

GUIDELINES FOR DISCIPLINE HANDBOOK



Los Angeles County Sheriff's Department
A Tradition of Service Since 1850

Jim McDonnell, Sheriff

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GUIDELINES FOR DISCIPLINE

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GUIDELINES FOR DISCIPLINE

I. GENERAL INFORMATION

A. PURPOSE AND INTENT

This handbook is a guide designed to assist supervisors, managers, and executives in deciding when and how to impose discipline. It sets forth general practices and policies of the Department that shall be followed in consultation with appropriate units such as the Professional Standards Division, Internal Affairs Bureau (IAB), Employee Relations (ER) Unit, Advocacy Unit, the Constitutional Policing Advisors, and the Equity Investigations Unit. It also serves to notify employees of Department policy and practice relating to discipline. It establishes procedural requirements which shall be met in order to properly impose discipline.

The purpose of discipline is to ensure effective and efficient Department operations and employee adherence to reasonable and acceptable rules of performance and conduct.

In instances of either unacceptable conduct or performance, it becomes the responsibility of managers to impose the discipline. For the most part, such discipline should be corrective in nature and designed to impress upon the employee and the overall workforce the necessity for proper conduct and performance. However, some misconduct is either not correctable through discipline or immediately renders the individual unsuitable for continued employment. In these cases, other options, including discharge, must be considered.

Note: The procedures for reporting and investigating potential violations of the Policy of Equality are set forth solely in the Policy of Equality and associated Procedures, and supersede the procedures set forth in the Guidelines for Discipline Handbook. The County Equity Oversight Panel (CEOP) or any other entity authorized to make determinations with regard to discipline for violations of the Policy of Equality shall use the Guidelines for Discipline Handbook to assist them in making their determinations. If you have any questions regarding the Policy of Equality, please refer to Manual sections 3-01/121.00 through 3-01/122.25, or call the Intake Specialist Unit at (323) 890-5371.

B. NON-DISCIPLINARY ACTIONS

Not all inappropriate behavior will require imposition of discipline. In some cases, non-disciplinary action such as counseling accompanied by documentation in a performance log may be more appropriate. An employee counseling or other non-disciplinary action should take place soon after the unacceptable behavior or poor performance is first noted. The purpose of non-disciplinary action is to inform the employee of a potential problem, which may result in discipline if it continues and to help correct the problem.

before it becomes significant and/or to advise the employee of expected behavior.

C. DISCIPLINARY ACTION

1. Progressive Discipline

After the non-disciplinary approach is used or in some initial instances of misconduct or poor performance, the manager must impose discipline. Generally, discipline will follow a "progressive-step method." This method attempts to correct, resolve, or remove the employee's performance problem or misconduct at the lowest, most effective level. It should be imposed when the manager can reasonably anticipate the discipline will be effective.

The formal disciplinary steps from least to most severe are:

1. Written Reprimand
2. Suspension
3. Salary Step Reduction*
4. Bonus Removal
5. Reduction (Demotion)
6. Discharge

*In situations where the appropriate level of discipline is a 10 day or greater suspension, a manager may offer a step reduction approximately equivalent to the number of days of the suspension. An employee may also request a step reduction in lieu of a suspension, subject to management approval.

It is not necessary to have imposed each lower step of discipline prior to imposing a given level. Circumstances may call either for by-passing or imposing repetitive discipline. Some factors, which may alter the progression, are the seriousness of the offense, the frequency or length of time between occurrences, or the attitude of the employee, especially his/her attitude regarding the most current incident (Please refer to the subsection - Steps for Disciplining).

2. Non-Progressive Discipline

There are some acts of misconduct, which by their nature are not appropriate for progressive discipline. These acts comprise misconduct which it is reasonable to expect employees to understand is unacceptable even without specific notice from the Department, and/or which are generally acknowledged to be socially unacceptable.

Such behavior may include, but is not limited to, fraternization with inmates, drug usage, dishonesty, thievery, violent behavior, insubordinate behavior, or behavior which is illegal or places the individual or the Department in violation of federal, state or local laws, or court orders.

These acts shall result in more serious levels of discipline, including discharge, without the necessity of employing any stages of progressive discipline.

D. UNACCEPTABLE OFF-THE-JOB CONDUCT

An employee can be subject to discipline for off-duty conduct/incidents. Where an employee's off-the-job conduct is related to and impacts the Department's reputation or the employee's ability to perform competently, discipline up to and including discharge may be warranted.

Off-the-job conduct may also be subject to discipline when it is deleterious to the Civil Service system or County government without being specifically related to the job function or Department operations. For example, an employee who cheats in a Civil Service examination or falsifies Civil Service examination applications is subject to disciplinary action up to and including discharge.

E. UNACCEPTABLE ON-THE-JOB BEHAVIOR

Failure of an employee to perform his or her assigned duties so as to meet stated or implied standards of performance may constitute adequate grounds for suspension, reduction, or discharge.

When based upon specific acts or omissions, grounds for discipline for noncompliance to standards may include, but are not limited to, qualitative as well as quantitative elements of performance such as failure to exercise sound judgment; failure to report information accurately and completely; failure to deal appropriately with the public; and failure to make productive use of human, financial and other assigned resources. Grounds for discipline may also include any behavior or pattern of behavior which negatively affects an employee's productivity or any behavior or condition which impairs an employee's qualifications for a position or for continued County employment. Such a pattern of behavior must be based upon specific acts or omissions and cannot be based on a mere subjective evaluation or feeling. An additional area of unacceptable conduct is excessive absences. An unreasonable number of absences over a significant period of time may result in an "Unsatisfactory" Performance Evaluation.

F. DECISION TO DISCIPLINE

The imposition of the proper discipline stems from a determination of the facts, an evaluation of whether the facts reflect employee misconduct, an assessment of the significance of the misconduct, and the proper disciplinary action response. The determination of the facts always involves an investigation. The extent of the investigation is determined by the nature and seriousness of the allegations,

performance problem, or misconduct involved.

The evaluation of the facts shall be done prior to the imposition of any discipline. Any alleged misconduct must be analyzed and investigated. Misconduct may result from violations of Civil Service Rules, Departmental policies, federal law, state law, and local ordinances.

Finally, the judgment of whether discipline is appropriate should be based upon several factors.

1. Seriousness of the offense; the impact, actual or potential, upon the Department and/or the community.
2. The length of service and overall performance of the employee.
3. The attitude and culpability of the employee.
4. Previous discipline and the length of time since imposed.
5. Harm to public trust.

G. PRE-DISPOSITION SETTLEMENT AGREEMENT

A Pre-Disposition Settlement Agreement (PDSA) can be an alternative to a full investigation in limited circumstances, such as when an employee readily acknowledges his/her error, is willing to conclude the matter promptly, and the misconduct does not constitute a serious policy violation. In appropriate cases, PDSAs result in sufficient documentation of the facts, fewer investigative resources expended, and a fair, quicker outcome for the employee.

PDSAs are not authorized in the following situations: (1) cases involving allegations of unreasonable force or dishonesty; (2) cases in which an investigation is required to ascertain all the facts concerning the misconduct allegation; (3) cases involving potential or proposed discipline which would require executive force review, case review (a suspension of 16 days or more, discharge or demotion), removal from a Bonus position, and/or violations of the Policy of Equality.

A PDSA requires (1) concurrence of the IAB Captain; (2) approval of the employee's Unit Commander, Commander, and Chief; and (3) approval of the subject employee. Also, a PDSA requires conferring with a Constitutional Policing Advisor only on investigations being monitored by a Constitutional Policing Advisor. The subject must accept responsibility for his/her actions and must either write a responsibility memorandum or be interviewed on tape acknowledging the conduct. The Unit Commander shall advise the employee of the right to consult with his/her representative before deciding to accept a PDSA, and of the requirements for writing a responsibility memorandum or being interviewed on tape acknowledging the conduct. Refer to the Department's policy regarding the requirements for consulting with Psychological Services Bureau for alcohol-related discipline. The PDSA will be processed as required by IAB.

