

***GUIDELINES FOR DISCIPLINE  
AND  
EDUCATION-BASED ALTERNATIVES***



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

Robert Luna, Sheriff

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# **GUIDELINES FOR DISCIPLINE AND EDUCATION-BASED ALTERNATIVES**

## **PURPOSE AND INTENT**

This document is a guideline 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 should be followed in consultation with appropriate units such as the Internal Affairs Bureau (IAB), Employee Relations (ER) Unit, Advocacy Services Unit, Equity Unit and the Constitutional Policing Advisor (CPA). It also serves to notify employees of departmental policy and practice relating to discipline. It establishes procedural requirements which should be met in order to properly impose discipline.

The purpose of discipline is to ensure effective and efficient departmental 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 work force 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. The Equity Oversight Panel (EOP) 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 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/Ombudsperson's Office at (323) 890-5371, (323) 890-5348*

## **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 as 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. Simply because a provision of the Manual of Policy and Procedures is listed in the Discipline and Education Guide does not necessarily mean that a violation of the provision is inappropriate for counseling.

## **DISCIPLINARY ACTION**

### **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 that the discipline will be effective.

The formal disciplinary steps from least to most severe are:

- Written Reprimand
- Suspension
- Salary Step Reduction\*
- Bonus Removal
- Reduction
- 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.

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).

### **Non-Progressive Discipline**

There are some acts of misconduct, which by their nature, are not appropriate for progressive discipline. These are conduct problems which the employee should have reasonably known to be unacceptable, without specific notice from the Department, or which are generally 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 may result in relatively harsh discipline, even discharge, without the use of progressive discipline.

### **UNACCEPTABLE OFF-THE-JOB CONDUCT**

An employee can be subjected to discipline for off-duty incidents. Where an employee's off-the-job conduct is related to and impacts the Department's operation 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 departmental 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.

### **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.

### **DECISION TO DISCIPLINE**

The imposition of the proper discipline stems from a determination of the facts, an evaluation of whether the facts reflect the employee misconduct, a judgment on 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.

### **PRE-DISPOSITION SETTLEMENT AGREEMENTS**

Pre-Disposition Settlement Agreements (PDSA) are an alternative method to a full investigation when conditions are right, especially when an employee readily acknowledges his/her error, wants to conclude the matter promptly, and the issue is not a serious policy violation. In addition to the matter being closed far more quickly, less investigatory time is needed. In the end, a fair process was implemented, the truth was documented, there is far less delay in the resolution, less resources were necessary to document what was known from the onset, and the employee's rights were preserved.

Founded cases which are not suitable for a PDSA include 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 must have the approval of the employee's Unit Commander, Commander, and Chief along with the approval of the subject employee. 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 should advise the employee of the right to consult with his/her representative before deciding to accept a PDSA; the writing of a responsibility memorandum; or, being interviewed on tape acknowledging the conduct. Refer to the Department's policy regarding the requirements for consulting with Employee Support Services Bureau for alcohol related discipline. The PDSA will be processed as required by IAB. This includes that the unit commander must contact and obtain concurrence from the IAB Captain regarding the proposed settlement agreement. The IAB Captain is required to consult and receive concurrence from the Chief of Professional Standards Division for all proposed PDSA settlement agreements. All PDSA settlement agreement concurrences shall be memorialized within the case file.

The ultimate decision on the determination of discipline rests with Departmental executives. However, the Department encourages consultation with the Constitutional Policing Advisor (CPA) before committing to a disciplinary determination. Therefore, before presenting a PDSA proposal to the employee, the unit commander should consult with CPA regarding the provisions of the proposed agreement.

Each PDSA may include an offer of Education-Based Discipline (EBD) which follows the EBD guidelines (page 10). If accepted, the EBD plan is included in the PDSA. The employee may decline EBD. However, if EBD is declined, it is recommended the incident that brought rise to the PDSA be investigated and the appropriate level of discipline recommended.

### **RESPECT BASED DISCIPLINE**

After determining the preliminary findings of a “founded” administrative investigation (not involving a “Policy of Equality” violation), the unit commander shall personally meet with the subject employee for a Respect-Based Discipline (RBD) briefing session. This will take place before the “letter of intent to administer discipline” is presented. During the RBD briefing session, the unit commander:

1. Shall not question the subject employee about the case (to ensure there are no Peace Officer’s Bill of Rights or other employee rights issues).
2. Will give the subject employee a CD ROM case file copy and the advisement/receipt form to sign (original to case file, copy to employee).
3. Shall explain the Department’s reasoning and concerns about the case and:
  - a. Notify the subject that he/she may have ten business days to review the case file copy and respond to the unit commander in writing with any further information that might affect the outcome, if the employee wishes.
  - b. Shall advise the employee that the written response should contain any additional information that he/she feels is relevant to the findings or the potential level of discipline.
  - c. Should mention to the employee he/she could consider discussing it with his/her representative if he/she chooses to.
  - d. Should mention the option of Education-Based Discipline (completed on duty) in lieu of suspension days without pay (the suspension will still be reflected on the employee’s personnel record). The employee may request a specific EBD plan for himself/herself, but the unit commander will ultimately make the decision about the EBD plan to be offered.

