

PROFESSIONAL STANDARDS BUREAU

NOTICE
13.5

February 28, 2019

TO: All Department Personnel

FROM: Commanding Officer, Professional Standards Bureau

SUBJECT: SWORN PENALTY GUIDE FOR PERSONNEL COMPLAINTS - REVISED

Effective immediately, the Department's Sworn Penalty Guide for Personnel Complaints has been revised to clarify the allegation types used for categorizing complaints of misconduct. The revised guide has been through the meet and confer process and is attached. The procedures for using the penalty guide and penalty assessment factors, as outlined in Administrative Order No. 15, 2016, Penalty Guide and Penalty Assessment Factors – Updated, remain unchanged.

Questions related to the penalty guide and/or penalty assessment factors should be directed to Review and Evaluation Section, Internal Affairs Group, at (213) 996-2771.

APPROVED:



DEBRA J. McCARTHY, Deputy Chief
Commanding Officer
Professional Standards Bureau



BOB GREEN, Deputy Chief
Chief of Staff
Office of the Chief of Police

Distribution "D"

**Los Angeles Police Department
Sworn Penalty Guide for Personnel Complaints**

LEGEND	
A	Sustained-No Penalty or Admonishment
B	Official Reprimand or Suspension of 1 to 5 days
C	Suspension of 6 to 10 days
D	Suspension of 11 to 15 days
E	Suspension of 16 to 22 days
F	Demotion; or both Suspension and Demotion
BOR	Board of Rights - Recommendation for Removal
<i>Note: Category "F" should be considered when the employee is in a civil service classification of detective, sergeant or above.</i>	

ALCOHOL RELATED (Other than DUI)	First Offense	Second Offense	Third Offense
<u>Unable to report for duty due to alcohol consumption</u>	B-D, F	D-BOR	BOR
<u>Unfit for duty due to alcohol consumption</u>	B-F	E-BOR	BOR
<u>Improperly possessed alcohol on duty</u>	B-C	D-BOR	BOR
<u>Improperly consumed alcohol on duty</u>	B-F	E-BOR	BOR
<u>Alcohol-Related incident off duty (Unbecoming Conduct)</u>	B-F	E-BOR	BOR

BIASED POLICING	First Offense	Second Offense	Third Offense
<u>Knowingly engaged in Biased Policing</u>	BOR		

BODY WORN/DIGITAL IN-CAR VIDEO VIOLATION	First Offense	Second Offense	Third Offense
<u>Fail to activate Body Worn/Digital In-Car Video as required</u>	B-C	B-F	E-BOR
<u>Inappropriately disable/deactivate Body Worn/Digital In-Car Video system</u>	B-C, F	B-F	E-BOR
<u>Duplicate or retain Body Worn/Digital In-Car Video recording without authorization</u>	B-C, F	B-F	E-BOR
<u>Intentionally damage Body Worn/Digital In-Car Video system</u>	E-BOR	BOR	

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DETENTION VIOLATION

	First Offense	Second Offense	Third Offense
<u>Detaining or arresting a person without legal justification</u>	B-BOR	D-BOR	BOR
<u>Transporting a person without legal justification</u>	B-BOR	D-BOR	BOR

DETRIMENTAL WORKPLACE BEHAVIOR

	First Offense	Second Offense	Third Offense
<u>Conduct that interferes and/or disrupts work performance or the work environment</u>	A-B	B-D, F	E-BOR

DISCOURTESY-General

	First Offense	Second Offense	Third Offense
<u>Discourteous act or statement; uttered, written, or transmitted via any media</u>	A-B	B-C	D-BOR

DISCOURTESY-Disability

	First Offense	Second Offense	Third Offense
<u>A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the actual or perceived disability of another</u>	B-BOR	D-BOR	BOR

DISCOURTESY-Ethnic

	First Offense	Second Offense	Third Offense
<u>A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the actual or perceived race or ethnicity of another</u>	B-BOR	D-BOR	BOR

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DISCOURTESY-Gender

A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the actual or perceived gender of another

First Offense	Second Offense	Third Offense
B-BOR	D-BOR	BOR

DISCOURTESY-Religion

A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the actual or perceived religion of another

First Offense	Second Offense	Third Offense
B-BOR	D-BOR	BOR

DISCOURTESY-Sexual Orientation/Identification

A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the actual or perceived sexual orientation/identification of another

