

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 20

October 22, 2020

SUBJECT: TERMINATION PROCESS AND ASSIGNMENT OF ENTRY-LEVEL PROBATIONARY OFFICERS – REVISED AND RENAMED; TERMINATION PROCESS OF PROBATIONARY OFFICERS FOR DISCIPLINARY REASONS – ACTIVATED; AND, RESIGNATION OR TERMINATION OF ENTRY-LEVEL PROBATIONARY EMPLOYEE – REVISED AND RENAMED

PURPOSE: This Order revises and activates several Department Manual sections pertaining to the termination and resignation process for entry-level probationary employees. These changes were made to eliminate confusion and to be consistent with the Los Angeles Police Department Field Training Manual.

PROCEDURE:

- I. TERMINATION PROCESS AND ASSIGNMENT OF ENTRY-LEVEL PROBATIONARY OFFICERS – REVISED AND RENAMED.** Department Manual Section 3/728.27, *Termination Process and Assignment of Entry-Level Probationary Officers*, has been revised and renamed as *Termination Process and Assignment of Probationary Officers*. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. TERMINATION PROCESS OF PROBATIONARY OFFICERS FOR DISCIPLINARY REASONS – ACTIVATED.** Department Manual Section 3/728.28, *Termination Process of Probationary Officers for Disciplinary Reasons*, has been activated and is attached.
- III. RESIGNATION OR TERMINATION OF AN ENTRY-LEVEL PROBATIONARY EMPLOYEE – REVISED AND RENAMED.** Department Manual Section 3/728.30, *Resignation or Termination of Entry-Level Probationary Employee*, has been revised and renamed as *Resignation of Probationary Officers*. Attached is the revised Department Manual section with the revisions indicated in italics.

AMENDMENTS: This Order amends Sections 3/728.27 and 3/728.30, and activates Section 3/728.28 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL E. MOORE
Chief of Police

Attachment

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728.27 TERMINATION PROCESS AND ASSIGNMENT OF PROBATIONARY OFFICERS.

If the commanding officer (CO) has made the final decision to recommend termination for a probationary officer for performance reasons, an Intradepartmental Correspondence, Form 15.02.00, shall be prepared requesting approval to place the probationary officer on inactive duty. The CO shall forward the Intradepartmental Correspondence, to the Director, Office of Support Services (OSS), requesting approval to assign the probationary officer to inactive duty, via the probationary officer's bureau chain of command, CO, Training Division (TD), Director, Office of Operations (OO), CO, Training Group (TG), and CO, Personnel and Training Bureau (PTB).

Note: If the CO determines there is an immediate need to assign the probationary officer to inactive duty for performance reasons (i.e., below standard field performance, below standard officer safety), the CO shall make notification to the Director, OSS, for immediate approval. Upon obtaining approval from the Director, OSS, the CO shall submit the request to place the probationary officer on inactive duty through the above prescribed process.

Upon the approval of inactive duty status from the Director, OSS, the CO shall meet with the probationary officer. The probationary officer shall be placed on inactive duty and given a separate Intradepartmental Correspondence, Form 15.02.00, documenting the conditions of the inactive duty assignment and containing the following directions to the probationary officer (Department Manual 3/840.20):

- Shall refrain from acting in an official capacity;*
- Shall remain on-call at a designated location during business hours, or report at a given time and place when such a location is determined; and,*
- The Correspondence shall indicate that the CO has met with the probationary officer and discussed all aspects and conditions relating to the inactive duty.*

After the probationary officer has been assigned to inactive duty, the CO shall meet with the probationary officer, discuss the reasons for the termination recommendation, and provide a copy of all addenda items. The commanding officer shall serve the probationary employee with a City of Los Angeles Form General 77 (Rev 06/02) Notice of Discharge, Suspension or Probationary Termination.

The probationary officer shall be given three calendar days to respond. Immediately following the three-day response period, an Intradepartmental Correspondence, shall be completed and forwarded to the Chief of Police with the approvals of the bureau chain of command, Director, Office of Operations, CO, Personnel and Training Bureau, and Director, OSS, recommending termination for failure to meet the standard of a Los Angeles Police Department Probationary Police Officer. The correspondence shall include the probationary officer's response, and specifically address the basis for the termination recommendation including all supporting documentation.

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728.28 TERMINATION PROCESS OF PROBATIONARY OFFICERS FOR DISCIPLINARY REASONS.

When a Commanding Officer (CO) determines that a probationary officer should be terminated for disciplinary reasons, an Intradepartmental Correspondence, Form 15.02.00, documenting the Complaint Form (CF) number and the nature of the allegations justifying the termination, shall be immediately forwarded through the chain of command to the Director, Office of Support Services (OSS). The Intradepartmental Correspondence shall include a request to assign the employee to inactive duty with an attached Notice of Discharge, Suspension or Probationary Termination, City of Los Angeles General Form 77. Upon approval by the Director, OSS, the Intradepartmental Correspondence and the Notice of Discharge, Suspension, or Probationary Termination shall be forwarded to the Chief of Police.