4. Upon receipt of a subject employee's written response, the unit commander (division chief if it is 16 days or more) shall review and assess the information/input, and place it into the case's exhibit section. If he/she feels that additional investigation is warranted, he/she shall order it to be done.
5. Having evaluated the subject's input, as well as results of any additional investigation, the unit commander shall make a final discipline decision about the findings and the level of discipline. He/she shall notify the subject of the final result verbally in person and, if still applicable, shall advise the subject that a "letter of intent to administer discipline" explaining the findings as well as the grievance process is forthcoming.

The RBD process enhances fairness, truth and trust. This is accomplished by working to ensure that all relevant facts and input are available to the discipline decision makers before a "letter of intent to administer discipline" is presented. While preserving all employee rights including grievance rights, RBD enables a subject employee:

1. To better understand the allegations and the decision-maker's preliminary findings.
2. An opportunity to provide input over and above their responses to official interview questions.
3. The opportunity to enhance the perspective of the decision-maker by giving him/her the chance to hear facts and input offered by the subject before the grievance stage.
4. An opportunity for an employee to suggest their own EBD plan.

## **APPROPRIATE DISCIPLINE**

1. Written Reprimand  
A written reprimand is the lowest form of formal discipline and is normally issued when the incident impacts upon office or departmental operations, or when prior non-disciplinary actions have not corrected the pattern of behavior or performance. It is suggested that it:
  - a. Describe or document the misconduct and its lack of acceptability;
  - b. Identify previous counseling or discipline;
  - c. Include the Manual of Policy and Procedures sections violated;
  - d. Reference the expectations for future performance or conduct;
  - e. Identify the disciplinary consequences of repetition, continuation, or lack of improvement;
  - f. 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.

\*However, under Civil Service Rule 18.01, when a suspension without pay results from a criminal complaint charge or indictment filed against the employee, the period of suspension may exceed 30 days and continue until final adjudication of the criminal matter.

3. Bonus Removal \*

The following is the exit criteria which applies to all bonus level positions:

- Substandard performance
  - a. Requires counseling as to areas of deficiency.
  - b. Requires three months minimum time at bonus level in which to improve.
- Disciplinary - Result of founded administrative investigation
  - a. May be removal criteria based on seriousness and extent to which the conduct reflects the failure to perform to standards.
  - b. Shall be used in conjunction with overall evaluation of employee competency in bonus position.

\* Must proceed in accordance with the Protective Survey Procedural Guidelines.

4. Reduction

A reduction is a lowering of an employee's rank (classification) or grade. As used in this manual, 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.

## **EVALUATION 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 step taken with the intent of correcting the misconduct or poor performance before it becomes more severe or an incorrigible pattern. Discipline should be imposed as soon as possible after the incident or problem occurred.

When discipline is imposed consistent with the information in this document, it will meet County rules and regulations and is more likely to stand up to the scrutiny of reviewing bodies such as the Civil Service Commission.

## **DETERMINING DISCIPLINE WHEN MULTIPLE VIOLATIONS OCCUR**

Many times a single act of misconduct will violate several sections of the Manual. If the additional violations only amount to “lesser included offenses” they should not be used in the final disposition. However, there are cases in which multiple offenses, that are separate and distinct violations, occur within a single incident. For example, the use of unreasonable force and the failure to report the use of force are multiple violations stemming from a single incident. In this case both Manual violations should be addressed in determining the level 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.

## **DISCIPLINE FOR SUPERVISORS OR MANAGERS**

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

## **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.
3. Consult with appropriate supervisor(s) involved.
4. Analyze facts thoroughly and objectively. You should consider:
  - Intent
  - Past performance
  - Degree of culpability
  - Disciplinary history
  - Truthfulness
  - Severity of infraction
  - Acceptance of responsibility
  - 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; and
  - c. The harm or risk of harm to persons or property.
5. Summarize the matter in writing.

Mitigating and aggravating circumstances serve to justify the level of discipline imposed. Most 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 to occur in this category. However, there will be cases where the mitigating and aggravating circumstances surrounding the behavior are of such magnitude that the manager feels the situation supports a level of discipline higher or lower than the standard range.

## **EDUCATION-BASED DISCIPLINE AS AN OPTION**

The purpose of discipline is to work 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. Instead, offering optional behavior-focused

education and training department-wide 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 to disciplinary suspensions. 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, or 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. EBD or not, all discipline is documented for purposes of progressive discipline.

The EBD "Discipline and Education Guide" (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 Departmental executives. However, the Department has agreed to consult with the Constitutional Policing Advisor (CPA) before committing to a disciplinary determination. Therefore, while formulating both the traditional disciplinary determination and the EBD proposal, the unit commander should consult with the CPA.

The unit commander shall offer EBD to all disciplined employees through an EBD Proposal as outlined on page 23 except those involving progressive discipline. In discipline cases involving progressive discipline, EBD might be offered. Discipline that includes termination of employment or demotions are not eligible for EBD. However, some actions and policy violations by an employee may dictate that EBD may not be offered as an alternative to discipline. The decision not to offer EBD to an employee shall be made with the approval of the appropriate division chief.

