



Fire Service Litigation Database
As of July 5, 2017
7859 Cases

Categories of Cases

Administrative	3876
Civil	2979
Criminal	1003

1. Administrative Cases

- 2934 – discipline cases
- 771 – employment related claims
- 251 – collective bargaining
- 69 – negligence claims (administrative) against fire departments

Discipline

Criminal Conduct	1032	35.2% (Includes off-duty)
Incident Related	501	17.1%
Sexual misconduct	343	11.7%
Alcohol involved	251	8.6% (was 10%)
Social media	195	6.6% (was 4%)
Drugs	163	5.5%
Photo/imagery	128	4.4% (was 3%)
Sexual harassment	128	4.4%

2. Criminal Cases (work related)

Volunteer	546
Career	332
Combination	122

Most Common Criminal Charges

Theft:	388
Larceny	274
Embezzlement	182
Fraud	131
Arson:	205
Assault	132
Sexual assault	82
Sexual assault on minor	44
Involve junior firefighters	23
DUI (on duty/responding)	44
DUI (apparatus)	26
Drug charges	57

3. Civil Cases

TOTAL: 2979 cases

1715 – employment related (57.6%)
 926 – negligence (31.1%)
 752 – incident related (25.2%)
 60 – training (2%)

Most Common Employment

1.	Discrimination		942
	31.6% of all civil, 54.9% of employment		
2.	Termination challenge		503
	Competency based termination	10	
	Medically related termination	38	
	Constructive termination	106	
	Discipline related termination	437	
3.	Retaliation		366
4.	Collective bargaining		258

Employment Cases

- Promotion 181
- Hiring 107 (4% of civil, 6% of empl.)
- Demotion 88 (discipline and economic)

Most Common Discrimination

Gender		336
Sex discrimination	279	
Sexual Harassment	227	
Sexual Orientation	13	

Race		295
Race by minority members	216	
Race by white/male rev. discrim	79	

- Black – 138
- Hispanic – 34
- National origin – 31
- Asian – 7
- Native American – 3
- Middle Eastern – 3

Disability 98

- Psych: 18
- Vision: 10
- Diabetes: 9
- Heart: 7
- Seizures 7
- Back 6
- Lung 6

Age	71
Political retaliation	32
National origin	31
Religion	29
Pregnancy	17
Military service (USERRA)	16

OTHER EMPLOYMENT

Due Process	242
1st Amendment	185
FLSA	185
FMLA	21

Incident Related Suits

Structure fire	292	38.8%
EMS	205	27.2%
Apparatus accidents	105	14.0%
Training	60	8.0%
Wildland	50	6.6%
Vehicle accident	47	6.3%
Dispatch	33	4.4%
Hazmat	19	
Inspection	15	
Gas leak	10	
Water rescue	9	
POV accident	7	
Wires down	5	
Ice rescue	3	
Dive rescue	3	

292 Structure Fire Suits

Negligence	238	81.5%
LODD	89	30.5%
Poor tactics	47	16.1%
Rekindle fires	14	4.8%
Subrogation suits	6	2.1%

- FD a defendant in 226 of 292 (77.4%)
- FD is plaintiff in 19 of 292 (6.5%)
- FF a defendant 39 of 292(13.4%)

150 LODD Suits

Structure fires	89
Training	41
Apparatus accident	18
Wildland	13
Vehicle accident	7
EMS	4
Aircraft	3
Wires down	2

Out of 2979 Civil Suits - FD is a defendant in 2485 (83.4%)

Mrs. Smith sued in 252 (8.5%)

FF Sued FD in 1538 (61.9%)

Unions sued FD in 231 (9.3%)

FFs filed 1734 out of 2979 civil suits

Includes 193 against Mrs. Smith and 108 against 3rd parties (equip. mfg, utilities, etc.)

TORT SUITS

Negligence	739	
Gross negligence	265	
Recklessness	185	
Intentional Infliction of SED	130	(severe emotional distress)
Defamation	106	
Assault/Battery	75	



False imprisonment	37
Invasion of privacy	32
Abandonment	12
Negligence – Duty to Act	72
EMS related: Refusal AMA	60

SUITS WHERE FFs ARE NAMED DEFENDANTS 496

Who is Sued	Total	Who is Suing	
		FF	Mrs. Smith
Fire Chief	278	207	41
Chief Officer	118	79	20
Company Officer	98	51	29
Firefighter	182	40	102

Key Data:

Total Suits:	2979
Suits against FD:	2485
Suits Filed by FF:	1734
Suits Filed by FF against FD:	1538
Suits Filed by FF Unions:	250
Suits Filed By FF Unions Against FD:	231
Employment related Suits:	1715
% of Suits Against FDs that are filed by FFs:	61.9%
% of Suits filed by FF against FD that are HR related:	88.5%