Each PDSA must include an offer of Education-Based Discipline (EBD) which follows the EBD guidelines (page 11, et. seq.). If accepted, the EBD plan is included in the PDSA. The employee may decline EBD.

H. APPROPRIATE DISCIPLINE

1. Written Reprimand

A written reprimand is the lowest form of formal discipline and is normally issued when the incident impacts upon unit or departmental operations, or when prior non-disciplinary actions have not corrected the pattern of behavior or performance. The written reprimand shall:

1. Describe or document the misconduct and its lack of acceptability;
2. Identify previous counseling or discipline;
3. Explain the expectations for future performance or conduct;
4. Identify the disciplinary consequences of repetition, continuation, or lack of improvement;
5. Incorporate the employee's stated reasons for his/her actions.

2. Suspension

A suspension without pay, for disciplinary purposes, may not exceed 30 calendar days in length, and may not be used in conjunction with a reduction or bonus removal.

3. Bonus Removal

A deputy may be removed from a Bonus position as a result of a founded administrative investigation. Per the MOU for deputy sheriffs:

1. "May be criteria for removal depending upon the seriousness of the violation and the extent to which it compromised the employee's job competency;
2. Shall be applied in conjunction with overall evaluation of employee competency in the Bonus position;
3. Shall not be used in lieu of existing disciplinary avenues available."

"The intent being that the investigation resulted from some action by the employee related directly to the job for which the Bonus is given, and that in all cases the removal of a Bonus be justified standing alone. The incident, by itself, must be significant enough to warrant removal from the position and to indicate the individual to be a hazard/detriment to himself/herself, other individuals, or to the Department should he/she continue in the position."

4. Reduction

A reduction is a lowering of an employee's rank (classification) or grade. As used in this handbook, reduction and demotion are synonymous. As with the imposition of all

discipline, an employee may be reduced for proper cause. Such reasons must be stated in writing and include specific grounds and facts upon which a reduction is based. Under appropriate circumstances, an employee may be reduced after he/she has completed a first probationary period. Reduction is appropriate only if there is reason to believe that an employee will function adequately on an available lower level position. Reduction may also be appropriate for consideration in cases involving inefficiencies which are not serious enough for discharge.

5. Discharge

A discharge means the complete and final separation from the Department for cause. Discharges occur when prior discipline has not corrected the employee's unacceptable behavior or performance, or in circumstances where the misconduct has rendered the individual immediately unsuitable for further employment, or where it can be reasonably anticipated and demonstrated that a lesser disciplinary action will not correct the employee's conduct.

I. EVALUATION OF FACTS AND IMPOSITION OF APPROPRIATE DISCIPLINE

The gathering and evaluation of facts regarding an employee's alleged misconduct shall be done objectively, thoroughly, and as quickly as possible. The evidence being considered should be relevant to establishing or disproving the occurrence of misconduct.

Disciplining an employee should be an impartial act taken with the intent of correcting the misconduct or poor performance, if possible, before it becomes more severe or an incorrigible pattern. Discipline should be imposed as soon as possible after the incident or problem occurred.

J. DETERMINING DISCIPLINE WHEN MULTIPLE VIOLATIONS OCCUR

Many times a single act of misconduct will violate several sections of the Manual of Policy and Procedures. Each MPP section violated by a single act or a single category of behavior shall be listed in the disposition worksheet as a single enumerated charge. Additional enumerated charges are to be recorded for additional separate acts, or for additional aspects of a single act (such as subsequent dishonesty about a prior act, or failure to report unreasonable force). In general, higher numbers of separate enumerated charges shall be considered for higher levels of discipline.

Multiple acts of misconduct may result in discharge even though the "standard range" of discipline for the individual acts does not include discharge. Such "multiple acts" may occur during a single continuing event, contiguous events, or may result from additional misconduct occurring prior to the imposition of discipline on another violation. In such cases, managers should consider the totality of the circumstances when making their

decisions.

K. DISCIPLINE FOR SUPERVISORS OR MANAGERS

A supervisor or manager may be reduced in rank for any misconduct which relates to his/her supervisory or managerial responsibilities, even though the “standard discipline” calls for a suspension.

L. MANAGEMENT'S ROLE

Before any potential disciplinary action is considered, the following points shall be followed:

1. Investigate and consider all sources of relevant information (facts, not opinions).
2. Verify information to the extent possible.
3. Consult with appropriate supervisor(s) involved.
4. Analyze facts thoroughly and objectively. You should consider:
 - a. Intent
 - b. Past performance
 - c. Degree of culpability
 - d. Disciplinary history
 - e. Truthfulness
 - f. Severity of infraction
 - g. Acceptance of responsibility
 - h. Harm to public trust
 - i. Other factors *

* For example, a manager may consider the following issues resulting from an employee's actions or omissions:

- a. The liability or potential liability incurred by the County;
 - b. The jeopardy to public safety;
 - c. The harm or risk of harm to persons or property; and
5. Summarize the matter in writing.

Mitigating and aggravating circumstances serve to affect the level of discipline imposed. Disciplinary actions in a given category are expected to be in the “Standard Range.” The standard range has been developed to be appropriate discipline for violations most likely in a given category. However, there will be cases where the mitigating and aggravating circumstances surrounding the behavior are of such magnitude that the manager determines a level of discipline higher or lower than the standard range is called for. The manager may impose discipline out of the “Standard Range” with the concurrence of his/her Division Chief and also when required, after consultation with the (1) the chairpersons of the County Equity Oversight Panel, Executive Force Review Committee, or Executive Risk Review Committee, (2) the Constitutional Policing Advisor(s), and (3) the Case Review Panel.

II. LEVELS OF DISCIPLINE

A. DISCIPLINE AND EDUCATION GUIDE

In Part IV of this “Guidelines for Discipline” document will be found the “Discipline and Education Guide” table. It specifies the appropriate level(s) of discipline for various categories and specific instances of misconduct which are prohibited by the indicated sections of the Department’s Manual of Policy and Procedures. The use of the table is explained in more detail in the introductory comments at the beginning of Part IV.

B. DETERMINING AN APPROPRIATE LEVEL OF DISCIPLINE

The “Discipline and Education Guide” table contains numerous instances wherein the appropriate level of discipline is described as a wide range. In order to assist decision-makers in the process of identifying the most appropriate level more specifically, the 2015 committee responsible for updating this document created a tool which appears on pages 41-42. The tool consists of two instruments:

1. A description of 5 successively more serious levels of misconduct. These five descriptions will assist a decision-maker in “honing in” on a level of discipline that is more consistent with previous decisions about similar misconduct, especially in cases in which the guidelines for a specific category or instance of misconduct ranges from low to very high.
2. A table which indicates the potential effect of mitigating and aggravating factors on the final decision as to which level of discipline is the most fitting.

For additional information about selecting an appropriated level of discipline, refer to Part IV.

III. EDUCATION-BASED DISCIPLINE

A. EDUCATION-BASED DISCIPLINE AS AN OPTION

The purpose of most discipline is to ensure effective operations through employees’ compliance with acceptable rules of conduct and performance.

Education-Based Discipline (EBD) is an innovative alternative to traditional disciplinary suspensions. It can reduce management-employee conflict and embitterment that may result from withholding employees’ pay. It is an option that offers behavior-focused education and training that enhances communication, character, competence, and trust.

The mission of EBD is to develop an individualized remedial plan with the involvement of the employee that emphasizes education, training, and other creative interventions, thereby promoting a more comprehensive and successful outcome.

EBD is an option for disciplinary suspensions involving 1-5 days (Level 1) and 6-10 days (Level 2) violations. For disciplinary suspensions involving 11-30 days (Level 3), no EBD will be utilized for suspension days 11-30. However, EBD may be utilized for the first 10 days with the approval of the Division Chief/Director. Employee rights are preserved while employees choose between suspension of pay or EBD. If an employee accepts EBD, he/she must complete all conditions of the EBD Agreement within the specified time period; if not, then he/she will be required to serve the full suspension and loss of pay. It is the Department's responsibility to make EBD classes available within one year from the date the EBD Agreement is signed. Whether or not EBD is utilized, all discipline is documented by recording the originally intended number of suspension days, for purposes of future progressive discipline.