**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.

For alcohol related and domestic violence related offenses, refer to the following sections labeled: EBD for Alcohol Related Incidents (page 16) 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.

## **EBD DEFINITIONS**

### Action Items Menus

There are six Action Items Menus which provide recommended EBD classes and independent study options (see page 25 for sample). EBD is completed on-duty.

### 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.

### EBD Education Credits

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

### EBD Evaluation

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

### Independent Study

This is an option for EBD which may not involve classroom training. Credit for independent study needs to 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 the circumstances regarding his/her conduct resulting in the participation in EBD. The unit commander can assign an EBD credit value of one

or more credits depending on 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 can assign 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 can assign one EBD credit for each four hours (on-duty) that an employee spends providing community service.

The following Tables 1 & 2 are exemplars 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.

<b>Table 1</b>		
<b>Possible EBD Alternatives for Suspensions</b>		
<b>Suspension Days</b>	<b>Minimum Credits*</b>	<b>Maximum number of unpaid suspension days to be imposed in addition to EBD</b>
1 - 10 Days	1 - 10 Credits	EBD shall be offered for days 1-10 of suspensions**
11 - 15 Days	11 - 15 Credits**	EBD shall be offered for the first 10 days of suspensions. EBD may also be applied to days 11-15 by the unit commander. A determination to impose suspension days without pay to days 11-15 will require the concurrence of the division chief.***
16 - 30 Days	16 - 30 Credits**	EBD to be offered for the first 10 days of suspension. Unpaid suspension days can be utilized in addition to EBD for days 11-30.***
* A unit commander can require an employee to exceed the number of minimum credits needed to satisfy the number of days suspended.		
** Any imposition of unpaid suspension days will require the approval of the appropriate division chief.		
***The majority of suspension days 11-30 shall be proposed as 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.

<b>Table 2</b>	<b>Examples of EBD Alternatives*</b>
<b>Suspension</b>	<b>Unit Commander Options</b>
1 Day**	LIFE Class (8 hours, 2 credits), EBD Evaluation (no credit)
2 Day**	LIFE Class (8 hours, 2 credits), two shift briefings (1 credit), EBD Evaluation (no credit)
5 Day**	LIFE Class (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), letter of responsibility (1 credit), EBD Evaluation (no credit)
10 Day**	LIFE Class (8 hours, 2 credits), Tactical Communications (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), Anger Management (8 hours, 2 credits), Cultural Awareness (8 hours, 2 credits), EBD Evaluation (no credit)
15 Day**	LIFE Class (8 hours, 2 credits), Tactical Communications (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), Anger Management (8 hours, 2 credits), three shift briefings (1 credit), Cultural Awareness (8 hours, 2 credits), 7 Habits (24 hours, 6 credits), EBD Evaluation (no credit)
20 Day** If All EBD	LIFE Class (8 hours, 2 credits), Imagine 21 (32 hours, 8 credits), Helping One Another Improve (24 hours, 6 credits), 7 Habits (24 hours, 6 credits), EBD Evaluation (no credit)
20 Day** If EBD and Suspension	LIFE Class (8 hours, 2 credits), Imagine 21 (32 hours, 8 credits), 7 Habits (24 hours, 6 credits), EBD Evaluation (no credit), 5 day unpaid suspension
25 Day** If All EBD	LIFE Class (8 hours, 2 credits), Imagine 21 (32 hours, 8 credits), Cultural Awareness (8 hours, 2 credits), 7 Habits (24 hours, 6 credits), Helping One Another Improve (24 hours, 6 credits), Stress Management (8 hours, 2 credits), EBD Evaluation (no credit)
25 Day** If EBD and Suspension	LIFE Class (8 hours, 2 credits), Tactical Communications (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), Anger Management (8 hours, 2 credits), Cultural Awareness (8 hours, 2 credits), Seven Habits (24 hours, 6 credits), EBD Evaluation (no credit), seven day unpaid suspension
*These are examples of what combination of EBD courses can be used to satisfy a suspension without pay. Unit commanders have the discretion to use a variety of EBD courses, Independent Study, and in some cases, suspension without pay.	
**A unit commander can have an employee exceed the credits needed to satisfy the number of days suspended.	
The selected EBD courses should reflect the behavior being addressed as a result of the employee's conduct.	

### EBD and the Letter of Intent

Prior to providing the EBD Proposal (memo) to an employee, ensure that the relevant investigation concerning the employee has been completed, and:

- Ensure that employees have a right to file a grievance if they so choose.
- The unit commander should mention to the employee he/she could consider discussing it with his/her representative if he/she chooses to.
- When appropriate, ensure the unit commander has provided the RBD process to the employee.
- Ensure the Letter of Intent has been served to the employee by the unit commander.

### 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 23 for sample) when the separate Letter of Intent to Discipline is presented to an employee. The employee has 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. Once the ten day period has elapsed, EBD may not be an option unless the totality of facts as determined by the unit commander/chief warrant the EBD alternative.

