OFFICE OF THE DEPUTY MAYOR FOR PUBLIC
SAFETY AND JUSTICE

REPORT

FIRE AND EMERGENCY MEDICAL SERVICES (FEMS) TRANSPORT INCIDENT ON MARCH 5, 2013

Submitted by: Paul Quander, Deputy Mayor
for Public Safety and Justice

DATED: MARCH 21, 2013

1350 PENNSYLVANIA AVE.
SUITE 324
WASHINGTON, DC 20004

REPORT

FEMS TRANSPORT INCIDENT

ON MARCH 5, 2013

INTRODUCTION

On the evening of March 5, 2013, at approximately 18:32, a Metropolitan Police Department (MPD) officer was struck by a vehicle and seriously injured at the intersection of 46th St. and A St. in Southeast Washington, D.C. The call was relayed on the police radio directly to a police dispatcher at the Office of Unified Communications (OUC). Police units were immediately dispatched to the location of the accident to assist the injured officer. At 18:36, Paramedic Engine Company 27 (PEC 27) was dispatched to the scene. A review of the relevant data indicates that there were no FEMS transport units available at that time. At 18:42 per a mutual aid agreement Prince Georges County Ambulance 838 had been dispatched and was in route as requested. At 18:42, Paramedic Engine Company 27 arrived on the scene to assess the situation and to initiate treatment and care. Ambulance 838 from Prince Georges County arrived on the scene at 18:48 followed by Emergency Medical Supervisor 2 (EMS-2) which arrived at 18:51. Ambulance 838 transported the officer to Washington Hospital Center, with EMS 2 following, arriving at 19:19.

TRANSPORT UNITS

During the incident in question, the Fire and Emergency Medical Services (FEMS) Department had its full complement of thirty nine (39) transport units on duty, twenty five (25) are Basic Life Support (BLS) units and fourteen (14) are Advanced Life Support (ALS) units. BLS units are staffed with dual role firefighters or single role emergency medical technicians (EMTs) and ALS units are staffed by single role paramedics and EMTs.

Of the thirty nine (39) transport units available that night, thirty (30) were in service and nine (9) were out of service.[1] Of the nine (9) units out of service, six (6) were out of service due to verified administrative or mechanical problems.[2] The remaining three (3) units were improperly out of service.[3]

[1] See Table 1.
[2] See Table 2.
[3] See Table 3.

IMPROPERLY OUT OF SERVICE UNITS

Three units were improperly out of service on March 5, 2013 at 18:34, Ambulance 15, (BLS) Medic 19 and Medic 27 (both ALS).

- **Ambulance 15** – Staffed by two firefighters, Firefighters 1 and 2. During the event in question the unit, without authorization, went out of service from 18:26 to 19:19 hours. The unit was in quarters at Engine 15, which is located at 2101 14th St SE. In response to the request for a special report, Firefighter 1stated that he "closed the lip on the computer and did not realize we were logged off the I-mobile ... we immediately logged back on at 19:19 hours." This is in direct violation of the DPM, Chapter 16 (General Discipline), Section 1603, which states in relevant part "Any on duty or employment-related act or omission that interferes with the efficiency and integrity of government operations," because the individuals failed to properly monitor their status.[4] Their failure to ensure that their unit was available for service and to properly monitor their status for almost an hour interfered with the efficiency and integrity of government operations and was in violation of Article VII Section 2(f)(3) of the District of Columbia Fire & EMS Order Book.[5] The unit was approximately four (4) miles away from the incident that night. It should be noted that the system is not automatically disengaged by closing the lap top. A button must be pushed to disengage the system.

- **Medic 19** – Staffed by one paramedic, paramedic 1, and one EMT, EMT 2. During the event in question, the unit went out of service from 18:34 to 19:20 hours for relief. The relief was for the unit to return from Hospital 5, Howard University Hospital, to Engine 19, 2813 Pennsylvania Ave SE. Relief was granted by the Emergency Liaison Officer (ELO) on duty. However, according to the ELO, the Medic Unit was granted relief with the instruction to Monitor Channel 1, which Medic 19 failed to do in contradiction to the Transport Unit Relief Policy.[6] The unit was approximately three (3) miles away from the incident that night.

