



KRISTIN M. CROWLEY
FIRE CHIEF

October 23, 2023

BOARD OF FIRE COMMISSIONERS
FILE NO. 23-115

TO: Board of Fire Commissioners

FROM:  Kristin M. Crowley, Fire Chief

SUBJECT: PROFESSIONAL STANDARDS DIVISION ADJUDICATION PROCESS
OVERVIEW

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

As directed by the Board of Fire Commissioners, the Los Angeles Fire Department (LAFD or Department) is responding to its request to provide an overview of the LAFD's Professional Standards Division (PSD) adjudication process. The report includes the steps involved in the investigative process, and focuses on adjudications.

RECOMMENDATION

That the Board:
Receive and file.

DISCUSSION

Overview of Mission and Responsibilities

The Professional Standards Division was created on January 1, 2008, with the mission of conducting timely, impartial, and thorough investigations of on-duty and off-duty allegations of member (sworn and civilian) misconduct. The investigations include evidence relevant to the allegation(s) of member misconduct and to the credibility of evidence and/or statements, whether inculpatory or exculpatory.

The Professional Standards Division is responsible for the oversight of internal administrative investigative and disciplinary processes, and utilizes the "LAFD Penalty Guidelines for Sworn Members" and Complaint Tracking System (CTS) to effectively manage disciplinary issues (Attachment 1). The creation of PSD underscores the Department's commitment to maintaining the highest levels of professionalism and trustworthiness, both in the eyes of the public and within its ranks. The PSD investigative process is divided into three general segments: (1) Intake/Complaint; (2) Investigation; and (3) Disciplinary process. This report focuses on the adjudication within the disciplinary process.

I. Intake

When the Department/PSD is notified of an incident of alleged misconduct, the complaint is recorded into the Department's CTS. An intake interview is conducted, and the case is assigned to investigators. On a weekly basis, new complaints are reviewed by the PSD Command staff for evaluation, and disposition during a case assignment meeting. If the PSD Command staff determines that the complaint requires an investigation, they will, depending on the nature of the allegations, and potential policy violation, assign the case as either a PSD level investigation or as a field-level investigation.

The volume of complaints received by the Department over the last five years has consistently increased, which indicates a significant demand for the Department's investigative services. Below is a table that reflects the number of PSD complaints received from 2019 – 2023. The cases that come into PSD are classified into different categories – PSD level investigation, Field level investigation, Alternative Investigative Process (including the Special Investigative Process), and Sensitive.

	PSD	Field	Alt Process	Sensitive	Total
2019	154	327	3	1	485
2020	158	397	5	4	564
2021	388	507	5	4	904
2022	222	372	19	2	615
2023 - YTD	162	359	18	1	540

A PSD level investigation includes any serious allegations of misconduct that are likely to result in discipline if sustained. These can include but are not limited to criminal complaints, off-duty misconduct, allegations that may result in litigation against the Department or its members, complaints by employees of EEO violations, allegations of misconduct of command-level personnel with the exceptions of allegations against the Fire Chief or in any instance where there is an apparent conflict of interest.

Field investigations are conducted for less serious allegations of misconduct and are investigated by members assigned to the field/chain of command. Complaints alleging discourtesy or rudeness, complaints by the public regarding minor traffic violations and traffic enforcement, preventable traffic collisions internal or external, allegations of minor infractions of agency regulations or policies, or minor performance issues could be investigated at the field level.

The Alternative Investigative Process is utilized when complaints are received by the Department alleging misconduct by PSD members assigned to carry out the functions of the Division, or where investigations may cause a conflict of interest for PSD, or the appearance of a conflict of interest.

When PSD categorizes a case as “*Sensitive*,” the following factors are present or based on the facts, may potentially appear:

- The complaint alleges criminal activity or may lead to a criminal investigation
- The complaint relates to or may involve evidence that is confidential Department information
- The complaint relates to pending litigation against the City of Los Angeles or the Los Angeles City Fire Department
- The complaint implicates the Fire Chief, Board of Fire Commissioners, Office of the Independent Assessor or PSD Command staff

II. Investigation

The investigation is the core of any disciplinary process. At PSD, the emphasis is on conducting a thorough and unbiased investigation. A complete and systematic investigation ensures that decisions are based on facts, evidence, and a comprehensive understanding of the situation rather than presumptions or hearsay.