If the employee files a grievance regarding the discipline as outlined in the Letter of Intent, EBD may not be an option unless the grievance results in a change of the factual findings of the investigation, or if there is a reduction in the suspension days, or if the unit commander/chief considers that to be a viable option. Under these circumstances, a new EBD Proposal may be offered.

The EBD Proposal will include that the employee actively participate in his/her EBD plan, adjust his/her schedule as needed to attend EBD on duty, and other provisions that will 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 23. The EBD items listed and suspension days shown are exemplars only.

### EBD Agreement

If an employee agrees to participate in EBD, the EBD Proposal will be used by Employee Relations Bureau personnel to document the EBD terms and requirements in an EBD Agreement (EBDA). The unit commander will 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 must 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 should be included in the EBDA:

- 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 that the employee 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.
- The employee's agreement to voluntarily participate in EBD will not prevent the suspension days from being reflected on the Performance Recording & Monitoring System (PRMS). The suspension described in the Letter of Intent will be reflected on the employee's PRMS. However, if an employee utilizes EBD, PRMS will reflect that the terms of EBD are in progress or completed.

The Unit Commander must 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.

#### EBD for Alcohol Related Incidents

All employees committing alcohol related offenses will have an initial assessment by the Psychological Services Bureau (PSB) in order to participate 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 when developing an EBD program. The assessment may require that an employee participate in treatment programs which will be conducted off-duty.

The use of EBD for alcohol related offenses will be 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 will be conducted while an employee is off-duty.

#### Court Mandated Classes/Programs

PSB will evaluate an employee's court mandated classes/programs and assign an EBD credit from zero credits to three credits. 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 ESSB assessment of the employee. Based upon the PSB assessment of the employee, EBD credits may be awarded for the court mandated classes/programs that the employee completed.

#### PSB Mandated Classes/Programs

PSB will evaluate an employee that has chosen to participate in EBD. 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 for 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 resulting from the discipline process. Treatment programs identified by PSB will 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](mailto:EBD@lasd.org). However, any class that appears on the Primary Course Listing will be conducted in an on-duty capacity.

#### 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 can offer EBD to an employee in addition to court mandated classes/programs and PSB treatment programs.

The unit commander may offer an employee to 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 is needed to satisfy the minimum number of unpaid suspension days that the employee received resulting from the discipline process.

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

<b>Table 3 EBD Process for Alcohol Related Offenses</b>				
<b>Suspension Days</b>	<b>Minimum Credits*</b>	<b>Court Mandated Classes or Programs</b>	<b>PSB Assessment of Employee</b>	<b>Unit Commander Options for EBD</b>
1 - 15 Days	1 - 15 Credits*	-Employee completes court mandated classes & programs - Court mandates are conducted off-duty.	-Employee agrees to be assessed by PSB -PSB <i>may</i> 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.	-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.
15 - 30 Days	15 - 30 Credits*	-Employee completes court mandated classes & programs - Court mandates are conducted off-duty.	-Employee agrees to be assessed by PSB -PSB <i>may</i> 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.	-EBD proposal must include mandates of PSB -Chief/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.				

The ultimate decision on the determination of discipline rests with Departmental executives. However, the Department has agreed to consult with the Constitutional Policing Advisor (CPA) before committing to a disciplinary determination. Therefore, while formulating both the traditional disciplinary determination and the EBD proposal, the unit commander should consult with the CPA.

**EBD for Domestic Violence Related Incidents**

All employees committing domestic violence related offenses will have an initial assessment by the Psychological Services Bureau (PSB) in order to participate 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 when developing an EBD program. The assessment may require that an employee participate in treatment programs which will be conducted off-duty.

The use of EBD for domestic violence related offenses will be 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 will be conducted while an employee is off-duty.

#### Court Mandated Classes/Programs

Employees involved in domestic violence related offenses will not receive EBD credit for their court mandated classes/programs.

#### PSB Mandated Classes/Programs

PSB will evaluate an employee that has chosen to participate in EBD. 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 for 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 resulting from the discipline process.

Treatment programs will be identified by PSB and 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](mailto:EBD@lasd.org). However, any class that appears on the Primary Course Listing will be conducted in an on-duty capacity.

#### 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 can offer EBD to an employee in addition to court mandated classes/programs and PSB treatment programs.

The unit commander may offer an employee to 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.

**Table 4** provides a brief overview of the EBD process as it pertains to domestic violence related offenses.

<b>Table 4 EBD Process for Domestic Violence Related Offenses</b>				
<b>Suspension Days</b>	<b>Minimum Credits*</b>	<b>Court Mandated Classes or Programs</b>	<b>PSB Assessment of Employee</b>	<b>Unit Commander Options for EBD</b>
1 - 15 Days	1 - 15 Credits*	-Employee completes court mandated classes & programs - Court mandates are conducted off-duty.	-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.	-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.
15 - 30 Days	15 - 30 Credits*	-Employee completes court mandated classes & programs - Court mandates are conducted off-duty.	-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.	-EBD proposal must include mandates of PSB -Chief/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.				