- **Medic 27** – Staffed by one paramedic, paramedic 2, and one EMT, EMT 3. During the event in question, the unit went out of service from 18:27 to 18:54 hours. The unit was out of service leaving Hospital 9, United Medical Center, Children's Hospital, until it arrived at Engine 27, 4201 Minnesota Ave. NE. Out of service status was granted by the ELO because one of the Life Pak 15 batteries was completely dead and the other was critically low. However, during daily inspection and "change over," the individuals staffing the unit are responsible for inspection of the unit to ensure operability. The failure to properly inspect their transport unit led to an interference with

[4] See DPM, Chapter 16, §1603.
[5] See FMS Order Book, Article VII §2(f)(3).
[6] See Special Order 60, Transport Unit Relief Policy.

efficient operations. The unit was approximately 1.5 miles away from the incident that night.

EMERGENCY LIAISON OFFICER (ELO)

During the incident in question there was an ELO (Captain) on duty at the Office of Unified Communications (OUC). The ELOs are located in the same work area as the fire dispatchers for OUC. The ELO is tasked with several responsibilities, including monitoring and improving unit availability and documenting and reporting delays in EMS responses. Due to the low number of transport units available on March 5, 2013, it was incumbent upon the ELO to monitor the available units and not allow units to go out of service. If units are out of service it is the responsibility of the ELO to contact and make them available for service. Also, it was the ELO's duty to properly supervise and manage all units out of service, including Ambulance 15, which failed to properly log its status.

In the ELO's special report, he stated that he was unaware of several aspects of the incident, specifically, 1) that the police officer was injured; 2) that he was being transported to the hospital; and 3) that a mutual aide ambulance transported him to the hospital. It should be noted that the ELO has computer access at his work station to the same data, status information and data screens as the OUC dispatchers.

CONCLUSION

The three improperly out of service units all failed to properly follow protocol during the event in question. Ambulance 15 failed to ensure that their unit was identified as available for service and failed to properly monitor their status, therefore remaining out of status and not allowing the ELO or the OUC dispatchers to know the unit could be dispatched to the incident. This was a result of alleged user error and the error went undetected for almost an hour. Seniority and responsibility on EMS units is determined by designation and/or level of training. The designation ACIC is used to identify the ambulance crew person in charge. When a paramedic and an EMT are paired, the paramedic is the person in charge. Medic 19 and Medic 27 were granted out of service status, but failed to properly monitor and listen to channel 1, which is required protocol. This resulted in their inability to respond to the call for service. It should be noted that channel 1 is monitored not only on the individual radios assigned to members, but it is broadcast throughout the fire station with a mounted screen showing the pending calls.

Each of the three units was less than four miles away from the incident in question. Each unit was either at a fire station in Southeast or en route to a fire station and could have rendered service if the proper protocol was followed. The ELO failed to properly monitor

the units that day, and improperly allowed the units to go out of service when transport units were low or not available. The Transport Unit Relief Policy clearly states that a transport unit may request relief to return to their base Engine Company, but the ELO must balance this request with the current needs of the system.[7]

CORRECTIVE ACTIONS

As a result of this investigation, a total of seven (7) individuals have been referred for appropriate personnel action.

REMEDIES

Since the event in question, several safeguards have been put in place to prevent a similar event from occurring again in the future.

- **Daily review of response times and units out of service** – Twice daily at 06:00 and 18:00 EMS unit response times are reviewed. Any unit that takes more than two (2) minutes to begin responding (chute time) or has a response time greater than eight (8) minutes is identified by unit and employee. All units that experience a delay are referred to one supervisory point of contact for further investigation.

