

OFFICE OF THE CHIEF OF POLICE

NOTICE
1.13

November 9, 2021

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: DECISION OF THE HEARING OFFICER ADMINISTRATIVE APPEAL
HEARING AND ORDER OF THE CHIEF OF POLICE, FORM 01.73.01 –
REVISED

The purpose of this Notice is to revise the Decision of the Hearing Officer Administrative Appeal Hearing and Order of the Chief of Police, Form 01.73.01.

Revisions to this form include all available administrative appeal types. The use and distribution of this form remain the same.

FORM AVAILABILITY: The Decision of the Hearing Officer Administrative Appeal Hearing and Order of the Chief of Police, Form 01.73.01, is attached for immediate use and duplication. In addition, this form is available in E-Forms on the Department's Local Area Network. All other versions of these forms shall be marked "obsolete" and placed in the divisional recycling bin.

Should you have any questions regarding this Notice, please contact the Professional Standards Bureau, at (213) 996-2772.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

**OFFICE OF THE CHIEF OF POLICE
DECISION OF THE HEARING OFFICER
ADMINISTRATIVE APPEAL HEARING AND ORDER OF THE CHIEF OF POLICE**

IN THE MATTER OF: _____

A.A. No.: _____
CF/FID/UOF No.: _____
Date: _____

TO THE CHIEF OF POLICE:

DECISION OF THE HEARING OFFICER

The above-entitled matter was heard and considered during an Administrative Appeal Hearing convened on _____
It is the recommendation of this Hearing Officer that the reason(s) previously set forth be _____ and that the penalty and/or finding be _____

I hereby certify to the above and submit my recommendation and findings to the Chief of Police for action.

Date: _____

Hearing Officer

ORDER OF THE CHIEF OF POLICE

To _____, member of the Los Angeles Police Department, having considered the recommendation of the Hearing Officer, I take the below indicated action:

- General Dispute.** Under the power conferred upon me by Section 574, Charter of the City of Los Angeles, I hereby _____ the recommendation of the Hearing Officer to _____
- Discipline.** Under the power conferred upon me by Section(s) 574 and/or 1070 of the Charter of the City of Los Angeles, I hereby:
(Check one of the following boxes): Adopt or Reject
(Check one of the following boxes): In Whole or In Part, the recommendations of the Hearing Officer.

- I, therefore (Check one of the following boxes):
- Appeal of Paper Penalty (Official Reprimand, Admonishment, or Sustained – No Penalty).**
 Sustained or Not Sustained
 - Appeal of One to 22-Day Suspension**
 Penalty Remains, or;
 Penalty Reduced as Follows:
 Suspend you from your position as a _____ in the Los Angeles Police Department for a period of _____ with total loss of pay, effective _____
 Not suspend you from your position as a _____
 Official Reprimand.

- Adjudications of Administrative Disapproval.**
 Categorical UOF Non-Categorical UOF
 Not Guilty or Extensive Retraining In Policy or Out of Policy
 Vehicle Pursuit Not Resolved Appeal
 In Policy or Out of Policy Unfounded or Not Resolved
- Liberty Interest Hearing.** Under the power conferred upon me by Section 1011(b) of the City of Los Angeles, I hereby:
(Check one of the following boxes): Adopt or Reject
(Check one of the following boxes): Adopt or In Part, the recommendations of the Hearing Officer. I, therefore:
 Clear name in Personnel File: _____
 Keep Personnel File Whole. _____

Date: _____

Chief of Police

Probationary Employee: Section 1017, Volume II of the Charter for the filling of a demand for reinstatement and claim for compensation. See next page for such provision.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon _____ at _____ hours, on _____
 By handing the employee a copy thereof personally at _____
 By forwarding a copy thereof by certified mail addressed to the employee at their last known address at _____

**OFFICE OF THE CHIEF OF POLICE
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**ADMINISTRATIVE CODE – SECTION 1017, ARTICLE X
SEC. 1017. DEMAND FOR REINSTATEMENT; CLAIM FOR COMPENSATION**

Whenever it is claimed by any person that he or she has been unlawfully demoted, suspended, laid off or discharged, and that person has filed an application for a hearing as provided in Section 1016(c) and reinstatement or restoration to duty has been denied, the person may file a written claim for compensation and a demand for reinstatement. The claim and demand must be filed within 90 days from the date of the decision of the board following a hearing, or if no hearing is applied for, from the date on which it is claimed that the person was first illegally, wrongfully or invalidly demoted, laid off, suspended or discharged. The demand for reinstatement must be filed with the board and the claim for compensation must be filed with the City Clerk. Failure to file a demand for reinstatement with proof of filing with the board, within the time specified in this section, shall be a bar to any action to compel reinstatement. Proof of filing with the City Clerk of the claim for compensation within the time and in the manner specified shall be a condition precedent to any recovery of wages or salary claimed to be due on account of demotion, layoff, suspension or discharge. Except as provided in this section, claims for compensation shall conform to the requirements of Section 350.

SECTION 1094.6 – CALIFORNIA CODE OF CIVIL PROCEDURE

[Time limit for seeking review of administrative determinations:

Preparation of Record: Application to local agency.]

- 1094.6 (a)** Judicial review of any decision of a local agency, other than school district, as the term local agency is defined in Section 54951 of the Government Code, or of any commission, board, officer or agent thereof, may be had pursuant to Section 1094.5 of this code only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.
- (b) Any such petition shall be filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision, or for a written decision or written findings supporting the decision, in any applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date it is announced. If the decision is not announced at the close of the hearing, the date, time, and place of the announcement of the decision shall be announced at the hearing. If there is a provision for reconsideration, the decision is final for purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this section on the date that reconsideration is rejected. If there is a provision for a written decision or written findings, the decision is final for purposes of this section upon the date it is mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the party seeking the writ. Subdivision (a) of Section 1013 does not apply to extend the time, following deposit in the mail of the decision or findings, within which a petition shall be filed.
- (c) The complete record of the proceedings shall be prepared by the local agency or its commission, board, officer, or agent which made the decision and shall be delivered to the petitioner within 190 days after he has filed a written request therefor. The local agency may recover from the petitioner its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a Hearing Officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the local agency or its commission, board, officer, or agent, all written evidence, and any other papers in the case.
- (d) If the petitioner files a request for the record as specified in subdivision (c) within 10 days after the date the decision becomes final as provided in subdivision (b), the time within which a petition pursuant to Section 1094.5 may be filed shall be extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.

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(e) As used in this section, decision means a decision subject to review pursuant to Section 1094.5, suspending, demoting, or dismissing an officer or employee, revoking, denying an application for a permit, license, or other entitlement, imposing a civil or administrative penalty, fine, charge, or cost, or denying an application for any retirement benefit or allowance.

(f) In making a final decision as defined in subdivision (e), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section.

As used in this subdivision, "party" means an officer or employee who has been suspended, demoted or dismissed; a person whose permit, license, or other entitlement has been revoked or suspended, or whose application for a permit, license, or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied.

(g) This section shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply.

(End of Section)