The ultimate decision on the determination of discipline rests with Departmental executives. However, the Department has agreed to consult with the Constitutional Policing Advisor (CPA) before committing to a disciplinary determination. Therefore, while formulating both the traditional disciplinary determination and the EBD proposal, the unit commander should consult with the CPA.

## Discipline and Education Guide

The EBD “Discipline and Education Guide” relates violations of policy to relevant behavioral descriptions. All violations of policy relate to one or more of these six behavioral descriptions:

- 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 descriptions can be reviewed on the EBD Intranet website. The “Action Items Menu A: Problem Solving and Self-Management,” can be found on page 25 of these Guidelines as an example of one of the Menus.

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

## 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 or division chief.

## **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 which is an example 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.
- Note:** A Level Three collision can be worth four points if there was a notable disregard for safety and/or a life threatening injury.

The points can lead to an employee being assigned to a non-driving duty assignment. The details regarding the accumulation of points and the consequences on an employee are detailed in the Department's Manual of Policy and Procedures. Additionally, employees that receive points due to traffic collision 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 or a one point collision. The class may only be taking 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.

(SAMPLE)

SH-AD-32A (8/17)

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 eight (8) 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 Deputy Leadership Institute (DLI) course (16 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.

## **EDUCATION BASED DISCIPLINE PROPOSAL (EXEMPLAR) (Cont...)**

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 Performance Recording and Monitoring System (PRMS) or in your personnel file. However, by utilizing EBD, PRMS 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.

**Action Items Menu A**  
**A. Problem Solving & Self-Management**

<b>Behavioral Characteristics and EBD Classes and Action Items*</b>		
<ul style="list-style-type: none"> <li>• One (1) education credit is given for each four hours of classroom time. (For example: one eight hour class equals two credits).</li> <li>• The majority of education credits must be earned in classroom training.</li> <li>• The unit commander can require an employee to exceed the number of minimum credits needed.</li> </ul>		
<b>! LIFE Class - MANDATORY for all Education-Based Discipline: Lieutenants'</b> <b>Interactive Forum for Education (LIFE) 8 hour class</b>		
<b>Possible Relevant Behavior</b>	<b>Classes</b>	<b>Independent Study - Teach to Learn options**</b>
Some classes are relevant to all Action Items Menus	<ul style="list-style-type: none"> <li>- Deputy Leadership Institute (16 hours)</li> <li>- Franklin Covey - 7 Habits of Highly Effective People (24 hours)</li> <li>- Imagine 21 (32 hours)</li> </ul>	
Poor impulse control	<ul style="list-style-type: none"> <li>- Anger Management &amp; Effective Communication – 8 hours</li> <li>- Behavior- Stress Management - 8 hours</li> <li>- Conflict Resolution/Anger Management - 8 hours</li> <li>- Dealing with Difficult People - 4 to 8 hours</li> <li>- Basic Tactical Communication - 8 hours</li> </ul>	<ul style="list-style-type: none"> <li>-Writes an in-depth topic specific research paper</li> <li>-Write responsibility memo to management</li> </ul>
Acting out, frustration from lack of skills	<ul style="list-style-type: none"> <li>- Anger Management &amp; Effective Communication – 8 hours</li> <li>- Behavior- Stress Management – 8 hours</li> <li>- Conflict Resolution/Anger Management – 8 hours</li> <li>- Dealing with Difficult People – 4 to 8 hours</li> <li>- Basic Tactical Communication – 8 hours</li> </ul>	<ul style="list-style-type: none"> <li>-Conduct briefing on topic &amp; learning experience***</li> </ul>
Inappropriate style of communication	<ul style="list-style-type: none"> <li>- Anger Management &amp; Effective Communication – 8 hours</li> <li>- Conflict Resolution/Anger Management - 8 hours</li> <li>- Cultural Awareness for Supervisors – 8 hours</li> <li>- Cultural Awareness for Tolerance (Museum of Tolerance) - 8 hours</li> <li>- Dealing with Difficult People – 4 to 8 hours</li> <li>- Respect Based Leadership – 8 hours</li> </ul>	<ul style="list-style-type: none"> <li>-Relevant community Service</li> </ul>
General poor stress management	<ul style="list-style-type: none"> <li>- Behavior- Stress Management - 8 hours</li> </ul>	

## **EXAMPLES OF CAUSES FOR, AND NATURE OF DISCIPLINARY ACTIONS**

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.

The August 2020 changes to the maximum disciplinary options available under the Discipline and Education Guide were intended for three purposes: (1) To comply with the agreement in *Rosas v. Baca*; (2) To allow for progressive discipline in case of multiple violations by the same employee; and (3) To take into account egregious violations of the MPP section.

It is possible that the same conduct may violate more than one MPP section. In such circumstances, the disciplinary option chosen should be based upon an evaluation of the seriousness of the employee's conduct and not upon how many different MPP sections are implicated by the conduct.

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### **\*SPECIAL NOTE\***

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

Exception: Sections which indicate a penalty of "Discharge" (only) may not be adjusted.