Investigations of sworn members within the LAFD are conducted in adherence to statutory authority, including the Firefighters Procedural Bill of Rights Act (FBOR) and the City Charter Section 1060. Under FBOR and other relevant regulations, investigations of sworn members must be completed within one year from the date the Department becomes aware of the alleged misconduct. For civilian members, there is no specified statute of limitations, but PSD aims to conclude these investigations within a one-year timeframe as well.

III. Disciplinary Process (Adjudication)

Upon completion of an investigation, the investigative report and supporting materials are reviewed by the adjudicator. These materials include any evidence, interview transcripts, audio recordings and corresponding documents. The Department’s adjudicators use neutral and objective criteria, and weigh evidence appropriately to distinguish strong evidence from questionable or less material evidence, and do not make presumptions that bias the findings of fact. The rationale for each adjudication is in writing, and clearly related to the conduct, the employee, and the Department’s rules.

Minimum standards for adjudication of disciplinary cases include the following:

- The burden of proof is on the agency
- The standard of proof is a preponderance of the evidence
- The standards of evidence are those of administrative law, not criminal law
- No presumptions of truth are made regarding facts in dispute

- No presumptions are made regarding witness credibility: all persons are equally credible unless an objective, fact-based evaluation of the witness's capacities, testimonial coherence, and other relevant and demonstrable factors justify otherwise
- Conclusions are logically deduced from the evidence

If the investigation has established by a preponderance of the evidence that a member's conduct violated a Department policy, rule or regulation, the adjudicator determines a disposition and sets the appropriate penalty (Attachment 2). The recommended discipline is determined by using the "LAFD Penalty Guidelines for Sworn Members" adopted on October 28, 2008, in addition to twelve (12) factors first enunciated in *Douglas v. Veteran's Administration* 5 M.S.P.R. 280, 306 (1981). For civilian members, the Department utilizes section 33.2 from the Policies of the Personnel Department, "Guide to Disciplinary Standards."

The "LAFD Penalty Guidelines for Sworn Members" identifies recommended ranges of discipline to ensure consistent and predictable penalties. These guidelines along with the Penalty Factors¹ were originally agreed upon with United Firefighters of Los Angeles City (UFLAC) at the inception of PSD.

The 12 penalty factors are used to further narrow the range of discipline determined by the adjudicator and allows for him/her to consider the totality of the circumstances, including aggravating and mitigating factors in determining appropriate discipline.

The adjudicator is responsible for completing a Penalty Factors Worksheet to ensure that discipline is fair and consistent. Upon completion of the worksheet, the PSD Commander approves or revises the discipline (often completing the penalty factors worksheet as well for consistency). The 12 factors identified in this process are described in depth below.

1. The nature and seriousness of the offense, relation to employee's duties, and intent:

The first factor looks at the severity of the misconduct and how it relates to the position the member holds. Additionally, this factor looks to see if the misconduct was intentional or inadvertent. Negligent or accidental incidents will be viewed more favorably than intentional acts.

2. Job level and type of employment:

This factor looks at the status of the member. If the subject is a supervisor or in a position of higher responsibility, any transgression is likely to be viewed more harshly.

¹ The penalty factors utilized by PSD are slightly modified from the Douglas case which is why they are termed the "Penalty Factors" and not the "Douglas Factors."

The more prominent the position, or more trust and power a member holds in the position, the more seriously any misconduct they engage in will be viewed. It goes without saying, that with responsibility comes a significant obligation and scrutiny.

3. Past disciplinary record:

If a member has been disciplined in the past for the same or a similar act, then they will be subject to harsher discipline. The idea is that discipline is meant to be corrective and progressive. Therefore, if a member does not conform their conduct after being disciplined the first time then the penalty will be increased. The goal is that the misbehavior/misconduct will cease as harsher discipline is administered.

4. Past work record:

There are important characteristics to consider for this factor which include how long a member has been employed with the Department, job performance, ability to get along with fellow workers, and dependability.

5. Ability to perform at satisfactory level, and supervisory confidence:

Essentially, this factor asks if the offense committed was one that calls in question the member's ability to continue performing their job.

6. Consistency of the penalty with other cases:

How does the action the Department is taking in the identified case compare to disciplinary action taken in similar cases with similar facts? The key inquiry here is whether like and comparable cases have resulted in similar discipline ensuring fairness and impartiality.

