

2017/10/01 23:12:43

How Did This Happen?

City of Austin
Public Safety Committee Meeting
August 5, 2019

Discussion Items:

Chain of Command

General Witnessed Behavior

2013 Incident/Investigation

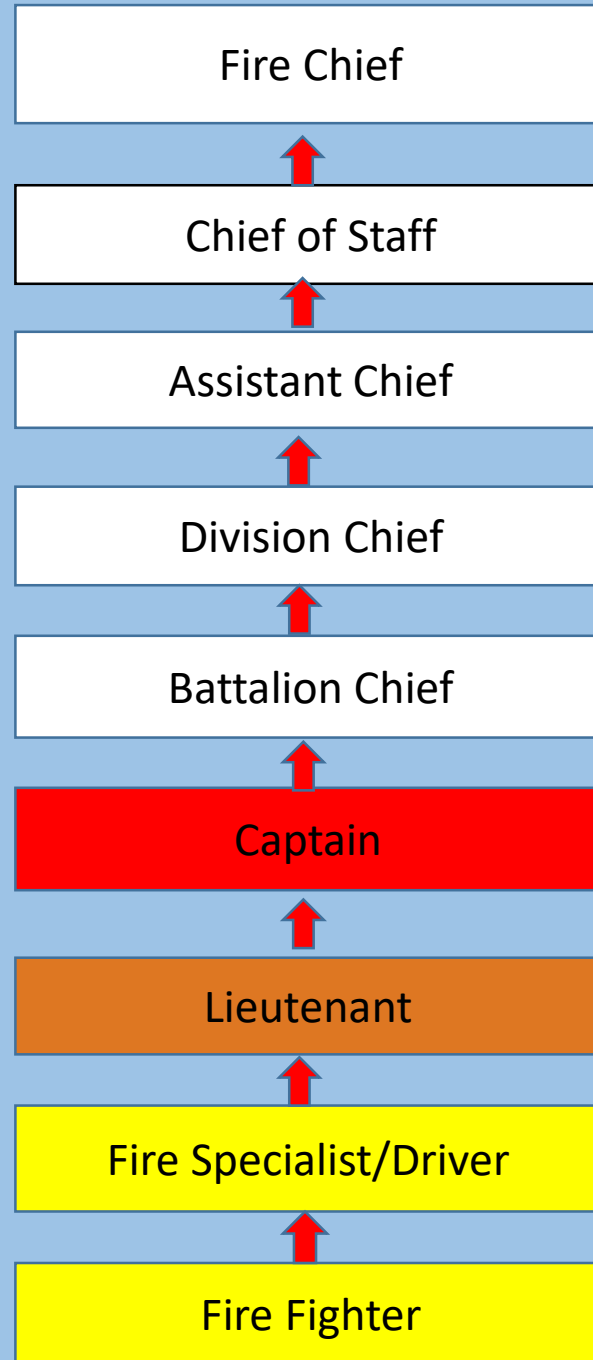
Post 2013 Incident Witnessed Behavior

2017 Incident/Investigation

Revised Harassment Prevention Policy

2018 EARS Incident/Investigation

Chain of Command



General Witnessed Behavior

Captain Statement: He bypassed an elderly lady that was bleeding to assess a female patient that did not appear to be hurt - assessment by placing his hands under her shirt.

Fire Fighter Statement: If I did have to ride on the same apparatus, and there was a female patient, Lt Jim Baker would ensure he would be the one doing patient care.

Fire Fighter Statement: Baker always seems to put himself in position to if at all possible, get a glance up a skirt or look down a loose fitting blouse.

Fire Fighter Statement: As I walked by I noticed that there was a woman standing in front of him. As I walked by Lieutenant

Baker said “look how big these things are”, I turned back towards Lieutenant Baker and realized that he had the woman’s shirt pulled down and he was holding both the woman’s breasts in his hands.

Driver Statement: While performing an examination of the female driver of one of the vehicles, Lt. Baker put his hand inside the top of her shirt and thoroughly palpated her sternum.... What made this situation memorable was the fact that the woman had not complained of any pain in the area of her sternum and showed no signs of injury in this area either.

Fire Fighter Statement: I noticed that Lt Jim Baker’s hand was up under a female’s shirt, who was standing, with hardly any damage to either of the vehicles... if this was my mother, wife, or daughter he was doing this to, I would take legal action.

Fire Fighter Statement: a female patient was not complaining of any chest pains, but I witnessed Lt Jim Baker make the decision to cut her shirt off.

2013 Incident/Investigation

The Incident

March 2013: Engine 1 responded to a collision in downtown Austin. During the call two fire fighters witnessed Lt Jim Baker place his hands underneath a young female patient's shirt after a minor traffic accident with no injuries. The exam consisted of Lt Jim Baker placing his hands underneath the female's shirt to palpate underneath her breasts on her ribs and down the neck of her shirt to palpate on the upper region of her ribs at the top of her breasts.