  Daily, FEMS reports the number of units out of service and the reasons they are out of service. This report also tracks the time that the units are out of service.

- **Continuous ambulance availability** – A minimum of four (4) ambulances are kept stocked and available at FEMS's fleet maintenance to replace ambulances that go out of service for more than thirty (30) minutes due to mechanical problems.

- **System alert when the number of available transport units drops below five** – When the number of available transport units drops below five (5), an alert comes from the ELO to the ambulance supervisors, Deputy Chief of Operations, Assistant Chief of Operations, Medical Director, and the FEMS Chief alerting them of the low number of transport units available. These supervisors then make the necessary corrective actions to return additional ambulances to service. The Office of Unified Communications (OUC) will assist in supporting this remedy by notifying the Deputy Fire Chief, his/her aide, the Assistant Fire Chief of Operations, and the Assistant Fire Chief of

[7] See Special Order 60, Transport Unit Relief Policy.

Medical Operations, when the OUC identifies instances where transport units fall under five.

- **Creation of Unit Availability Dashboard** – The Office of Unified Communications has created a real-time event/unit monitor that operates through the computer-aided dispatch system. This new dashboard allows easy observation of the status of medical transport units, by showing if units are available, out of service, en-route to incidents and/or en-route to hospitals.

- **Establishment of EMS Response Taskforce** – Deputy Mayor for Public Safety and Justice Paul Quander will convene a meeting of representatives of the relevant labor organizations (Locals 36 and 3721), government officials and other stakeholders from the community to proactively identify areas of concern and develop ideas and strategies that will move emergency medical services forward.

TABLES

- **Table 1:** Thirty (30) Units In Service[8]

	UNIT NAME	DUTY
1	Ambulance 1	On a medical local at 100 block of Yuma St SE
2	Ambulance 3	On a medical local at 2400 block of Elvans Rd SE
3	Ambulance 4	On medical local at South Capitol St SW
4	Ambulance 6	On a medical local at Bladensburg Rd NE/ Eastern Ave NE
5	Ambulance 10	On a medical local at 15th St NW/ Constitution Ave NW
6	Ambulance 11	On a medical local at 1200 block of 7th St NW
7	Ambulance 12	On a medical local at 1200 block of Queen St NE
8	Ambulance 13	On a medical local at 1500 block of Mass. Ave. NW
9	Ambulance 14	On a medical local at 2600 block of Douglas Rd SE
10	Ambulance 16	On medical local at 8th St. NE/G St NE
11	Ambulance 18	On a medical local at Rhode Island Ave NW/ 11 St NW
12	Ambulance 20	On a medical local at Georgia Ave NW/Kennedy St. NW
13	Ambulance 22	On a medical local at Eastern Ave NE/ Bladensburg Ave NE
14	Ambulance 23	On a medical local at 2100 block of California St NW
15	Ambulance 26	On a medical local at 12th St NE/Montello Ave NE
16	Ambulance 27	On a medical Local at 2800 block of Otis St NE

[8] Produced by FEMS.

17	Ambulance 29	On a medical local at 5200 block of Watson St NW
18	Ambulance 32	On a medical local at 200 block of 37th St SE
19	Ambulance 33	On a medical local at 700 block of 2nd St NE
20	Medic 1	On a medical local at 1500 block of Good Hope Rd SE
21	Basic 2	On a medical local at 1700 block of Columbia Rd NW
22	Medic 5	On a medical local at 1600 block of 17th St NW
23	Medic 7	On a medical local at 700 block of 2nd St NE
24	Basic 8	On a medical local at 4300 block of G St SE
25	Medic 14	On a medical local at 2300 block of Good Hope Rd SE
26	Medic 17	On a medical local at 4700 block of Minnesota Ave NE
27	Medic 21	On a medical local at Mount Olivet Rd NE
28	Medic 24	On a medical local at Park Rd NW/ Hiatt Pl NW
29	Basic 30	On a medical local at 900 block of G St NE
30	Medic 31	On a medical local at 3100 block of Connecticut Ave NW