First Offense	Second Offense	Third Offense
B-BOR	D-BOR	BOR

DOMESTIC ALTERCATION

Behavior involving unnecessary violence

First Offense	Second Offense	Third Offense
E-BOR	BOR	

DOMESTIC INCIDENT

Inappropriate behavior not amounting to domestic altercation

Violation of a court/restraining order

First Offense	Second Offense	Third Offense
B-D, F	C-BOR	BOR
B-D, F	C-BOR	BOR

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DOMESTIC INCIDENT (Continued)

	First Offense	Second Offense	Third Offense
Unable to possess a firearm by virtue of a domestic related criminal conviction or court order	E-BOR		

DRIVING & TRAFFIC COLLISIONS

	First Offense	Second Offense	Third Offense
Driving a City vehicle in a grossly negligent or reckless manner	B-F	D-BOR	BOR
Involved in a preventable traffic collision exceeding the Point System Criteria (DM Section 3/207.30)	A-C, F	C-F	D-BOR
Driving a City vehicle in violation of policy, resulting in a fatality or severe injury	B-BOR	E-BOR	BOR

DRIVING WHILE IMPAIRED

	First Offense	Second Offense	Third Offense
Driving under the Influence, no aggravating circumstances	E-BOR	BOR	
Driving under the Influence, aggravating circumstances	E-BOR	BOR	

FAILURE TO APPEAR

	First Offense	Second Offense	Third Offense
Failure to appear at judicial, administrative, or legislative proceeding	A-B	B-C	C-F
Failure to access and acknowledge electronic subpoena	A-B	B-C	C-F

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FAILURE TO QUALIFY

	First Offense	Second Offense	Third Offense
Failure to qualify with the employee's duty weapon in accordance with the Department's Firearm Qualification Schedule	A-B	B-C	C-F

FALSE STATEMENTS

	First Offense	Second Offense	Third Offense
Knowingly make a material false statement to a supervisor during an official inquiry	E-BOR		
Knowingly make a material false statement to a supervisor during an official investigation or under oath	BOR		
Knowingly make a false statement (other than material) to a supervisor	E-BOR	BOR	

FALSE STATEMENTS: REPORTING/DOCUMENTATION

	First Offense	Second Offense	Third Offense
Knowingly prepare/submit a falsified Department or other official document	E-BOR	BOR	
Improperly alter Department or other official records/documents	D-BOR	BOR	

FINANCIAL DISHONESTY/THEFT

	First Offense	Second Offense	Third Offense
Any action by an employee on or off-duty with the intent to obtain compensation or benefits to which the employee is not entitled, including but not limited to; benefit abuse, overtime abuse, false credit application, insurance fraud, insufficient funds check or other act which could form the basis for criminal filing of theft or fraud	BOR		

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FINANCIAL DISHONESTY/THEFT (Continued)	First Offense	Second Offense	Third Offense
<u>Taking or converting of money or property from another</u>	BOR		
<u>Converts found/seized/recovered property to personal use</u>	BOR		
<u>Converts City property/resources to personal use</u>	B-BOR	BOR	

IMPROPER REMARK	First Offense	Second Offense	Third Offense
<u>Statement uttered, written, or transmitted via any media that is contrary to Department values and/or insults or offends another Department employee</u>	A-D, F	B-F	E-BOR
<u>Improper remark to a supervisor</u>	A-D, F	B-F	E-BOR

INSUBORDINATION	First Offense	Second Offense	Third Offense
<u>Failure to comply with a lawful order or direction, whether verbal, written, or electronically conveyed</u>	B-BOR	D-BOR	BOR

MISLEADING STATEMENTS	First Offense	Second Offense	Third Offense
<u>Knowingly make a misleading statement to a supervisor during an official inquiry and/or under oath</u>	E-BOR	BOR	
<u>Knowingly provide misleading information in an official document or communication</u>	C-BOR	BOR	

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**MISLEADING STATEMENTS
(Continued)**

	First Offense	Second Offense	Third Offense
<u>Intentionally fail to disclose relevant information in an official document or communication</u>	C-BOR	BOR	
<u>Failure to correct a statement that the employee was aware was misunderstood or misrepresented by another</u>	C-BOR	BOR	

NARCOTICS/DRUGS

	First Offense	Second Offense	Third Offense
<u>Ingest/under the influence of illegal narcotics/drugs</u>	BOR		
<u>Possess/sell/purchase/transport illegal narcotics/drugs</u>	BOR		
<u>Improperly provide/offer prescription drugs</u>	B-BOR	BOR	
<u>Improperly sell prescription drugs</u>	BOR		
<u>Unfit for duty while under the influence of prescription drugs</u>	B-F	E-BOR	BOR
<u>Improperly use/possess prescription drugs</u>	B-BOR	BOR	