Fire Fighter Statement:

Upon arrival Lt. Baker was the first off of the engine and promptly began patient care with Fire Fighter 2 and myself close behind. As we approached Fire Fighter 2 turned to me and informed me that Lt. Baker was performing a very unusual head to toe assessment of the female patient. As I attended to the occupant of the second vehicle I witnessed Lt. Baker checking the female drivers chest and back by putting his hand up from the bottom and down the top of her shirt. I have never been trained on or seen performed such a technique and did not feel comfortable with or see the need for the execution of such a technique.

2013 Incident/Investigation

The Investigation

- A Battalion Chief (BC) of Station 1 overheard the fire fighters commenting on what they had witnessed Lt Baker doing at the incident while back at the station.
- The BC had the fire fighters submit incident witness letters to him.
- A meeting was initiated involving the three Operations BC's and Staff BC responsible for the station to discuss this incident. The decision was made to forward this information up the Chain of Command to the Professional Standards Office (PSO).
- Lt Jim Baker was placed on leave for several shifts. The PSO executed the time off paperwork and had him sign it.
- The investigation responsibility was then moved from the PSO to EMS Management, and handled as a clinical review rather than a misconduct investigation.
- The Engine 1 fire fighters were interviewed by the Fire Wellness BC and 2 other individuals they did not know.
 - During the interview, they were asked if they had possibly witnessed something they had not been trained on. (*One of the fire fighters was an EMT B and the other fire fighter was a Paramedic like Lt Jim Baker*)
 - The PSO BC attempted to participate in these interviews. EMS Management “blocked” him from participating and told him he could sit in the lobby and wait.
 - The BC who submitted the information to the PSO was told that he and his people need to “drop it”. If they continued to persist, the PSO would investigate them.
 - At the time, an Assistant Chief (AC) had to sign a complaint to initiate an investigation through the PSO.
 - EMS Management said Lt Jim Baker was “good to go” and he returned to work.

Post 2013 Incident Witnessed Behavior

Fire Fighter Statement: Lt Jim Baker was a big factor in me moving from B-shift to C-shift. I was disgusted at the continued inappropriateness of how he took advantage of females. I felt that if I stayed on B-shift, that I would end up losing my job.

Fire Fighter Statement: Things like giving multiple women rides home (or back to their hotel) after midnight. Letting women into the station late at night. Having them get into the Engine and “pose” while taking pictures. Staying outside by himself between the hours of 2-4 am. Crossing the street to question people and even asking for peoples ID. “Posting up” far after 2 am. Etc.

Fire Fighter Statement: The girls had given Lt Jim Baker their cellphone to take pictures of them. He was turned around for the majority of the ride, taking pictures and cheering the girls on – “work it,” “There it is,” etc. One girl asked him to turn the flash on for the camera. He took that word and ran with it, repeating it and insinuating the girls should flash the camera, or flash him. Kept using the word flash, and suggesting the girls “do something crazy.” It seemed like they started to get a little uncomfortable as well.

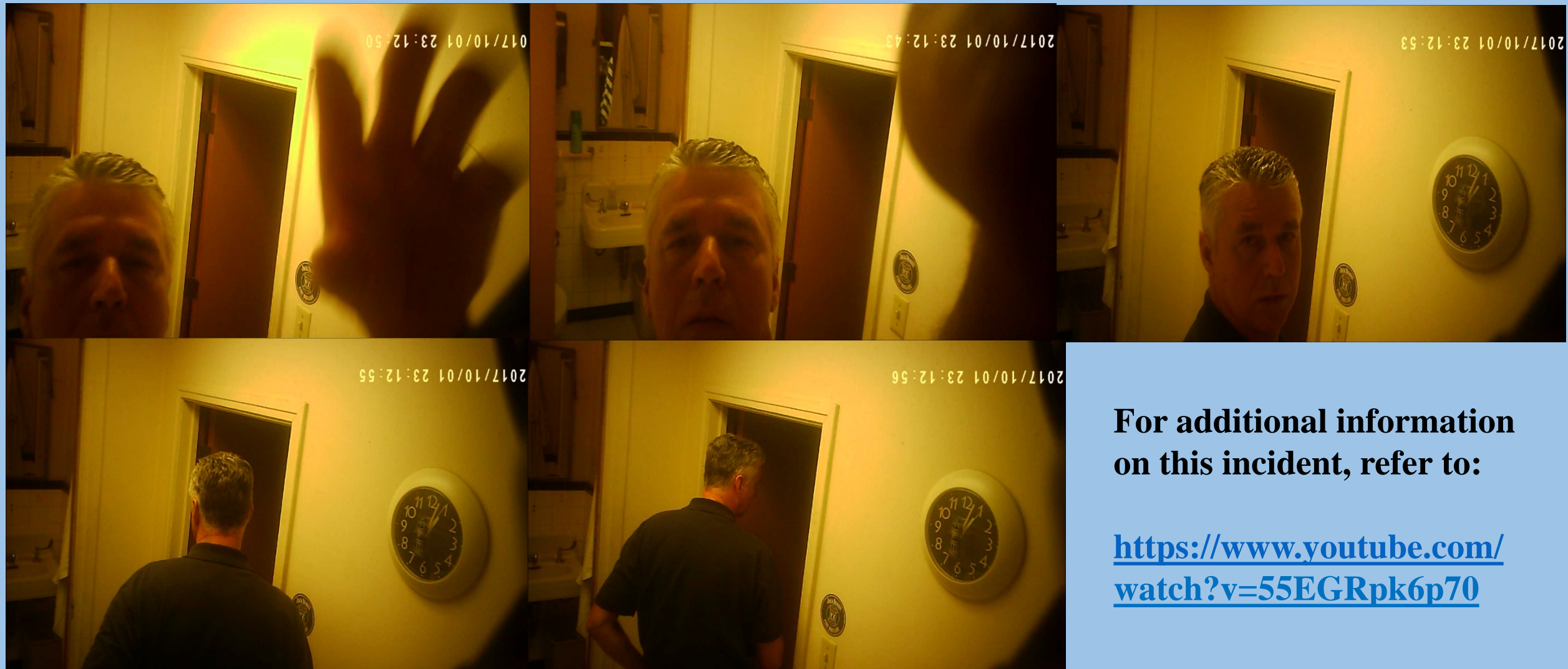
Fire Fighter Statement reported by two civilians: They said “ the tall guy with white hair” (Lt Jim Baker) had cornered them while they were exiting the downstairs restroom and asked to “see their t*ts”. They stated that made them very uncomfortable and that’s why they no longer visit the station.