The EBD "Discipline and Education Guide" in the final section of this handbook, helps unit commanders to create an individualized EBD plan, while also allowing for employee input. It links behaviors with "Action Items Menus" of education options which are posted and updated on the EBD Intranet website. The menus list a multitude of suggested classes and action item options including the LASD Deputy Leadership Institute, 7 Habits of Highly Effective Law Enforcement (Franklin Covey), and writing a paper on what was learned. The LIFE (Lieutenants' Interactive Forum for Education) class is a LASD decision-making class that is a mandatory part of every employee's EBD plan. While each employee can design and request his/her own EBD plan, the unit commander makes the final decision as to the employee's EBD plan.

The ultimate decision on the determination of discipline rests with Department executives.

The unit commander may offer EBD to employees through an EBD Proposal as outlined on page 14 for 1-5 days (Level 1) and 6-10 days (Level 2) violations only. For disciplinary suspensions involving 11-30 days (Level 3), no EBD will be utilized for suspension days 11-30. However, EBD may be utilized for the first 10 days with the approval of the Division Chief/Director. In cases involving progressive discipline, EBD may be offered. Discipline that involves discharge or demotion is not eligible for EBD. In addition, EBD may not be suitable as an alternative to discipline for certain policy violations; in these cases, the decision to not offer EBD to an employee shall be made with the approval of the appropriate Division Chief. EBD shall not be offered for second and subsequent violations of manual sections for which the employee has previously received EBD.

Note: EBD shall not be offered as an alternative to discipline for violations of the following policies: unreasonable force; failure to report force; false statements; and failure to make statements and/or making false statements during a Department internal investigation; and, specific Policy of Equality sections:

Discrimination (3-01/121.10), Sexual Harassment (3-01/121.15) and Retaliation (3-01/121.35). EBD may be offered as an alternative for other violations of the Policy of Equality if mitigating circumstances exist in which the employee would benefit from EBD. The concurrence of the County Equity Oversight Panel (CEOP) and approval of the employee's Division Chief must be obtained prior to offering EBD to the employee.

For alcohol-related and domestic-violence related offenses, refer to the following sections labeled: EBD for Alcohol-Related Incidents (page 17) and EBD for Domestic-Violence Related Incidents (page 19). These sections will describe the manner in which EBD may be utilized for the indicated offense.

B. EBD DEFINITIONS

1. Action Items Menus

Six lists of recommended EBD classes and independent study options suitable for fulfilling the EBD requirements. The menu of classes can be found at this link: <http://rcpi-ca.org/pages?id=1>. EBD is to be completed on-duty.

2. Behavioral Remedy Categories

A category assigned to each policy violation which provides the type of EBD option available to address that violation. The categories are further described on page 23.

3. LIFE Class

The LIFE (Lieutenants' Interactive Forum for Education) decision-making class is the foundational course for EBD. Each and every employee who participates in EBD, regardless of the number of suspension days, shall attend the eight hour LIFE class as a component of EBD.

4. EBD Education Credits

Each suspension day requires the completion of at least one EBD credit. Each four hours of EBD training equals one credit.

5. EBD Evaluation

Each employee participating in EBD shall complete an EBD Evaluation. The EBD evaluation is a written memorandum in which the employee reflects upon their experience with the EBD process.

6. Independent Study

This is an option for EBD which may not involve classroom training. Credit for independent study shall correlate with the amount of time an employee should spend on it. For example, if an employee is expected to spend twelve hours completing an

independent study project, the employee should be given three EBD credits. This is consistent with the credit amounts awarded for classroom training.

Examples of independent study are as follows:

- An employee voluntarily agrees to prepare and present a briefing to co-workers regarding his/her conduct/decision which resulted in participation in EBD. The unit commander shall authorize an EBD credit value of one or more credits based on his/her assessment of the time, effort, quantity and relevance of the briefing(s).
- An employee voluntarily agrees to prepare an in-depth topic-specific research paper. The paper will be relevant to the behavior that resulted in his/her participation in EBD. The unit commander shall authorize one EBD credit for each four hours (on-duty) that an employee spends preparing the research paper.
- The employee voluntarily agrees to participate in a community-based activity which is related to the circumstances regarding his/her conduct resulting in their participation in EBD. The unit commander shall authorize one EBD credit for each four hours (on-duty) that an employee spends providing community service.

C. EBD IN LIEU OF SUSPENSIONS (TABLE 1)

Table 1 is an overview of how EBD is to be utilized for the indicated number of suspension days. The unit commander makes the final decision as to the classes and action items in the employee’s EBD plan.

Table 1 EBD in Lieu of Suspensions		
Suspension Days	Minimum Credits*	Maximum number of suspension days covered by EBD
1-5 days	1 - 5 Credits	EBD may be offered for days 1 - 5 of suspensions.
6-10 days	6 - 15 Credits	EBD may also be applied to days 6-10 by the unit commander with the approval of the Division Chief/Director.
11 - 30 days	No EBD Credits	No EBD will be utilized for suspension days 11-30. *EBD may be utilized for the first 10 days with the approval of the Division Chief/Director.
* EBD shall not be offered for the second and subsequent violations of manual sections for which the employee has previously received EBD.		
* A unit commander may require an employee to exceed the number of minimum credits needed to satisfy the number of days suspended.		

D. EBD PROPOSAL

EBD can be offered to an employee as part of a Pre-Disposition Settlement Agreement (PDSA), or in a written EBD Proposal (see page 21, et. seq. for sample) when the

Letter of Intent to Discipline is presented to an employee. The employee shall be given the opportunity to review the EBD Proposal and must notify the unit commander within ten business days if the employee chooses to participate in EBD. The unit commander shall ensure that the employee understands his/her right to grieve the intended discipline instead of accepting the EBD proposal.

The EBD Proposal shall explain the requirement that the employee actively participate in his/her EBD plan, and adjust his/her schedule as needed to attend EBD on duty. Any other provisions shall also be described in the EBD Agreement. At a minimum, each employee who chooses EBD will be required to participate in and complete a Lieutenants' Interactive Forum for Education (LIFE) class, and an EBD evaluation. An example of an EBD Proposal is found on page 21. The EBD items listed and suspension days shown are exemplars only.

Grievances

If the employee files a grievance and the grievance is granted (resulting in a change in the findings and/or the number of suspension days), the Unit Commander *may* offer a revised EBD proposal to the employee. If the grievance is denied, the Unit Commander shall not offer EBD except with the concurrence of the concerned Division Chief/Director, and only in the case of 1-5 days (Level 1) and 6-10 days (Level 2) violations.

E. EBD AGREEMENT

If an employee agrees to participate in EBD, the EBD Proposal will be used by Bureau of Labor Relations and Compliance (BOLRAC) personnel to document the EBD terms and requirements in an EBD Agreement (EBDA). The unit commander shall work with the employee to adjust the employee's schedule so he/she can participate in EBD courses and EBD action items on-duty.

A statement shall be included in the EBDA which describes what will occur in the event the employee does not complete the required EBD courses and/or Independent Study requirements. In order to avoid any confusion regarding an employee's failure to meet the agreed-upon requirements of the EBDA, the following statement or its equivalent shall be included in the EBDA:

1. The employee is required to actively participate in and complete all EBD courses and/or Independent Study requirements detailed in the EBD agreement by (date). Failure to comply with the terms of this EBD agreement will result in the imposition of the entire discipline described in the Letter of Intent delivered to the employee regarding this investigation. A partial completion of the EBD agreement will not mitigate any portion of the discipline described in the Letter of Intent.

2. The employee's agreement to voluntarily participate in EBD will not prevent the intended number of suspension days from being recorded in the Personnel Performance Index (PPI). However, if an employee utilizes EBD, PPI will record that the terms of the EBDA are either in progress or completed.