Table 1: Thirty (30) Units in Service

Table 2: Six (6) Units Properly Out Of Service[9]

	UNIT NAME	REASON
1	Ambulance 9	Lights in patient cab were dim and florescent bulb did not work
2	Ambulance 19	Out of Service – Mechanical; Failed to start
3	Ambulance 25	Out of Service – Mechanical; Failed to Start
4	Ambulance 28	Out of service – Decontamination; Left Hospital
5	Ambulance 30	Out of service – Oil change-filter, preventive maintenance and brakes
6	Medic 33	Out of Service – Refueling

Table 2: Six (6) Units Properly Out Of Service

Table 3: Three (3) Units Improperly Out Of Service[10]

[9] Produced by FEMS.
[10] Produced by FEMS.

	UNIT NAME	REASON
1	Ambulance 15	Failed to properly indicate unit availability
2	Medic 19	Went out of service for relief
3	Medic 27	Went out of service because life pack batteries were low

Table 3: Three (3) Units Improperly Out Of Service

DPM, Chapter 16, §1603.

1602.2 An admonition may be considered in determining the penalty for a corrective or adverse action when the admonition was issued not more than three (3) years prior to the date of the proposed corrective or adverse action, and has not been ordered withdrawn as provided in § 1602.1.

1602.3 The admonition shall inform the employee that he or she may respond in writing, within two (2) workdays of receipt of the admonition, to the person issuing the admonition to clarify, expand on, or take exception to the statements or conclusions it contains, and any response shall be filed and removed with the admonition.

1602.4 The employee against whom an admonition is issued shall be asked to acknowledge its receipt. If the employee refuses to acknowledge receipt, a brief descriptive written statement, signed by a witness, may be used as evidence of service.

1602.5 An admonition issued in accordance with this section may be grieved as provided in § 1631.

Back to Top

1603 DEFINITION OF CAUSE: GENERAL DISCIPLINE

1603.1 There must be full accountability for managers and supervisors for all disciplinary actions taken under sections 1601 through 1619 of this chapter. Therefore, no corrective or adverse action may be initiated under those sections unless the action is first authorized by a manager or supervisor who the Mayor or an agency head may remove from his or her position at will.

1603.2 In accordance with section 1651 (1) of the CMPA (D.C. Official Code § 1-616.51 (1)) (2006 Repl.), disciplinary actions may only be taken for cause.

1603.3 For the purposes of this chapter, except as provided in section 1603.5 of this section, cause for disciplinary action for all employees covered under this chapter is defined as follows:

(a) Conviction of a felony;

(b) Conviction of a misdemeanor based on conduct relevant to an employee's position, job duties, or job activities;

(c) Any knowing or negligent material misrepresentation on an employment application;

(d) Any knowing or negligent material misrepresentation on other document given to a government agency;

(e) Any on-duty or employment-related act or omission that an employee knew or should reasonably have known is a violation of law;

(f) Any on-duty or employment-related act or omission that interferes with the efficiency and integrity of government operations, to include:

(1) Unauthorized absence;

(2) Absence without official leave;

(3) Neglect of duty;

(4) Insubordination;

(5) Incompetence;

the agency covered under this chapter. The Director, DCHR, shall publish in the District Personnel Manual any such guidelines or requirements approved for a subordinate agency.

1603.8 Unless otherwise required by law, in selecting the appropriate penalty to be imposed in a disciplinary action, consideration will be given to any mitigating or aggravating circumstances that have been determined to exist, to such extent and with such weight as is deemed appropriate.

1603.9 In any disciplinary action, the District government will bear the burden of proving by a preponderance of the evidence that the action may be taken or, in the case of summary action, that the disciplinary action was taken for cause, as that term is defined in this section. A criminal conviction will estop the convicted party from denying the facts underlying the conviction.

1603.10 All notices issued in connection with an adverse or corrective action under this chapter shall conform to all requirements of the Fifth Amendment Due Process Clause of the United States Constitution.