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS					
3-01/030.00	<b>Unreasonable Force</b>								
		Use of unreasonable force	15 days to discharge						
3-01/025.45	<b>Safety of Firearms</b>								
		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	<b>General Behavior</b>								
		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 to 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	<b>Inappropriate/Disorderly Conduct</b>								
		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	<b>Obedience to Laws, Regulations and Orders</b>								
		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 to 20 days		B			E	
		Violation of court orders	1 to 5 days					E	
		Failure to follow instruction/orders	1 to 5 days		B			E	e
		Endangering self, fellow employees or public by violation of safety rules, laws or ordinances	1 to 5 days	A	B	C		E	
		Inappropriate display of a weapon	5 to 15 days	A		C		E	

A: Problem-Solving/Self-Management  
B: Skill Enhancement

C: Boundary Recognition  
D: Substance Misuse/Abuse Awareness

E: Character Reinforcement  
e: External Factors

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS					
		Inappropriate display of a weapon: Alcohol-related	15 days to discharge	A		C	D	E	
		Off-duty drunk driving (must show job nexus for professional staff)	15 days	A			D	E	
		Off duty driving under the influence and possession and/or control of a firearm	15-25 days	A			D	E	
		On or off-duty drunk driving with BAC of .16 or higher (must show job nexus for professional staff)	16-30 days	A			D	E	
		Off duty driving under the influence with BAC of .16 or higher and possession and/or control of a firearm	20 days to discharge	A			D	E	
		Off-duty drunk driving (must show job nexus for professional staff): Belligerent/uncooperative with law enforcement	15 days to discharge	A			D	E	
		Off-duty drunk driving with collision	20 to 30 days	A			D	E	
		Off-duty drunk driving with collision: Belligerent/uncooperative with law enforcement	20 days to discharge	A			D	E	
		Second driving under the influence incident (must show nexus - professional staff)	20 days to discharge	A			D	E	
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs	15 days to discharge	A			D	E	
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs: Belligerent/uncooperative with law enforcement	20 days to discharge	A			D	E	
		Off duty driving under the influence in a county vehicle	15 days to discharge	A			D	E	
		Off duty driving under the influence in a county vehicle: Possession and/or control of a firearm	20 days to discharge	A			D	E	
		Off duty driving under the influence in a county vehicle: Belligerent/uncooperative with law enforcement	25 days to discharge	A			D	E	
		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; D/C employee						
		Refusal to submit to or take any oath or affirmation required by law or ordinance	Do not hire; D/C employee						
		Refusal to take a medical or psychological examination as required by Civil Service rules, county ordinance or lawful order	Do not hire; D/C employee						
		Refusal to be fingerprinted	Do not hire; D/C 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, after the employee has been advised of his/her rights under <i>Lybarger v. City of Los Angeles</i> (when applicable).	20 days to discharge	A		C		E	e
		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 5-12/00005.05)	5 days to discharge						
		Any violation of law, regulation, ordinance, or statute not specifically listed	W/R to discharge						
		Any violation of any MPP, Directive, etc. not listed in this GFD	W/R to discharge						

A: Problem-Solving/Self-Management  
B: Skill Enhancement

C: Boundary Recognition  
D: Substance Misuse/Abuse Awareness

E: Character Reinforcement  
e: External Factors

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS
3-01/030.15	<b>Conduct Toward Others</b>			
		Discourtesy or profanity toward Department members	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	<b>Family Violence</b>			
		Domestic Violence	5 days to discharge	A E
3-01/030.23	<b>Workplace Violence</b>			
		Threats of bodily injury to Department member	5 to 10 days	A C E
		Assault or battery against Department member	10 days to discharge	A C E
3-01/030.27	<b>Retaliation</b>			
		Retaliation	10 days to discharge	A C E
3-01/030.35	<b>Unnecessary Interference</b>			
		Inappropriate involvement in a law enforcement matter	3 to 5 days	C E
		Failure to cooperate/interfering with the investigation of another law enforcement agency	3 to 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

A: Problem-Solving/Self-Management  
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## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS				
3-01/030.40	<b>Use of Alcohol</b>							
		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	15 days to discharge	A			D	E
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs	15 days to discharge	A			D	E
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs: Belligerent/uncooperative with law enforcement	20 days to discharge	A			D	E
3-01/030.45	<b>Use of Drugs or Narcotics</b>							
		Abuse of over the counter or prescription drugs on-duty	10 to 15 days	A			D	E
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs	15 days to discharge	A			D	E
		Use or possession of marijuana, a narcotic, or other controlled substances	Discharge					
3-01/030.55	<b>Sleeping on Duty</b>							
		Asleep on duty	W/R to 5 days	A				e
3-01/030.60	<b>Gambling</b>							
		Participating in gambling activities	W/R to Discharge	A				E
3-01/121.00	<b>Policy of Equality</b>							
				A		C		E
				A		C		E
		3-01/121.05 Policy of Equality - Prohibited Conduct	5 days to discharge	A	B	C		E
		3-01/121.10 Policy of Equality - Discrimination	5 days to discharge	A	B	C		E
		3-01/121.20 Policy of Equality - Discriminatory Harassment (other than sexual)	5 days to discharge	A	B	C		E
		3-01/121.25 Policy of Equality - Third Person Harassment	W/R to discharge	A	B	C		E
		3-01/121.30 Policy of Equality - Inappropriate Conduct Toward Others	W/R to discharge	A	B	C		E
		3-01/121.35 Policy of Equality - Retaliation	5 days to discharge	A	B	C		E
		3-01/121.50 Policy of Equality - Duty to Cooperate	W/R to discharge	A	B	C		E e
		3-01/122.05 Policy of Equality Procedures - Duties of Supervisors and Managers - Failure to Report	W/R to discharge	A	B	C		E
3-01/121.15	<b>Policy of Equality - Sexual Harassment</b>							
		Policy of Equality - Sexual Harassment	5 days to discharge	A	B	C		E