The Unit Commander shall ensure that the employee is provided the opportunity to attend the required EBD courses and/or satisfy Independent Study requirements. The Unit Commander is responsible for tracking and ensuring that an employee fulfills the terms of the EBDA.

F. EBD FOR ALCOHOL-RELATED INCIDENTS

All employees committing alcohol-related offenses shall be assessed by the Psychological Services Bureau (PSB) prior to participating in EBD. The purpose of the assessment is to recommend an appropriate EBD program to the unit commander for the employee. The assessment process may involve communication between the employee's unit commander and PSB personnel in order to develop an effective EBD program. The assessment may lead to a requirement that an employee participate in treatment programs, which will be conducted off-duty.

The use of EBD for alcohol-related offenses is an optional alternative form of discipline that is available to employees. However, due to the complexity of some alcohol-related cases which involve court-mandated participation in programs/classes, some portions of EBD for alcohol-related incidents shall be conducted while an employee is off-duty.

1. Court-Mandated Classes/Programs

Psychological Services Bureau (PSB) will evaluate an employee's court-mandated classes/programs and assign an EBD credit from zero credits to three credits. Based upon the PSB assessment of the employee, EBD credits **may** be awarded for the court-mandated classes/programs that the employee completed. The assignment of EBD credits for the court-mandated classes/programs is at the independent discretion of PSB. The assignment of EBD credits for court-mandated classes/programs is evaluated during the initial PSB assessment of the employee.

2. PSB-Mandated Classes/Programs

All classes/programs that PSB identifies as part of a "treatment program" will be conducted off-duty. Each treatment program will be assigned EBD credits after the employee's participation and successful completion of its requirements. PSB may require an employee to participate in a treatment program, which may result in the employee earning more credits than is needed to satisfy the minimum number of unpaid suspension days that the employee received as discipline.

Treatment programs identified by PSB shall be conducted in an off-duty status by the employee. Treatment programs do not appear on the Primary Course Listings found at

EBD@lasd.org. However, any class that appears on the Primary Course Listing will be conducted in an on-duty capacity.

3. EBD Offer to Employee by Unit Commander

Any offer to an employee by the unit commander must include the recommendations made by PSB. The unit commander may offer EBD to an employee in addition to court mandated classes/programs and PSB treatment programs.

The unit commander may offer that an employee complete classes found on the Primary Course Listing found on the EBD web-page. Independent study may also be offered to an employee as part of EBD. These EBD classes and independent study options will be conducted in an on-duty capacity. The unit commander may require an employee to earn more credits than are needed to satisfy the minimum number of unpaid suspension days that the employee received resulting from the discipline process.

4. EBD Process for Alcohol Related Offenses (Table 2)

Table 2 provides a brief overview of the EBD process as it pertains to alcohol-related offenses.

Table 2				
EBD Process for Alcohol Related Offenses				
Suspension Days	Minimum Credits*	Court Mandated Classes or Programs	PSB Assessment of Employee	Unit Commander Options for EBD
1-5 days 6-10 days	1-10 Credits*	<ul style="list-style-type: none"> - Employee completes court mandated classes & programs - Court mandates are conducted off-duty. 	<ul style="list-style-type: none"> - Employee agrees to be assessed by PSB - PSB may award EBD credits for court mandated classes & programs (0-3 EBD Credits). - PSB identifies classes and/or treatment programs for employee and awards appropriate EBD credits. - Treatment programs are conducted off-duty. 	<ul style="list-style-type: none"> - EBD proposal must include mandates of PSB - Unit Commander proposes EBD classes and/or Independent Study options to be completed by employee - EBD classes and Independent Study options are conducted on-duty.
* A unit commander can require an employee to exceed the number of minimum credits needed to satisfy the number of days suspended.				

G. EBD FOR DOMESTIC-VIOLENCE RELATED INCIDENTS

All employees committing domestic violence-related offenses shall be assessed by the Psychological Services Bureau (PSB) prior to participating in EBD. The purpose of the assessment is to recommend an appropriate EBD program to the unit commander for the employee. The assessment process may involve communication between the employee's unit commander and PSB personnel in order to develop an EBD program. The assessment may lead to a requirement that an employee participate in treatment programs which will be conducted off-duty.

The use of EBD for domestic violence related offenses is an optional alternative form of discipline that is available to employees. However, due to the complexity of some domestic violence related cases which involve court-mandated participation in programs/classes, some portions of EBD for domestic violence related incidents shall be conducted while an employee is off-duty.

1. Court-Mandated Classes/Programs

Employees involved in domestic violence related offenses are not authorized to receive EBD credit for their court-mandated classes/programs.

2. PSB-Mandated Classes/Programs

All classes/programs that PSB identified as part of a "treatment program" will be conducted off-duty. Each treatment program will be assigned EBD credits after the employee's participation and successful completion of its requirements. PSB may require an employee to participate in a treatment program which may result in the employee earning more credits than are needed to satisfy the minimum number of unpaid suspension days that the employee received as discipline.

Treatment programs will be identified by PSB and shall be conducted in an off-duty status by the employee. Treatment programs do not appear on the Primary Course Listings found at EBD@lasd.org. However, any class that appears on the Primary Course Listing will be conducted in an on-duty capacity.

3. EBD Offer to Employee by Unit Commander

Any offer to an employee by the unit commander must include the recommendations made by PSB. The unit commander may offer EBD to an employee in addition to court mandated classes/programs and PSB treatment programs.

The unit commander may offer that an employee complete classes found on the Primary Course Listing found at the EBD web-page. Independent study may also be offered to an employee as part of EBD. These EBD classes and independent study options will be conducted in an on-duty capacity. The unit commander may require an employee to earn more credits than is needed to satisfy the minimum number of unpaid suspension days that the employee received resulting from the discipline process.

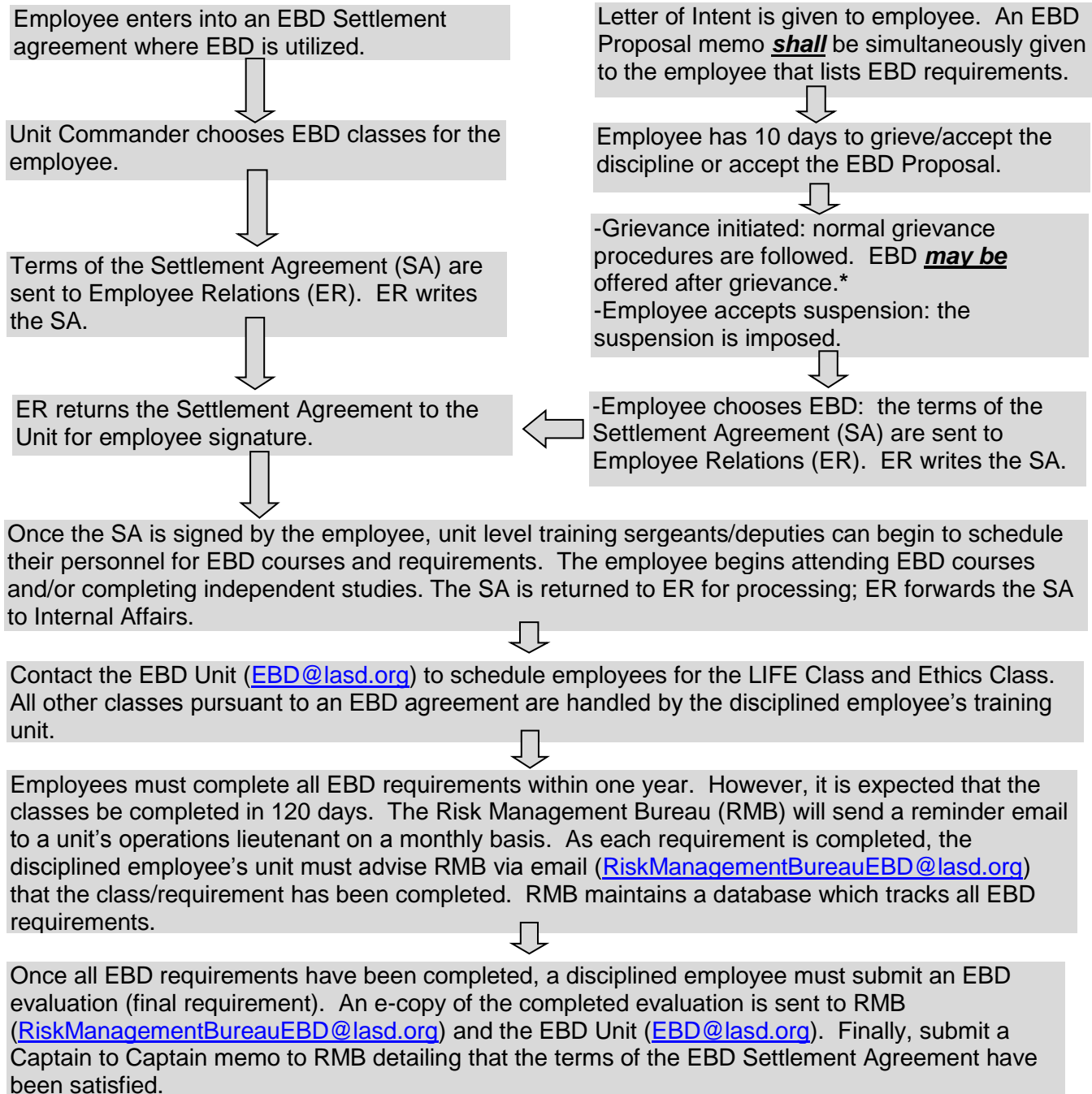
4. **EBD Process for Domestic Violence Related Offenses (Table 3)**