NEGLECT OF DUTY

	First Offense	Second Offense	Third Offense
<u>Failure to care for Department/City equipment resulting in its damage/loss</u>	A-B	B-C	C-BOR
<u>Improper/unsafe use of Department/City equipment</u>	A-B	B-C	C-BOR
<u>Fail to properly care for/book property of arrestee/victim/other</u>	A-B	B-C	C-BOR

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NEGLECT OF DUTY (Continued)	First Offense	Second Offense	Third Offense
<u>Excessive tardiness</u>	A-B	B-C	C-BOR
<u>Absent from post/assigned area/duty station without authorization</u>	A-B	B-C	C-BOR
<u>Negligently prepares/submits inaccurate/incomplete Department or other official report</u>	A-E	B-BOR	E-BOR
<u>Fail to report for duty as scheduled</u>	A-B	B-C	C-BOR
<u>Fail to handle assigned radio call</u>	A-B	B-C	C-BOR
<u>Fail to take appropriate action/provide appropriate service</u>	A-C	B-F	E-BOR
<u>Fail to report on-duty use of force incident</u>	B-BOR	E-BOR	BOR
<u>Fail to report misconduct</u>	B-BOR	E-BOR	BOR
<u>Fail to process report in timely manner</u>	A-B	B-C	C-BOR
<u>Fail to properly search vehicle/holding tank/cell</u>	A-B	B-C	C-BOR
<u>Fail to properly search arrestee/detainee</u>	A-B	B-C	C-BOR
<u>Release wrong prisoner/property from custody</u>	A-B	B-C	C-BOR
<u>Fail to control arrestee/detainee resulting in escape</u>	A-B	B-C	C-BOR
<u>Fail to properly care for/monitor person in custody</u>	A-F	C-F	BOR

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NEGLECT OF DUTY (Continued)	First Offense	Second Offense	Third Offense
<u>Work off-duty without work permit</u>	A-B	B-C	C-F
<u>Entered into a personal or business relationship with a supervisor in violation of DM Section 1/271</u>	B-C, F	C-F	E-BOR

NEGLECT OF DUTY-SUPERVISORY DUTIES	First Offense	Second Offense	Third Offense
<u>Fail to initiate/process personnel complaint</u>	B-F	E-BOR	BOR
<u>Fail to develop/maintain proper administrative controls</u>	A-D, F	C-F	E-BOR
<u>Fail to properly review/approve Department report(s)</u>	A-D, F	C-F	E-BOR
<u>Entered into a personal or business relationship with a subordinate or supervisor in violation of DM Section 1/271</u>	B-C, F	C-F	E-BOR

NEGLIGENT DISCHARGE	First Offense	Second Offense	Third Offense
<u>The unintentional discharge of a firearm, with or without injury, which the COP or Police Commission determines to be out of policy or gives administrative disapproval</u>	A-BOR	B-BOR	BOR

OTHER POLICY/RULE	First Offense	Second Offense	Third Offense
<u>Violate any Department or City policy/rule/procedure</u>	A-BOR	A-BOR	A-BOR
<u>Carrying/using unauthorized weapon/ammunition on or off duty</u>	A-C	B-BOR	D-BOR

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OTHER POLICY/RULE (Continued)

	First Offense	Second Offense	Third Offense
<u>Improperly home garage/dispersal park City vehicle</u>	A-B	B-C	C-F

SAFETY BELT VIOLATION

	First Offense	Second Offense	Third Offense
<u>Failure to wear safety belt while operating or riding in a City vehicle as required</u>	A-B	B-D	D-F

SEARCH VIOLATION

	First Offense	Second Offense	Third Offense
<u>Search of a person, vehicle, or location, without proper legal justification</u>	A-E	D-BOR	BOR

SEXUAL MISCONDUCT

	First Offense	Second Offense	Third Offense
<u>Obscene conduct or improper touching of another in a sexual manner</u>	C-BOR	BOR	
<u>Forced sex acts upon another</u>	BOR		
<u>Solicitation of sexual acts</u>	D-BOR	BOR	

SHOOTING VIOLATION

	First Offense	Second Offense	Third Offense
<u>The intentional discharge of a firearm, on or off-duty, in the performance of law enforcement duties, which the COP or Police Commission determines to be out of policy or gives administrative disapproval and cannot be addressed through extensive retraining</u>	B-BOR	C-BOR	BOR

