire Bureau reestablished its Professional Standards Office in July 2022 and brought on a new civilian manager who handles complaints and coordinates investigations. The manager is responsible for maintaining a log of complaints and tracking them. They also plan to review complaints to identify trends, but this annual responsibility is not yet reflected in draft policy and should be.



According to the Fire Bureau, managers have been briefed on the responsibilities of the Professional Standards Office and are instructed to route all complaints not related to harassment, discrimination, racism, and retaliation to it. Supervisors and managers must report complaints of harassment, discrimination, racism and retaliation directly to the Bureau of Human Resources. According to a Fire Bureau manager, they identified an



instance when a supervisor did not refer a complaint to Human Resources within the required timeframe and coached them on the requirement.

Fire is developing guidance to help ensure investigations are consistent, impartial, and timely

During our 2022 audit, we learned that some Fire Bureau employees perceived misconduct investigations as inconsistent or unfair. They believed favored employees were held to a lower standard and that outcomes were influenced by who complained, was investigated, and led the investigation. Employees also believed investigations took too long. When combined with other conditions, this took a toll on morale because employees did not get a timely resolution if they got one at all.

The Bureau of Human Resources performed most investigations into Fire Bureau misconduct from 2018 to 2020, the time period we reviewed in our original audit. Fire Bureau managers were becoming increasingly responsible for conducting investigations, but managers had little training and there were no Fire Bureau-specific guidelines on how to perform investigations. Some managers said they were unsure how to prioritize investigations within their existing work.

To address this, we recommended that the Fire Bureau ensure that investigations into employee misconduct are consistent, impartial, and timely by adopting guidance for investigations that:

- Outlines clear instructions on how to conduct investigations;
- Documents Human Resources' role in investigations;
- Ensures investigators are trained and have the time needed to conduct investigations;
- Addresses possible issues unique to the Fire Bureau, such as familiarity bias;
- Sets timeliness benchmarks for key investigative steps;
- Includes instructions to help investigators streamline the process;
- Requires complainants and investigated employees to be notified when investigations are completed; and
- Requires investigations to be periodically reviewed to identify inconsistencies or missed benchmarks.

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The Fire Bureau is in the process of implementing this recommendation. Instructions for how to conduct investigations are included in the Professional Standards Office's draft Administrative Rules, and the Fire Bureau's new Guidance for Conducting Investigations. The collective guidelines include the elements we recommended. Although the Administrative Rules likely will not be adopted until the end of 2023, the Professional Standards manager said they are already being followed.



According to the Professional Standards manager in June 2023, two positions responsible for conducting investigations at the Fire Bureau are trained. They said there is currently adequate staffing to conduct investigations, but they plan to train other Fire managers to increase capacity.

The two staff of the Professional Standards Office—the manager and an Administrative Specialist—are not permanently-funded positions. As of September 2023, the manager said the Fire Bureau is currently working to fund their position permanently and planned to request permanent ongoing funding for the Administrative Specialist in the next budget cycle.

Fire's discipline process is more predictable and better communicated

Our 2022 audit and the Portland State University study revealed that many Fire Bureau employees viewed the disciplinary process as unclear or unfair. Some said discipline was inconsistent, and others said it was rarely imposed.

With the exception of investigations into allegations of off-duty driving under the influence of intoxicants, the Fire Bureau did not have guidelines to ensure consistent corrective action when an investigation determined an employee violated work rules. There were also no Fire Bureau policies that explained the factors managers considered when deciding on discipline, which contributed to the opacity of the process.

Some employees thought discipline was rarely imposed, in part because management said it avoided communicating about it, even in general terms, to avoid harming employees. We found the Fire Bureau did impose discipline, but there were delays in some of its discipline decisions. The Fire Bureau took between one and 463 days, or an average of 119 days, to decide on discipline after investigations conducted from 2018 to 2020 were completed. Some complainants and investigated employees never learned the outcome of investigations because the Fire Bureau did not require notification.

To address this, we recommended that the Fire Bureau develop methods and guidelines to ensure that:

- Discipline decisions are predictable, fair, consistent, and prompt.
- Improvements to the workplace made as a result of complaints, investigations, and discipline are periodically communicated to employees to show that the accountability system is working.

The Fire Bureau implemented one recommendation and is in the process of implementing the other.

The Fire Bureau developed an accountability matrix intended to provide clear guidance to managers and firefighters on how the Fire Bureau will handle misconduct. The matrix was included in the City's most recent contract with the firefighters' union, ratified in July 2023. Fire Bureau managers making discipline decisions are supposed to use the rubric to assign points to sustained misconduct based on the nature of allegation, previous discipline, and aggravating or mitigating factors. The matrix includes corrective actions based on total points, ranging from non-disciplinary coaching to termination. In addition, the matrix includes education-based alternatives to discipline that managers can use at their discretion.



The matrix may speed up discipline decisions because there will be prescribed consequences for misconduct based on points, so managers will not have to weigh various individual factors when deciding on discipline. In addition, the Fire Bureau's Guidance for Conducting Investigations and the Professional Standards Office's draft Administrative Rules include goals for the time it should take between a complaint and the imposition of discipline.

The Professional Standards Office now regularly shares information about complaints and investigations to Fire Bureau employees. Quarterly memos have published non-identifying information about the number and type of complaints and investigations, as well as how many were sustained, to Fire employees since December 2022. The Office has identified possible improvements to the workplace as a result of investigations and has made recommendations to Fire Bureau leadership since October 2022, although they have not yet been implemented. A manager said they would communicate workplace changes made as a result of complaints, investigations, and discipline to employees if they could maintain confidentiality. This responsibility should be included in policy to ensure it happens over time.