Table 3 provides a brief overview of the EBD process as it pertains to domestic violence related offenses.

Table 3		EBD Process for Domestic Violence-Related Offenses		
Suspension Days	Minimum Credits*	Court Mandated Classes or Programs	PSB Assessment of Employee	Unit Commander Options for EBD
1-5 days 6-10 days	1-10 Credits*	<ul style="list-style-type: none"> - Employee completes court mandated classes & programs. - Court mandates are conducted off-duty. 	<ul style="list-style-type: none"> - Employee agrees to be assessed by PSB. - Employees do not receive EBD credit for mandated court classes & programs. - PSB identifies classes and/or treatment programs for employee and awards appropriate EBD credits. - Treatment programs are conducted off-duty. 	<ul style="list-style-type: none"> - EBD proposal must include mandates of PSB. - Unit Commander proposes EBD classes and/or Independent Study options to be completed by employee. - EBD classes and Independent Study options are conducted on-duty.
<p>* A unit commander can require an employee to exceed the number of minimum credits needed to satisfy the number of days suspended.</p>				

ATTACHMENT A – EBD Process Chart

EBD PROCESS CHART: This flow chart provides basic information about the EBD process. It does not include information should an employee utilize the grievance process. **All employee protections remain intact.** Contact the EBD Unit at ebd@lasd.org or (562) 946-7006 for additional information.



* EBD may be offered if there is a change in the findings or reduction in the number of suspension days.

ATTACHMENT B – EBD PROPOSAL SAMPLE

COUNTY OF LOS ANGELES
**SHERIFF'S
DEPARTMENT**
A Tradition of Service Since 1850

DATE:

OFFICE CORRESPONDENCE

FILE:

FROM: UNIT COMMANDER, RANK
UNIT OF ASSIGNMENT

TO: EMPLOYEE, RANK
UNIT OF ASSIGNMENT

SUBJECT: **EDUCATION BASED DISCIPLINE PROPOSAL (EXEMPLAR)**

This memorandum details the EBD Proposal being offered to you by the unit commander. This EBD Proposal is an optional alternative to the unpaid suspension described in the Letter of Intent that you received regarding this investigation.

The unit commander is offering Education-Based Discipline as an alternative to your five (5) day unpaid suspension. The EBD agreement will include the following courses (or their equivalent as determined by the unit commander) and action items as an alternative to your suspension:

- Attend and complete the Lieutenants' Interactive Forum for Education (LIFE) Class (8 hours)
- Attend and complete the Tactical Communications Course (8 hours)
- Attend and complete the Anger Management Course (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process

If you voluntarily agree to participate in EBD, an EBD Agreement will be generated by Employee Relations to document the terms and requirements of this EBD Proposal. The Department may adjust your schedule for you to participate in EBD courses and EBD action items, as EBD is conducted on-duty.

You are required to actively participate in and complete all EBD courses and/or Independent Study requirements detailed within the EBD Agreement. Failure to comply with the full and complete agreed upon terms of the EBD Agreement will result in the imposition of the entire discipline described in the Letter of Intent that you received regarding this investigation. A partial completion of the EBD agreement will not mitigate any portion of the discipline described in the Letter of Intent.

Your agreement to voluntarily participate in EBD will not prevent the suspension days from being reflected on your Personnel Performance Index (PPI) or in your personnel file. However, by utilizing EBD, PPI will reflect that EBD is in progress or was completed. Participation and completion of EBD as an alternative to suspension means that your paycheck will not be reduced due to the suspension.

EBD is an option to disciplinary suspensions. Your rights are preserved, while you choose between suspension of pay or EBD. You have the right to seek representation to assist in reviewing your case and/or your EBD options. You have ten business days from today to provide a decision on the alternative EBD options or to file a grievance in accordance with your MOU. If you accept EBD, you must waive your rights to a grievance, and complete all conditions of the EBD Agreement within the specified time period, or you will be required to serve the full suspension and loss of pay. EBD or not, all discipline is documented for purposes of progressive discipline.

IV. DISCIPLINE AND EDUCATION GUIDE

A. DISCIPLINE AND EDUCATION GUIDE EXPLAINED

The EBD “Discipline and Education Guide” (page 23, et. seq.) relates violations of policy to relevant behavioral descriptions. All violations of policy relate to one or more of these categories of behavioral remedies:

- A:** Problem Solving and Self-Management
- B:** Skill Enhancement
- C:** Boundary Recognition
- D:** Substance Misuse/Abuse Awareness
- E:** Character Reinforcement
- e:** External Factors

Each of the six behavioral descriptions link with separate “Action Items Menus,” which include classes and activities which may be used to complete the EBD credits in lieu of loss of pay. While “e: Mitigating and Aggravating Factors” is its own behavioral description, it can also potentially be relevant to any of the descriptions.

Unit Commanders are encouraged to select from the relevant listed classes and activities in the Action Items Menus, or may utilize unlisted classes and activities believed by the Unit Commander to be relevant. The Action Items Menus and classes currently available for each of the six behavioral categories can be reviewed on the EBD Intranet website.

The EBD courses and/or Independent Study requirements agreed upon by the employee and Unit Commander shall be incorporated into a PDSA or an EBD Agreement.

B. EBD AND PROGRESSIVE DISCIPLINE

EBD may be offered to an employee when progressive discipline is a component of a founded investigation. The use of EBD where progressive discipline is being imposed upon an employee will be at the discretion of the unit commander and requires the concurrence of the Division Chief and applies only to Level 1 and Level 2 violations.

C. EDUCATION-BASED DISCIPLINE UNIT

The EBD Unit will answer questions and provide information to unit commanders or their designates regarding EBD upon request. Recommended courses are accessible via the EBD Intranet website. The EBD website includes a variety of information about EBD. The EBD Unit is located at STARS Center, 11515 South Colima Road, M-106,

Whittier, CA 90604. The unit can be contacted at EBD@lasd.org or by phone at (562) 946-7006.

D. CORRECTIVE ACTION FOR PREVENTABLE TRAFFIC COLLISIONS

Each Department member is responsible for the care and condition of any vehicle assigned to them. Willful negligence and/or abuse of county vehicles can be grounds for disciplinary action.

The Department utilizes the Traffic Collision Point Reduction Class as a component of Education Based Discipline. For any collision that is determined to be preventable, the collision will be classified as a Level One, Two, or Three collision.