Back to Top

1604 CORRECTIVE ACTION: GENERAL DISCIPLINE

1604.1 A corrective action shall be an official reprimand, or a suspension of less than ten (10) days.

1604.2 Except as provided in section 1604.3 of this section, a corrective action may be contested as a disciplinary grievance pursuant to section 1617 of this chapter.

1604.3 (a) Notwithstanding the provisions of section 1604.1 of this section or any other provision of this chapter, a proposing official may attempt to resolve a proposed corrective action of a suspension of less than ten (10) days by conducting a Resolution Conference with the employee subject to the proposed suspension and his or her union representative (unless representation is voluntarily waived by the employee), if applicable. The following conditions shall apply:

(1) Resolution Conferences shall be limited to proposed suspensions of less than ten (10) days proposed under this chapter;

(2) Any Resolution Conference shall be conducted immediately after the issuance of the advance written notice;

(3) A successful Resolution Conference shall result in a written agreement between the proposing official and affected employee to a suspension less than originally contemplated, or an official reprimand in lieu of a period of suspension without pay;

(4) A lesser suspension or official reprimand penalty shall not be instituted unless the proposing official and affected employee reach mutual agreement in writing and the employee voluntarily waives his or her right to file an administrative grievance under section 1617 of this chapter or to appeal under a negotiated grievance procedure, as applicable;

(5) If an agreement is not reached, normal procedures to effect the suspension action originally proposed shall be followed; and

(6) Statements concerning an agreement resulting from a Resolution Conference shall not be used by either party as evidence or precedent in another disciplinary action, except that the outcome of a Resolution Conference may be considered in the future for purposes of progressive discipline.

(b) The personnel authority shall set forth procedures for Resolution Conferences under this section.

Back to Top

(6) Misfeasance;

(7) Malfeasance;

(8) Unreasonable failure to assist a fellow government employee in carrying out assigned duties; and

(9) Unreasonable failure to give assistance to the public;

(g) Any other on-duty or employment-related reason for corrective or adverse action that is not arbitrary or capricious;

(h) Any act which constitutes a criminal offense whether or not the act results in a conviction; and

(i) Use of illegal drugs, unauthorized use or abuse of prescription drugs, use of alcohol while on duty, or a positive drug test result.

1603.4 The causes specified in section 1603.3 of this section shall include but not necessarily be limited to the infractions or offenses under each cause contained in the Table of Appropriate Penalties in section 1619 of this chapter.

1603.5 Cause for disciplinary action under this chapter shall also mean the following for the five (5) categories of employees described in subsection 1603.5 (b)(1) through (5) below, whether on or off duty:

(a) Any act or omission which constitutes a criminal offense, whether or not such act or omission results in a conviction; and

(b) Any credible evidence of use of an illegal drug, unauthorized use or abuse of prescription drugs including, without limitation, the results of any drug test:

(1) All employees of the MPD;

(2) All employees of the Department of Corrections, including correctional officers;

(3) Any commissioned special police officer employed by the District government;

(4) Any employee of the Department of Youth Rehabilitation Services covered by the law enforcement retirement provisions of the Civil Service Retirement System or the detention officer provisions of the District government's retirement benefits program established in accordance with sections 2605 through 2614 of the CMPA (D.C. Official Code §§ 1-626.05 through 1-626.14) (2006 Repl); or

(5) Any other District government employee authorized to carry a firearm while on duty, including employees of the Office of the Inspector General covered by this chapter.

1603.6 The authority to adopt corrective or adverse action penalty guidelines or requirements is held exclusively by the Mayor and independent personnel authorities covered under this chapter, except that with regard to the MPD, such authority is held by the Mayor and the Chief of Police.