A: Problem-Solving/Self-Management  
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## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS
3-01/030.73	<b>Hazing</b>			
		Intimidation, threats or hazing of Department member	3 days to discharge	A B C E
3-01/030.75	<b>Bribes, Rewards, Loans, Gifts Favors</b>			
		Use of position or identification to solicit a gratuity or privilege	1 day to discharge	C E
3-01/030.85	<b>Derogatory Language</b>			
		Discourtesy or profanity toward Department members	W/R to 10 days suspension	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	<b>Injured or Ill While Off Duty</b>			
		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	<b>Care of County Property and Equipment</b>			
		Care of County property and equipment	W/R to 5 days	A B E
3-01/040.35	<b>Money and Property of Others</b>			
		Money and property of others	W/R to 5 days	B E
3-01/040.40	<b>Misappropriation of Property</b>			
		Misappropriation or misuse of County equipment, property or supplies	3 to 20 days	C E
3-01/040.45	<b>Safeguarding Money, Property, and Evidence</b>			
		Safeguarding money, property, and evidence	W/R to 10 days	B C E
		Intentional release of crime scene photographs/evidence to the media/public without authorization	10 days to discharge	A C E
		Release of communications not authorized by the Incident Commander	W/R to discharge	A C E
3-01/040.50	<b>Care of Identification Items</b>			
		Care of identifications items	W/R to 5 days	B E
3-01/040.65	<b>Tampering with Evidence</b>			
		Falsification, fabrication, alteration or planting of evidence	Discharge	

A: Problem-Solving/Self-Management  
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## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS					
3-10/040.70	Dishonesty / False Statements	Knowingly making false or misleading statements to a supervisor	10 days to discharge						
		Knowingly making untruthful statements under oath	Discharge						
3-01/040.75	Dishonesty / Failure to Make Statements, and/or Making False Statements During Departmental Internal Investigations	Knowingly giving untruthful or misleading statements during internal investigations	20 days to discharge						
3-01/040.76	Obstructing an Investigation	Knowingly giving untruthful or misleading statements during criminal investigation	15 days to discharge						
		Failure to provide a statement as a witness during a criminal investigation after being ordered by the Department to do so, when applicable.	W/R to discharge					E	
3-01/040.85	Cooperation During Criminal Investigation	Knowingly giving untruthful or misleading statements during criminal investigation	15 days to discharge						
		Failure to cooperate with the investigation of another law enforcement agency after being ordered by the Department to do so, when applicable.	10-15 days					E	
		Failure to cooperate with the investigation of another law enforcement agency after being ordered by the Department to do so, when applicable: 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	W/R-10 days					E	e
3-01/040.95	Confidential Information	Providing confidential information to unauthorized individuals for unofficial and/or non-work related purposes	W/R to discharge					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	W/R to 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

A: Problem-Solving/Self-Management  
B: Skill Enhancement

C: Boundary Recognition  
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E: Character Reinforcement  
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## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	DISCIPLINARY OPTIONS	EBD OPTIONS					
		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 to 5 days	A			D		e
		Careless/Negligent handling of weapon resulting in discharge of weapon	1 to 15 days		B			E	
		Careless/Negligent handling of weapon resulting in discharge of weapon: Alcohol-related	15 days to discharge	A	B		D	E	
		Erroneous Releases	W/R to 5 days		B				
3-01/050.20	<b>Duties of All Members</b>								
		Failure to follow instruction/orders	1-5 days	A				E	
3-01/050.30	<b>Off-Duty Incidents</b>								
		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	<b>Punctuality</b>								
		Excessive tardiness	1-5 days	A			D		e
3-01/050.50	<b>Absence</b>								
		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	<b>Shooting Requirements</b>								
		Shooting requirements	W/R to 3 days		B			E	
3-01/050.70	<b>Failure to Shoot</b>								
		Failure to shoot	W/R to 3 days	A				E	