- Level One collision is worth one point.
- Level Two collision is worth two points.
- Level Three collision is worth three points.
 - A Level Three collision may be assessed as four points if there was a notable disregard for safety and/or a life threatening injury.

The points, as well as the cumulative total of collisions and/or vehicle incidents, can lead to an employee being assigned to a non-driving duty assignment. The details regarding the accumulation of points, number of collisions and/or vehicle incidents and the consequences for an employee are detailed in the Department's Manual of Policy and Procedures Corrective Action Policy, section 3-09/070.45.

Employees who receive points due to a traffic collision and/or vehicle incident may opt to participate in a Traffic Collision Point Reduction Class. The class is voluntary, conducted on the employee's off-duty time, and may be used to exempt one-point. The class may only be taken once during a 36-month period. The class may not be retroactively applied to prevent the imposition of an administrative action that has already been reached.

Each Unit Commander is responsible for ensuring that corrective action is taken when an employee has reached an action level requiring corrective action.

E. USE OF DISCIPLINE AND EDUCATION GUIDE

The following list of causes for disciplinary action is representative only and not all-inclusive. The list of disciplinary actions is intended as a guide only and should not be imposed "automatically" in relation to actual infractions. It is impractical to establish a set of disciplinary actions which can be applied automatically to every offense and every employee.

In cases where the discipline guidelines involves a wide range from lower to higher, refer to "**Levels of Discipline**" on page 41 and following.

SPECIAL NOTE

Discipline is expected to remain within the standard range in most instances. In the event circumstances warrant an upward or downward adjustment from the standard range, the Aggravating and Mitigating Factors must properly address and reflect the reason(s) for the downward or upward adjustment to the discipline.

Exception: Sections which indicate “Discharge” only may not be adjusted without the approval of the Case Review Panel and/or the Sheriff.

DISCIPLINE AND EDUCATION GUIDE

A: Problem Solving/Self-Management

B: Skill Enhancement

C: Boundary Recognition

D: Substance Misuse/Abuse Awareness

E: Character Reinforcement

e: External Factors

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS					
3-01/000.13	Professional Conduct - Core Values								
		Violating the Department's Core Values	W/R to discharge	A					E
3-01/025.45	Safety of Firearms								
		Unable to/Did not exercise reasonable care and/or control of firearm due to intoxication	15 days to discharge	A			D		
3-01/030.05	General Behavior								
		Conduct on or off duty which causes embarrassment to the Department	W/R to discharge	A		C	D	E	e
		Conduct on or off duty which causes embarrassment to the Department: Alcohol-related & belligerent/uncooperative with law enforcement	15 days to discharge	A		C	D	E	e
		Inappropriate involvement in off-duty neighborhood/business disputes	W/R to 10 days			C		E	
		Assaultive behavior	10 days to discharge	A				E	
		Drunk or disorderly in public	10 days to discharge	A		C	D	E	
		Drunk or disorderly in public: Belligerent/uncooperative with law enforcement	15 days to discharge	A		C	D	E	
		Inappropriate display of a weapon	5-15 days	A		C		E	
		Inappropriate display of a weapon: Alcohol related	15 days to discharge	A		C	D	E	
		Deceitful business transactions	5 days to discharge					E	
		Use of position or identification to solicit a gratuity or privilege	1 day to discharge			C		E	
3-01/030.06	Inappropriate/Disorderly Conduct								
		Drunk or disorderly in public	10 days to discharge	A		C	D	E	
		Drunk or disorderly in public: Belligerent/uncooperative with law enforcement	15 days to discharge	A		C	D	E	
		Sexual misconduct	3 days to discharge			C	D	E	

	Conspiring to violate law or policy	3 days to discharge							E
	Lewd act in public	3 days to discharge				C			E
3-01/030.10	Obedience to Laws, Regulations and Orders								
	Failure to carry out supervisory, managerial or executive duties and responsibilities adequately and promptly	W/R to discharge	A	B	C				E
	Working back-to-back double shifts	W/R to 2 days	A		C				e
	Failure to remain at home during duty hours after calling in sick or injured (see also 3-01/040.10)	W/R to 2 days							E e
	Carrying an unauthorized weapon and/or ammunition	3-20 days		B					E
	Violation of court orders	1-5 days							E
	Failure to follow instruction/orders	1-5 days		B					E e
	Endangering self, fellow employees or public by violation of safety rules, laws or ordinances	1-5 days	A	B	C				E
	Inappropriate display of a weapon	5-15 days	A		C				E
	Inappropriate display of a weapon: Alcohol related	15 days to discharge	A		C	D			E
	Off-duty driving under the influence (must show job nexus for civilian)	15 days	A			D			E
	Off-duty driving under the influence and possession and/or control of a firearm	20-25 days							
	Off-duty driving under the influence with BAC of .16 or higher (must show job nexus for civilian)	20-30 days							
	Off-duty driving under the influence with BAC of .16 or higher and possession and /or control of a firearm	25 days to discharge							
	Off-duty driving under the influence (must show job nexus for civilian): Belligerent/uncooperative with law enforcement	30 days to discharge							
	Off-duty driving under the influence with collision (must show job nexus for civilian)	20-30 days							
	Off-duty driving under the influence with collision (must show job nexus for civilian): Belligerent/uncooperative with law enforcement	Discharge							
	Second driving under the influence incident (must show job nexus for civilian)	Discharge							
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs	25 days to discharge							

Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs: Belligerent/uncooperative with law enforcement	30 days to discharge						
Off-duty driving under the influence in a County vehicle	20 days to discharge						
Off-duty driving under the influence in a County vehicle: Possession and/or control of a firearm	30 days to discharge						
Off-duty driving under the influence in a County vehicle: Belligerent/uncooperative with law enforcement	Discharge						
Any form of cheating in a County Civil Service examination, including but not limited to unauthorized possession, use or distribution of examination material, participating in an examination for another person	Do not hire; Discharge employee						
Refusal to submit to or take any oath or affirmation required by law or ordinance	Do not hire; Discharge employee						
Refusal to take a medical or psychological examination as required by Civil Service rules, county ordinance or lawful order	Do not hire; Discharge employee						
Refusal to be fingerprinted	Do not hire; Discharge employee						
Insubordination or refusal to act as directed by supervisor or higher ranking personnel	10 days to discharge	A		C		E	e
Failure to follow a lawful order to answer questions during an administrative investigation	20 days to discharge						
Theft (must show job nexus for professional staff)	Discharge						
Lying during a criminal investigation regarding a material matter	Discharge						
Knowingly giving false testimony, under oath, regarding a material matter	Discharge						
Felony conviction (includes pleas to felony later reduced to misdemeanor)	Discharge						
Violating the Inmate Anti-Retaliation Policy (CDM 5-12/0005.05 Anti-Retaliation Policy)	5 days to discharge	A				E	
Any violation of law, regulation, ordinance, or statute not specifically listed.	W/R to discharge						
Any violation of the Manual of Policy & Procedures, Field Operations Directives, and Unit orders not specifically listed in this Discipline Guide shall be charged under Obedience to Laws, Regulations, and Orders	W/R to discharge						

3-01/030.15	Conduct Toward Others						
	Discourtesy or profanity toward Department member	W/R to 10 days	A	B	C	E	
	Discourtesy or profanity toward Department members: Alcohol-related & belligerent/uncooperative with law enforcement	15 days to discharge	A	B	C	D	E
	Traffic incidents-Unnecessary action or confrontations with another motorist or pedestrian on or off duty	1-5 days	A		C	E	
	Discourtesy or profanity toward the public	W/R to 10 days	A		C	E	
	Discourtesy or profanity toward the public: Alcohol-related & belligerent/uncooperative with law enforcement	15 days to discharge	A		C	D	E
	Threats of bodily injury to Department member	5-10 days	A		C	E	