1603.7 Notwithstanding the provisions in sections 1603.3, 1603.5, and 1603.6 of this section, the Director, D.C. Department of Human Resources (DCHR), or independent personnel authority may, on a case-by-case basis, approve the use of penalty guidelines or requirements developed by an agency head for employees of

Special Order 60,
Transport Unit Relief Policy

MEMORANDUM

Series	Number	Originating Unit	Effective Date	Expiration Date
2007	60	OFC	March 7, 2007	N/A

Subject:

Transport Unit Relief Policy

In the course of improving the delivery of Emergency Medical Services, we have identified many issues that affect our success in this endeavor. While I am proud to be able to say that we have placed additional EMS resources in service and we will continue to expand those resources, we must now begin to look at the quality of our existing services. One area that was identified as a significant issue for personnel was the inability of those staffing EMS units to be relieved in a timely fashion.

A committee was formed to review this issue and was tasked with identifying possible solutions for the proper and timely relief of personnel staffing EMS transport units.

After evaluating the problems related to this issue and various possible solutions, the following procedure will be utilized to enhance transport unit relief until further notice:

1. Effective immediately, EMS-6 will poll the field EMS units prior to the morning and evening relief times. In doing so, EMS-6 will be able to get an overview of what units are in need of relief and track those units until relieved.

2. Units needing relief will be directed by EMS-6 to status "in delayed", monitor channel 01 and return directly to quarters. **These units will immediately status "available" when the personnel changes are made**. These units will be selected for rotation into to delayed status as prioritized by EMS-6 as dictated by service needs at that time.

3. In some cases, service needs may require a unit requesting relief be assigned to an incident. However, when this occurs, EMS-6 will give priority to that particular unit needing relief when that unit has cleared that incident.

4. In addition, any unit that has a special need that requires consideration (ie; early relief, late relief, etc.) can call EMS-6 direct on channel 0-13 and make their request. EMS-6 can then attempt to coordinate any crew change needs and make the appropriate adjustments.

The effectiveness of this procedure will be evaluated in approximately 30 days.

As always, I appreciate your hard work and I continue to work to ensure that I understand the issues that you face. I am grateful for your continued support.

Brian K. Lee
Interim Fire / EMS Chief

FMS Order Book,

Article VII §2 (f)(3)

ARTICLE VII

Maintenance of Discipline

Section 1. Guidelines for Issuance of Adverse (Disciplinary) Actions:

When disciplinary actions against employees are warranted, supervisors should refer to the following procedures. Inquiries or requests for assistance may be made to the Office of Compliance, at (202) 673-3333, between 0815 and 1645 hours.

Disciplinary actions against firefighters at the rank of captain and below shall be governed by the collective bargaining agreement between the Department and D.C. Fire Fighters' Association Local 36 and Chapter 16 of the D.C. Personnel Manual (DPM). In the event of a conflict between the collective bargaining agreement and Chapter 16, the collective bargaining agreement shall prevail. In disciplinary actions against firefighters above the rank of Captain, the provisions of Chapter 16 of the DPM and Section 17 of this Article, shall apply; except that the rights of chief officers appointed before December 3, 1980, which were in effect as of December 3, 1980, shall not be diminished by application of Section 17 of this Article.

[Section 2. Definition of Cause:

The following is the definition of cause:

(a) Conviction of a felony;

(b) Conviction of a misdemeanor based on conduct relevant to an employee's position, job duties, or job activities;

(c) Any knowing or negligent material misrepresentation on an employment application;

(d) Any knowing or negligent material misrepresentation on other document given to a government agency;

(e) Any on-duty or employment-related act or omission that an employee knew or should reasonably have known is a violation of law;

(f) Any on-duty or employment-related act or omission that interferes with the efficiency and integrity of government operations, to include:

(1) Unauthorized absence;
(2) Absence without official leave;
(3) Neglect of duty;
(4) Insubordination;
(5) Incompetence;
(6) Misfeasance;
(7) Malfeasance;
(8) Unreasonable failure to assist a fellow government employee in carrying out assigned duties;
(9) Unreasonable failure to give assistance to the public;