Human Resources now requires notification when investigations are complete, but does not agree other recommended improvements to investigation guidelines are necessary

Human Resources performed the majority of investigations into employee misconduct at the Fire Bureau from 2018 to 2020. According to Human Resources, this is not typical because Human Resources is usually only responsible for investigations into harassment, discrimination, racism, and retaliation, and bureau managers are responsible for other misconduct investigations such as on duty drug and alcohol use.

In our 2022 audit, we found that some Fire Bureau employees never learned the outcome of an investigation because the Fire Bureau did not require that they be notified, and City rules only required notice in harassment, discrimination, racism, and retaliation cases.

We also found that Human Resources' investigation procedures did not include timeliness benchmarks or guidance on how to complete investigations promptly. In addition, a number of procedural steps were unclear or worded as suggestions, and some were not required to be documented. We discovered some investigation case files were empty, while others only contained an interview transcript or audio recording. As a result, we could not determine whether many of the investigations conducted were consistent or fair, or if investigation procedures were followed, and we could only determine the length of some investigations.

To address this, we recommended that the Bureau of Human Resources improve its guidance on performing investigations to ensure:

- Notice is given to employees when investigations are completed.
- Timeliness benchmarks for key investigative steps are included.
- Necessary investigation steps are performed and documented.

The Bureau of Human Resources has not implemented this recommendation.

Human Resources updated its investigation procedures manual to direct investigators to notify the complainant and, as appropriate, witnesses when investigations are completed in July 2023. Human Resources reported in September 2023 that it does not agree with the other improvements we recommended.

The updated manual does not include timeliness benchmarks for key investigative steps or tips to help make investigations prompt. A Human Resources manager indicated that Human Resources does not intend to implement this element of the recommendation. They believe that timeliness benchmarks for investigations would be arbitrary because the time it takes to complete a thorough investigation varies widely based on a variety of factors, and could result in rushed or incomplete investigations.



According to the Society of Human Resources Management, investigations should be prompt in order to obtain the best information and evidence, and demonstrate that management takes allegations of misconduct seriously. Timeliness goals are a tool used to help make investigations timely. For example, the State of Oregon's *Investigations Toolkit* includes timelines for when important initial investigation steps should be performed, and the Fire Bureau's new guidelines include goals for how long different types of investigations should take and tips to help make investigations timely. Since a variety of factors can influence an investigation's length, both entities allow for timelines to deviate from the goal.

The updates to Human Resources' procedure manual also included few improvements to help ensure that key investigation steps are performed and documented. For example, Human Resources' recent updates improved guidance for one of the 10 steps we found to be unclear or worded as suggestions in 2022. Additionally, the guidelines on documenting the investigation still instruct investigators to only update the case tracker and include interview transcripts in the case file.

Ambiguous guidelines on how to conduct investigations that depend on experienced investigators introduces risk when there are new investigators or when bureaus without investigation procedures lead investigations. Additionally, the Association of Workplace Investigators stresses that investigators should document their decision-making process and the steps taken during the investigation so there will be a reliable record of the evidence relied upon to reach findings.

The Human Resources manager indicated that Human Resources does not intend to make more improvements because the guidance is clear to those using the manual, and investigation steps do not always need to be documented and can vary.

We maintain that Human Resources should improve its investigation guidelines to help ensure that investigations are timely and that necessary steps are performed and documented.

Human Resources began centrally tracking Citywide complaints but continues to use disparate systems, resulting in omissions

In our 2022 audit, we found that Human Resources was only recording complaints about employees that resulted in investigations—not all complaints received. As a result, the City was missing an opportunity to monitor allegations of misconduct to identify risk, necessary interventions, policy changes, and training needs.

We also found that Human Resources' centralized tracking of investigations and discipline was incomplete and included errors and inconsistencies. For example, 77 percent of the Fire Bureau investigations with case files were recorded on Human Resources' central investigation tracker; 14 investigations were not recorded. Without accurate central tracking, it is hard to monitor investigations, identify patterns of employee behavior, and learn how past discipline decisions were handled.

To address this, we recommended that Human Resources accurately document and monitor complaints, investigations, and discipline to enable the data to be analyzed for risks, interventions, policy changes, and training needs.

Human Resources is in the process of implementing this recommendation. The Labor and Employee Relations team has centrally tracked investigations since 2018 and began tracking complaints that did not result in investigations in 2021, after we discussed the practice with a Human Resources manager during our original audit. The manager said the team has used complaint data to gain insights into issues resolved through non-investigative means.



The team continues to use spreadsheets to centrally track complaints and investigations, and discipline. In this follow-up, we reviewed central tracking of investigations and discipline of Fire Bureau employees for calendar year 2022 and the first half of 2023. We found problems with accuracy and completeness. For example, there was one instance when discipline was removed from an employee's file but not from Human Resources' central discipline tracker, and four instances when investigation trackers maintained by Human Resources or the Fire Bureau indicated that employees were disciplined, but this was not recorded on Human Resources' central discipline tracker.

The Human Resources manager said the team did not yet have the capacity to analyze the investigation and discipline information it is tracking. The manager said the team will

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assess if the City can expand its existing enterprise system to include a new module to track complaint, investigation, and discipline, which could help improve analysis and reporting.

It will be difficult for the City to identify workplace risks and necessary interventions, policy changes, and training needs until it is accurately tracking and monitoring complaints, investigations, and discipline.

[View the original 2022 report and recommendations](#)

[Track the progress of recommendations from other reports](#)

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