3-01/030.16	Family Violence						
	Domestic Violence	5 days to discharge	A			E	
3-01/030.23	Workplace Violence						
	Threats of bodily injury to Department member	5-10 days	A		C	E	
	Assault or battery against Department member	10 days to discharge	A		C	E	
3-01/030.27	Retaliation						
	Retaliation	10 days to discharge	A		C	E	
3-01/030.35	Unnecessary Interference						
	Inappropriate involvement in a law enforcement matter	3-5 days			C	E	
	Failure to cooperate/interfering with the investigation of another law enforcement agency	3-7 days			C	E	
	Failure to cooperate/interfering with the investigation of another law enforcement agency: Alcohol related & belligerent/uncooperative with law enforcement	15 days to discharge			C	D	E

3-01/030.40	Use of Alcohol				
	Under the influence of alcohol while on duty	10 days to discharge	A		D E
	Under the influence of alcohol while on duty: Belligerent/uncooperative with law enforcement	20 days to discharge			
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs	25 days to discharge			
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs: Belligerent/uncooperative with law enforcement	30 days to discharge			
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs: Involved in a collision and Belligerent/uncooperative with law enforcement	Discharge			
	Operating a County vehicle with any measurable amount of alcohol in system	5-15 days	A		D E
3-01/030.45	Use of Drugs or Narcotics				
	Abuse of over the counter or prescription drugs on-duty	10-15 days	A		D E
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs	25 days to discharge	A		D E
	Use or possession of marijuana, a narcotic, or other controlled substances	Discharge			
3-01/030.55	Sleeping on Duty				
	Asleep on duty	1-5 days	A		e
3-01/030.60	Gambling				
	Participating in gambling activities	W/R to Discharge	A		E
3-01/030.73	Hazing				
	Intimidation, threats or hazing of Department member (If based on the member's protected category, then the investigation is covered by the Policy of Equality)	3 days to discharge	A	B C	E

3-01/030.75	Bribes, Rewards, Loans, Gifts Favors		
	Use of position or identification to solicit a gratuity or privilege	1 day to discharge	C E
3-01/030.85	Derogatory Language		
	Discourtesy or profanity toward Department members	W/R to 10 days	A C E
	Discourtesy or profanity toward Department members: Alcohol-related & belligerent/uncooperative with law enforcement	15 days to discharge	A C D E
	Discourtesy or profanity toward public	W/R to 10 days	A C E
	Discourtesy or profanity toward public: Alcohol-related & belligerent/uncooperative with law enforcement	15 days to discharge	A C D E
3-01/040.10	Injured or Ill While Off Duty		
	Failure to remain at home during duty hours after calling in sick or injured (see also 3-01/030.10)	W/R to 2 days	B E
3-01/040.15	Care of County Property and Equipment		
	Care of County property and equipment	W/R to 5 days	A B E
3-01/040.35	Money and Property of Others		
	Money and property of others	W/R to 5 days	B E
3-01/040.40	Misappropriation of Property		
	Misappropriation or misuse of County equipment, property or supplies	5 days to discharge	C E
3-01/040.45	Safeguarding Money, Property, and Evidence		
	Safeguarding money, property, and evidence	W/R to 10 days	B C E
3-01/040.50	Care of Identification Items		
	Care of identifications items	W/R to 5 days	B E

3-01/040.65	Tampering with Evidence					
	Falsification, fabrication, alteration or planting of evidence	Discharge				
3-01/040.70 3-01/040.69	Dishonesty/False Statements Honesty Policy					
	Making false or misleading statements to a supervisor	20 days to discharge				
	Making false statements under oath	Discharge				
3-01/040.75	Dishonesty/Failure to Make Statements, and/or Making False Statements During Departmental Internal Investigations					
	Making false or misleading statements during an administrative investigation	Discharge				
3-01/040.76	Obstructing an Investigation					
	Making false or misleading statements during criminal investigation	Discharge				
	Failure to provide a statement as a witness during a criminal investigation	10 days to discharge				
3-01/040.85	Cooperation During Criminal Investigation					
	Making false or misleading statements during criminal investigation	Discharge				
	Failure to cooperate with the investigation of another law enforcement agency	10-15 days				E
	Failure to cooperate with the investigation of another law enforcement agency: Alcohol-related & belligerent/uncooperative with law enforcement	15 days to discharge			D	E
	Interfering with an investigation	10 days to discharge				E
3-01/040.90	Reporting Information					
	Failure to notify local police agency of an incident requiring police involvement	W/R to 10 days				E e
	Failure to report a traffic collision and/or complete a report of damage	W/R to 10 days				E
	Failure to notify Department of an off-duty incident	3-10 days				E e

3-01/040.95	Confidential Information									
	Providing confidential information to unauthorized individuals for unofficial and/or non-work related purposes	3-15 days								E
	Improper disclosure/use of confidential information for personal gain	15 days to discharge								E
3-01/040.97	Safeguarding Persons in Custody									
	Safeguarding persons in custody	W/R to discharge						B		E
3-01/050.05	Performance of Duty									
	Unauthorized use of County telephones and photocopy machines for personal use.	W/R to 3 days								E
	Leaving assigned post without permission	1-5 days								E e
3-01/050.10	Performance to Standards									
	**Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.									
	Incompetence may be demonstrated by:									
	A lack of knowledge of the application of laws required to be enforced	W/R to discharge						B		
	An unwillingness or inability to perform assigned tasks	W/R to discharge						B		E e
	The failure to conform to work standards established for the member's rank or position	W/R to discharge						B		E
	Failure to take appropriate action on the occasion of a crime, disorder, other condition deserving police attention	W/R to discharge						B		e
	Absence without leave	W/R to discharge								E e
	Unnecessary absence from an assigned area during tour of duty	W/R to discharge						A		e
	Failure to carry required equipment	W/R to 5 days						B		e

		Excessive or patterned absenteeism	1-5 days	A			D		e
		Careless/Negligent handling of weapon resulting in discharge of weapon	1-20 days		B			E	
		Careless/Negligent handling of weapon resulting in discharge of weapon: Alcohol related	20 days to discharge						
		Erroneous Releases	W/R to 5 days		B				
3-01/050.20	Duties of All Members								
		Failure to follow instruction/orders	1-5 days	A				E	
3-01/050.30	Off-Duty Incidents								
		Failure to notify the Department of an off-duty incident	3-10 days					E	
		Conduct off-duty which causes embarrassment to the Department	W/R to discharge	A				E	
		Conduct off-duty which causes embarrassment to the Department: Alcohol related & belligerent/uncooperative with law enforcement	15 days to discharge	A			D	E	
3-01/050.45	Punctuality								
		Excessive tardiness	1-5 days	A			D		e
3-01/050.50	Absence								
		Misuse of sick time; abuse of sick leave	1-3 days	A			D		e
		Excessive or patterned absenteeism	1-5 days	A			D		e
		Unauthorized absence	1-10 days	A			D		e
3-01/050.65	Shooting Requirements								
		Shooting requirements	W/R to 3 days		B			E	
3-01/050.70	Failure to Shoot								
		Failure to shoot	W/R to 3 days	A				E	

3-01/050.80	Grooming and Dress Standards				
	Grooming and Dress Standards	W/R to 10 days	A	B	e
3-01/050.85	Fraternization				
	Fraternization with an inmate	Discharge			
	Smuggling of contraband into a custody facility	Discharge			
3-01/050.90	Prohibited Association				
	Prohibited association with person(s) of a "notorious" reputation in the community	Discharge			
3-01/060.25	Department Approval of Outside Employment				
	Failure to report outside employment	1-3 days			E
3-01/060.30	Prohibited Employment				
	Engaging in employment or activity constituting conflict or potential conflict of interest	10-15 days		C	E
3-01/070.05	Political Activity				
	Unauthorized use of Department position, uniform or equipment on behalf of a political candidate/issue	W/R to 5 days		C	E
3-01/090.05	Use of County Vehicles				
	Use of County vehicle without authorization	W/R to discharge			E
3-01/090.07	Use of Seatbelts				
	Failure to wear seatbelt (* EBD for 1 day only; EBD must be attending the "Below 100 Initiative" training)	2-4 days	*		
	Second violation	5-8 days			
	Third violation	9-12 days			