Driver Statement: I noticed Lt Jim Baker with his hand up a young girls shirt with no visual injuries while assessing her. I turned to my Captain and asked him if he wanted to see Lt Jim Baker's assessment everyone was talking about. He asked me if that was the way it was supposed to be done and I said that nobody else I know does it that way. The patients boyfriend stood by watching with a laceration to his forehead.

2017 Incident/Investigation

The Incident

Invasive Visual Recording



**For additional information
on this incident, refer to:**

**[https://www.youtube.com/
watch?v=55EGRpk6p70](https://www.youtube.com/watch?v=55EGRpk6p70)**

2017 Incident/Investigation

- **Sunday September 3rd** Fire Specialist Kelly Gall reported to Station 1 for an overtime shift she had promised Lt Jim Baker she would work 3 months in advance.
- **Monday September 4th** Lt Jim Baker committed a State Jail Felony crime against Fire Specialist Kelly Gall by installing a spy camera in her bathroom while she showered. Fire Specialist Kelly Gall found the camera. Lt Jim Baker confronted her after she found it and attempted to get it back. Fire Specialist Kelly Gall turned the camera over to police.
- **Tuesday September 5th** The PSO initiated a Confidentiality Order for Fire Specialist Kelly Gall to sign stating she would not discuss the incident with anyone.
- **Wednesday September 6th** Lt Jim Baker retired with no penalty and with no investigation.
- **Thursday September 7th** The Austin Firefighters Association (AFA) advised Fire Specialist Kelly Gall that a reporter had been contacting them and would be running a story on the incident.
- **Friday September 8th** The media ran the story on the incident this afternoon. Fire Specialist Kelly Gall contacted the PSO to see if the Confidentiality Order could be lifted since the information was now public. **After** the story went public, the Fire Chief and Chief of Staff called Fire Specialist Kelly Gall to check on her welfare.

Revised Harassment Prevention Policy

7/05/2018 The Electronic and Anonymous Reporting System (EARS) was implemented

- Harassment will not be tolerated and will result in discipline up to and including indefinite suspension/termination.
- Failure to report known offenses to the policy may lead to disciplinary action, up to and including indefinite suspension/termination.
- Any supervisor that receives a report of harassment is required to relay this information, through their chain of command, to the Fire Chief or FDHR.
- The report will also be documented in writing by the supervisor and forwarded to the PSO and FDHR.
- PSO and FDHR shall notify the City of Austin HRD of the report.

2018 EARS Incident/Investigation

The Incident

During the summer of 2018 Fire Specialist Kelly Gall reported a harassment complaint to her direct supervisor against a Lieutenant. The Lieutenant named in the complaint had referred to Fire Specialist Kelly Gall as “Darling” on multiple occasions on duty and at one point requested a hug from her. Fire Specialist Kelly Gall reported this to her direct supervisor who made a formal complaint utilizing the EARS resource.

2018 EARS Incident/Investigation

The Investigation

During a meeting and a later follow up phone call with the Chain of Command to discuss the EARS complaint, several questions/comments were made to Fire Specialist Kelly Gall

- Do you want the complaint to be formal?
- Do you think calling someone 'Darling' warrants a PSO investigation?
- You are a friendly person and I've seen you hug a lot of people.
- Could you have avoided the hug?

Both the accused Lieutenant and the Lieutenant who submitted the EARS complaint were transferred. When the reporting Lieutenant asked the Chain of Command why he was being permanently transferred, he was told to "drop it, and move on.". He was told that since the transfers were permanent, the EARS complaint is being closed. No formal PSO investigation was conducted.