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3-01/050.80	<b>Grooming and Dress Standards</b>								
		Grooming and Dress Standards	W/R to 10 days	A	B				e
3-01/050.85	<b>Fraternization</b>								
		Fraternization with an inmate	15 days to discharge						
		Smuggling of contraband into a custody facility	Discharge						
3-01/050.86	<b>Prohibited Association</b>								
		Prohibited association with person(s) of a "notorious" reputation in the community	15 days to discharge						
3-01/060.25	<b>Department Approval of Outside Employment</b>								
		Failure to report outside employment	W/R to 3 days						E
3-01/060.30	<b>Prohibited Employment</b>								
		Engaging in employment or activity constituting conflict or potential conflict of interest	W/R to 15 days			C			E
3-01/070.05	<b>Political Activity</b>								
		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	<b>Use of County Vehicles / Use of Seatbelts</b>								
		Use of County vehicle without authorization	W/R to discharge						E
		Failure to wear seatbelt	WR to 10 days						E
3-01/090.10	<b>Operation of Vehicles</b>								
		Negligent Driving	W/R to 2 days		B				E
		Negligent Driving – Collision	W/R to 3 days		B				E
		Negligent Driving - Collision with injuries; member was primary cause	2 days to discharge		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 days to discharge		B				E
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs	15 days to discharge		B		D		E

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3-01/090.15	<b>Unauthorized Persons in County Vehicles</b>								
		Unauthorized persons in County vehicles	W/R to 3 days						E
3-01/090.20	<b>Use of County Vehicle Outside County Limits</b>								
		Use of County vehicle outside county limits	W/R to 3 days						E
3-01/090.25	<b>Collisions or Damage</b>								
		Failure to report a traffic collision and/or complete a report of damage	W/R to 10 days						E
3-01/100.10	<b>Signatures on Official Communications</b>								
		Signatures on official communications	W/R to 3 days						E
3-01/100.25	<b>Use of Department Letterhead</b>								
		Use of Department letterhead	W/R to 3 days						E
3-01/100.35	<b>Dishonesty / False Information in Records</b>								
		Knowingly falsifying internal documents or communications	10 days to discharge						E
		Knowingly falsifying of official reports or records not otherwise specified	15 days to discharge						E
		Knowingly falsifying inmate safety checks	Discharge						
		Knowingly documenting false information in a report regarding a crime report and/or investigation	Discharge						
		Knowingly documenting false information in a Probable Cause Declaration or any court document	Discharge						
		Knowingly documenting false information in a Use of Force report	Discharge						
		Knowingly falsifying application or omission of information for employment or promotion when it materially affects acceptance or rejection for employment or promotion	Do not hire; D/C employee						
		Knowingly falsifying time records or financial records (travel, mileage, overtime, etc.) for fraudulent purposes	Discharge						
3-01/100.40	<b>Removal of Records</b>								
		Removal of records	Discharge						
3-01/100.45	<b>Use of Communications Equipment</b>								
		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
		Knowing unauthorized release of information via electronic device (telephonic, text, or computer/social media) during a tactical situation without approval from the Incident Commander.	15 days to discharge			C			E
		Knowing unauthorized use of an electronic device to photograph/record crime scenes, evidence, or persons (living or deceased) for personal use or display (i.e. social media, etc.)	15 days to discharge			C			E
		Unauthorized access to confidential information	5-15 days						E
		Improper disclosure/use of confidential information for personal gain (other than electronic device)	15 days to discharge			C			E

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3-01/110.35	<b>Transportation of Females</b>			
		Unauthorized transportation of females without a female Department member present	W/R to 2 days	C E
3-01/110.55	<b>Safety Policy</b>			
		Misuse/Non-use of vehicle safety equipment	W/R to 10 days	B E
3-06/200.00	<b>Body Worn Cameras</b>			
		Failure to comply with the Department's Body-Worn Camera Policy	W/R to discharge	B E
3-07/210.00	<b>Permissible Use</b>			
		<b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	W/R to discharge	B E
3-07.220.00	<b>Prohibitions</b>			
		Use of Department communications equipment to send unofficial and Unsolicited email, graphics, videos and/or messages to others <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	W/R to 10 days	B E
		Use of Department computers for playing computer games <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	W/R to 10 days	B E
5-09/200.25	<b>Use of Code 3 - Authority/Responsibility</b>			
		Violation of Code 3 policy <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	W/R to 5 days	B E
		Unauthorized participation in a pursuit. <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	W/R to 10 days	B E
		Providing misleading pursuit conditions/reasons to Watch Commander <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	W/R to 15 days	B E
5-09/210.02	<b>Initiation of A Pursuit</b>			
		Unauthorized Pursuit <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	1-15 days	B E
5-09/210.05	<b>Abandonment of a Pursuit</b>			
		Remaining in a canceled pursuit <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	10-15 days	B E
5-09/210.10	<b>Control of a Pursuit</b>			
		Failure to notify SCC and receive acknowledgment prior to initiating a Code 3 response <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	1-3 days	B E
		Failure to discontinue pursuit <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	5-15 days	B E
		Supervisors failure to cancel pursuit <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	3-15 days	B E

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5-09/210.15	<b>Vehicle Operation and Tactics</b>								
		Failure to clear an intersection lane-by-lane <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	W/R to 3 days	B				E	
3-10/005.00; 3-10/100.00; 3-10/110.00	<b>Use of Force Reporting, Review Procedures, and Prevention Principles</b>								
		Failure to report use of force <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	5 to discharge						
		Failure to report witnessed force. <b>*Use 3-01/030.10, Obedience to Laws, Regulations and Orders and reference to above section.</b>	5-15 days		B			E	
		Violating the force prevention principles	W/R to 15 days	A	B			E	

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