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UNAUTHORIZED FORCE

	First Offense	Second Offense	Third Offense
Unauthorized force (excluding shooting violations) that cannot be addressed by extensive retraining	A-BOR	C-BOR	E-BOR

UNAUTHORIZED TACTICS

	First Offense	Second Offense	Third Offense
Unauthorized tactics that cannot be addressed by extensive retraining	A-F	B-F	C-BOR
Inappropriately drawing and exhibiting a weapon that cannot be addressed by extensive retraining	A-F	B-BOR	C-BOR

UNBECOMING CONDUCT-Computer Violation

	First Offense	Second Offense	Third Offense
Improper use of Department computer systems for non-duty related activities	A-C, F	C-F	D-BOR
Inappropriate accessing of databases/confidential information	B-F	E-BOR	BOR

UNBECOMING CONDUCT-Convert On-Duty Contact to Off-Duty Relationship

	First Offense	Second Offense	Third Offense
Attempts/converts on duty contact to off-duty relationship	A-C, F	B-F	E-BOR

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UNBECOMING CONDUCT-Criminal	First Offense	Second Offense	Third Offense
Convicted of a felony	BOR		
Convicted of a misdemeanor	B-BOR	E-BOR	BOR
Off-duty inappropriately strike another	A-F	C-BOR	BOR
Violate court order as determined by the court	B-F	E-BOR	BOR

UNBECOMING CONDUCT-Encounter with On-Duty Law Enforcement Personnel	First Offense	Second Offense	Third Offense
Failure to cooperate with a criminal investigation	B-BOR	D-BOR	BOR
Off-duty, improper remark to on-duty law enforcement personnel	A-F	B-F	BOR

UNBECOMING CONDUCT-Social Media	First Offense	Second Offense	Third Offense
Inappropriately posted a comment, photo, video or other content on social media, which may bring discredit to the Department, the City, or themselves (DM Section 1/210.35)	A-BOR	B-BOR	C-BOR

UNBECOMING CONDUCT-Miscellaneous	First Offense	Second Offense	Third Offense
Use of official position to solicit gratuities/gifts/special favors	B-BOR	E-BOR	BOR
Fail to maintain valid driver's license/registration/car insurance	A-B	B-F	D-BOR
Improperly identify self as LAPD employee	A-B	B-C, F	C-BOR

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**UNBECOMING CONDUCT-Miscellaneous
(Continued)**

	First Offense	Second Offense	Third Offense
<u>Compromise an official investigation</u>	B-BOR	E-BOR	BOR
<u>Inappropriate relationship with convicted felon</u>	E-BOR	BOR	
<u>Legally prohibited from possessing a firearm</u>	BOR		
<u>Unable to perform essential functions of a Police Officer</u>	BOR		
<u>Work off-duty while on Injured-on-Duty (IOD) status</u>	B-BOR	BOR	
<u>Unauthorized disclosure of confidential information</u>	B-BOR	E-BOR	BOR
<u>Conduct on or off-duty, which may bring discredit to the Department, the City, or themselves, and which is not specifically classified under another category (DM Section 1/210.35)</u>	A-BOR	B-BOR	C-BOR
<u>Direct/permit/authorize subordinate to commit misconduct</u>	B-BOR	BOR	

**UNEQUAL TREATMENT VIOLATION-WORKPLACE/
PROHIBITED EXPRESSIONS OF BIAS**

	First Offense	Second Offense	Third Offense
<u>Display/transmit/post material demonstrating bias against any of the protected groups</u>	B-BOR	D-BOR	BOR
<u>Retaliation as defined in DM Section 1/272.</u>	D-BOR	BOR	
<u>Improperly or unlawfully imposing disparate treatment/adverse impact/failing to provide reasonable accommodation to any of the protected groups</u>	B-BOR	E-BOR	BOR
<u>Other</u>	B-BOR	C-BOR	D-BOR

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UNWELCOME SEXUAL ADVANCES-WORKPLACE

	First Offense	Second Offense	Third Offense
<u>General</u> : Sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature in the workplace that is not welcomed by another	B-BOR	D-BOR	BOR
<u>Quid Pro Quo</u> : Sexual advances, requests and/or conduct that is either explicitly or implicitly made a term or condition of employment and when submission to or rejection of such conduct is used as the basis for employment decisions	BOR		

VEHICLE PURSUIT-RELATED VIOLATION

	First Offense	Second Offense	Third Offense
<u>Out of policy vehicle pursuit</u>	A-D, F	B-BOR	C-BOR
<u>Other improper vehicle pursuit-related activities</u>	A-D, F	B-BOR	C-BOR