***Note:** If the CO determines there is an immediate need to assign the probationary officer to inactive duty for disciplinary reasons (i.e., arrest, serious misconduct), the CO shall make notification to the Director, OSS, for immediate approval. Upon obtaining approval from the Director, OSS, the CO shall submit the request to place the probationary officer on inactive duty through the above prescribed process.*

728.30 RESIGNATION OF PROBATIONARY OFFICERS.

Commanding Officer's Responsibilities. When a commanding officer (CO) becomes aware of the resignation of a probationary officer for other than disciplinary reasons (Department Manual Section 3/728.20), a Resignation, Form 01.50.00, and an Intradepartmental Correspondence, Form 15.02.00, with supporting documentation, shall be prepared and forwarded via the chain of command to the Director, Office of Support Services (OSS), via the probationary officer's bureau chain of command, Commanding Officer, Training Division (TD), Director, Office of Operations (OO), Commanding Officer, Training Group (TG), and Commanding Officer, Personnel and Training Bureau (PTB). The Intradepartmental Correspondence shall:

- Indicate the employee's date of employment in the current Civil Service classification and the date that the probationary period will end;
- Explain the reason(s) for the resignation;
- Indicate that the CO has reviewed the documentation, and through the application of administrative insight, determined that the resignation is justified;
- Contain a summary of the interview with the concerned probationary officer indicating that the employee reviewed the documentation and what attempts were made to resolve any differences of opinion concerning the resignation; and,
- Contain a recommendation for rehire.

The Intradepartmental Correspondence, along with all supporting documentation, shall be forwarded within 5 working days through the concerned Area and bureau COs to the CO, Training Division for review, Director, OO for review; the CO, TG for review, the CO, PTB for review; and, the Director, OSS for review.

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Bureau Commanding Officer's Responsibilities. Upon receipt of a request to terminate a probationary officer, the bureau CO shall initiate a review of the supporting documentation to determine if termination is warranted. If the bureau CO determines that a termination for performance issues is justified, the supporting documentation shall be forwarded to the CO, TD, for review and recommendations.

Training Division Commanding Officer's Responsibilities. The CO, TD, shall ensure that a thorough review of the supporting documentation and an interview of the employee is conducted within five working days of receipt from the concerned bureau. Training Division staff shall determine if the training methods and documentation meet Department standards and if reasonable efforts have been made to remediate the employee. If the CO, TD, concurs with the recommendation for termination, all supporting documentation, along with a report outlining the review and recommendation, shall be forwarded to the Director, OO, via TD's chain of command.

Note: The report shall contain an independent review of the employee's performance, reasons for termination, efforts made by TD to assist the employee, and an evaluation of the employee's potential to achieve a satisfactory level of performance.

Office of Operations Director's Responsibilities. The Director, OO, shall review requests for termination of a probationary officer, including the results of TD's review and recommendations. The Director, OO, shall recommend approval or disapproval of the requests and forward the recommendation for termination along with the investigation by TD, to TG for review.

Training Group Commanding Officer's Responsibilities. The CO, TG, shall review requests for termination of probationary officers, including the results of TD's review and recommendations. The CO, TG, shall recommend approval or disapproval of the requests and forward the recommendation for termination, along with the investigation by TD to PTB for approval.

Personnel and Training Bureau Commanding Officer's Responsibilities. The CO, PTB, shall review requests for the termination of probationary officers, including the results of TD's review and recommendations. The CO, PTB, shall recommend approval or disapproval of the requests and forward the recommendation for termination, along with the investigation by TD to OSS for approval.

Office of Support Services Director's Responsibilities. The Director, OSS, shall review requests for the termination of probationary officers, including the results of TD's review and recommendation. The Director, OSS, shall recommend approval or disapproval of the requests and forward the recommendation for termination, along with the investigation by TD, to the Chief of Police for final disposition. A copy of TD's investigation shall also be forwarded to the probationary officer's CO via the concerned bureau CO.

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Training Division Commanding Officer's Responsibilities. Upon notification of a resignation of a probationary officer, TD personnel shall, within five administrative working days, interview the employee. Subsequent to the interview, the CO, TD, shall submit a report to the Director, OSS. The report shall contain an independent review of the employee's performance, efforts made by TD to assist the employee, and an evaluation of the employee's potential to achieve a satisfactory level of performance, if applicable.

Office of Support Services Director's Responsibilities. The Director, OSS, shall review any request for resignation of a probationary officer. The Director, OSS, shall forward his or her findings to the CO, Personnel Division for final disposition.