3-01/090.10	Operation of Vehicles				
	Negligent Driving	W/R to 2 days	B		E
	Negligent Driving - Collision	1-3 days	B		E
	Negligent Driving - Collision with injuries; member was primary cause	2-5 days	B		E
	Dangerous Driving	3-5 days	B		E
	Dangerous Driving - Collision	5-10 days	B		E
	Dangerous Driving - Collision with injuries; member was primary cause	7-15 days	B		E
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs	25 days to discharge			
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs: Belligerent/uncooperative with law enforcement	30 days to discharge			
	Operating County vehicles, equipment or employee's own vehicle for County business on duty while impaired due to alcohol and/or drugs: Involved in collision and Belligerent/uncooperative with law enforcement	Discharge			
3-01/090.15	Unauthorized Persons in County Vehicles				
	Unauthorized persons in County vehicles	W/R to 3 days			E
3-01/090.20	Use of County Vehicle Outside County Limits				
	Use of County vehicle outside county limits	W/R to 3 days			E
3-09/070.00	Vehicle Collision/Incident Reporting and Investigation-Department and Permittee Vehicles				
	Failure to report a traffic collision and/or complete a report of damage	W/R to 10 days			E
3-01/100.10	Signatures on Official Communications				
	Signatures on official communications	W/R to 3 days			E

3-01/100.25	Use of Department Letterhead				
	Use of Department letterhead	W/R to 3 days			E
3-01/100.35	Dishonesty/False Information in Department Records				
	Falsification of official reports not otherwise specified	20 days to discharge			
	Falsification of inmate safety checks	Discharge			
	Documenting false information in a report regarding a crime report and/or investigation	Discharge			
	Documenting false information in a Probable Cause Declaration or any court document	Discharge			
	Documenting false information in a Force report	Discharge			
	Falsification of application or omission of information for employment or promotion when it materially affects acceptance or rejection for employment or promotion	Do not hire; Discharge employee			
	Falsification of time records or financial records (travel, mileage, overtime, etc.) for fraudulent purposes	Discharge			
3-01/100.40	Removal of Records				
	Removal of records	Discharge			
3-01/100.45	Use of Communications Equipment				
	Unauthorized use of County telephones and photocopy machines for personal use	W/R to 3 days			E
	Unauthorized or inappropriate use of County communication equipment (MDCS, Radio, JDIC, Fax and Computer Equipment)	1-5 days	B		E
	Unauthorized access to confidential information	5-15 days			E
	Improper disclosure/use of confidential information for personal gain	15 days to discharge		C	E
3-01/110.35	Transportation of Females				
	Unauthorized transportation of females without a female Department member present	W/R to 2 days		C	E

3-01/110.55	Safety Policy			
	Misuse/Non-use of safety equipment	W/R to 1 day	B	E
3-01/121.00	Policy of Equality (Core Values and Purpose)			
	3-01/121.05 Policy of Equality - Prohibited Conduct		B C	E
	3-01/121.10 Policy of Equality - Discrimination	5 days to discharge	B C	E
	3-01/121.15 Policy of Equality - Sexual Harassment	5 days to discharge	B C	E
	3-01/121.20 Policy of Equality - Discriminatory Harassment (other than sexual)	5 days to discharge	B C	E
	3-01/121.25 Policy of Equality - Third Person Harassment	W/R to discharge	B C	E
	3-01/121.30 Policy of Equality - Inappropriate Conduct Toward Others	W/R to discharge	B C	E
	3-01/121.35 Policy of Equality - Retaliation	5 days to discharge	B C	E
	3-01/121.50 Policy of Equality - Duty to Cooperate	W/R to discharge	B	e
	3-01/122.05 Policy of Equality Procedures - Duties of Supervisors and Managers - Failure to Report	W/R to discharge	B	E
3-07/210.00	Permissible Use			
	*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	W/R to discharge	B	E
3-07.220.00	Prohibitions			
	Use of Department communications equipment to send unofficial and Unsolicited email, graphics, videos and/or messages to others *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	W/R to 10 days	B	E
	Use of Department computers for playing computer games *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	W/R to 10 days		E

3-10/005.00	Force Prevention Principles				
	Violating the force prevention principles *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	W/R to 15 days	A	B	
3-10/030.00	Unreasonable Force				
	Use of unreasonable force (category 1 & 2 force)	15-30 days			
	Use of unreasonable force (category 3 force)	30 days to discharge			
3-10/100.00	Use of Force Reporting and Review Procedures				
	Failure to report use of force *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	15 days to discharge			
	Failure to report witnessed force. *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	5-15 days			
5-09/200.25	Use of Code 3 - Authority/Responsibility				
	Violation of Code 3 policy *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	W/R to 5 days		B	E
	Unauthorized participation in a pursuit. *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	3-10 days		B	E
	Providing misleading pursuit conditions/reasons to Watch Commander *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	10-15 days		B	E
5-09/210.02	Initiation of A Pursuit				
	Unauthorized Pursuit *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	1-15 days		B	E
5-09/210.05	Abandonment of a Pursuit				
	Remaining in a canceled pursuit *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	10-15 days		B	E
5-09/210.10	Control of a Pursuit				
	Failure to notify SCC and receive acknowledgment prior to initiating a Code 3 response *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	1-3 days		B	E
	Failure to discontinue pursuit *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	5-15 days		B	E

	Supervisors failure to cancel pursuit *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	3-15 days	B	E
5-09/210.15	Vehicle Operation and Tactics			
	Failure to clear an intersection lane-by-lane *Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.	W/R to 3 days	B	E

LEVELS OF DISCIPLINE

- Level 1:** Conduct which constitutes a violation of policy or standards, was limited in scope, did not significantly disrupt the unit or Department operations, and did not cause harm to the public trust, requiring discipline (written reprimand to 5 days suspension).
- Level 2:** Conduct which was not limited in scope; and/or expressed disregard for the public or County employee(s); and/or disrupted unit or Department operations, and/or harmed or had the potential to harm the public trust requiring disciplinary action (6 to 10 days suspension).
- Level 3:** Conduct which was negligent; and/or exhibited a significant disregard for the public or County employee(s); and/or it significantly disrupted unit or Department operations; and/or it harmed the public trust requiring disciplinary action (11 to 15 days suspension).
- Level 4:** Conduct which violated the Department's expectations regarding professionalism, trust, integrity, or honesty; and/or the Department's expectation regarding our Core Values or Code of Ethics; and/or the behavior was reckless or without regard to Department policy; and/or harmed the public trust requiring the Department to administer major disciplinary action (16 to 30 days suspension, demotion, or discharge, release and/or separate the employee from service).
- Level 5:** Conduct which constitutes an egregious violation of the Department's expectation regarding professionalism, trust, integrity, or honesty; and/or the Department's expectation regarding our Core Values or Code of Ethics; and/or significantly harmed the public trust obligating the Department to discharge, release and/or separate the employee from service.

LEVELS OF DISCIPLINE TABLE

Discipline Level - 1		
<u>Mitigated Penalty</u>	<u>Presumptive Penalty</u>	<u>Aggravated Penalty</u>
Written Reprimand	3 Day Suspension	5 Day Suspension

Discipline Level - 2		
<u>Mitigated Penalty</u>	<u>Presumptive Penalty</u>	<u>Aggravated Penalty</u>
6 Day Suspension	8 Day Suspension	10 Day Suspension

Discipline Level - 3		
<u>Mitigated Penalty</u>	<u>Presumptive Penalty</u>	<u>Aggravated Penalty</u>
11 Day Suspension	13 Day Suspension	15 Day Suspension

Discipline Level - 4		
<u>Mitigated Penalty</u>	<u>Presumptive Penalty</u>	<u>Aggravated Penalty</u>
16 Day Suspension	25 Day Suspension	30 Day Suspension Demotion Discharge

Discipline Level - 5		
<u>Mitigated Penalty</u>	<u>Presumptive Penalty</u>	<u>Aggravated Penalty</u>
Discharge	Discharge	Discharge