7. Consistency of the penalty with agency's table of penalties and offenses:

Many agencies have tables of penalties and offenses that list common offenses and their typical discipline ranges. The LAFD utilizes the "LAFD Penalty Guidelines for Sworn Members" which ensures the Department's consistency.

8. Notoriety of the offense:

The more notorious the offense committed, the more severe the discipline incurred. The Department looks at factors such as discredit to the Department, infractions of the law, or any negative attention that could potentially impact the reputation of the LAFD.

9. Notice to employee:

This factor questions if the member knew, or should have known, that their actions were wrong and that there would be punitive action for engaging in that kind of conduct.

10. Potential for rehabilitation:

This factor is particularly important as the goal of PSD is to modify behavior. Essentially, the Department wants to know after the misconduct has occurred can this member be rehabilitated? In some instances, however, a member's misconduct will be so egregious that the member's discipline will be determined by a Board of Rights.

11. Mitigating circumstances:

This factor lends itself most to members arguing for leniency in their case. Mitigating circumstances can include factors not identified during the investigation such as personal difficulties or work environment issues. If the Department is made aware of such factors, they can take them into consideration.

12. Adequacy and effectiveness of alternative sanctions:

The objective of this factor is to ascertain what needs to be done to deter the alleged conduct in the future. The Professional Standards Division reviews the misconduct/violation, member's disciplinary record, and the member's evaluations to determine if there is potential for rehabilitation. Alternative sanctions would include progressive engagement (training, counseling, Plan for Improvement, F-1104) and education-based discipline for which the member would need to provide evidence of attendance.

The Professional Standards Division is responsible for ensuring that discipline is fair, consistent and reasonable. If a penalty is disproportionate to the alleged violation or is unreasonable, it is subject to being reduced or reversed even if the charges would otherwise be sustained. These factors provide valuable assistance to the adjudicator in making a penalty determination.

All 12 penalty factors may not be pertinent in a particular case. Some factors may weigh in the member's favor while other factors may constitute aggravating circumstances that support a stricter penalty. However, it is critical to balance the relevant factors in each individual case and choose a reasonable penalty.

CONCLUSION

In conclusion, PSD investigates and adjudicates complaints in an objective and expeditious manner utilizing a public service discipline model to correct behaviors and maintain public trust. When appropriate criteria are met, alternative forms of discipline are utilized to modify behaviors. The Professional Standards Division strives to maintain the highest level of professionalism throughout the disciplinary process to ensure the goals of the LAFD Strategic Plan, Mission, Vision, and Core Values are met.

Board report prepared by Assistant Chief Kristina Kepner, Battalion Chief Kairi Brown and Battalion Chief Roy Paige, Professional Standards Division.

Attachments

LAFD PENALTY GUIDELINES FOR SWORN MEMBERS
OCTOBER 2008

Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
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ALCOHOL / NARCOTICS & DRUG USE			
A1 On duty, under the influence of alcohol *	B-D	E	E
A2 Violation of <i>Conditions of Continued Employment Contract</i> for alcohol, drugs, narcotics *	D-E	E	E
A3 Ingestion, possession or commerce of any illegal drug, on or off duty	E	E	E
A4 Purchased alcoholic beverage on duty for personal use	E	E	E
A5 Knowingly transported a person to buy/obtain illegal narcotics/drugs *	E	E	E
A6 Knowingly present where illegal narcotics/drugs being used	A-E	A-E	A-E
A7 Knowingly allowed illegal or improper use, possession or commerce of any controlled substance, including prescribed drugs	A-E	D-E	E
A8 Knowingly allow minor to consume alcoholic beverage	A-E	D	E
A9 Off duty, public drunkenness **	A-B	B-C	D-E
A10 On duty, possessed alcoholic beverage	A-B	C-D	E
A11 Unfit for duty due to prior consumption of alcoholic beverage	A-B	C-D	E

V - Verbal Warning

C - 11–15 Day Suspension

A - Reprimand to 5 Day Suspension

D - 16–30 Day Suspension

B - 6–10 Day Suspension

E - Board Of Rights (Suspension–Termination)

* No Statute

** 10 Years Statute

NOTE: Unless indicated otherwise, misconduct violations have a 5-year statute

111808

LAFD PENALTY GUIDELINES FOR SWORN MEMBERS
OCTOBER 2008

Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
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DRIVING / PARKING INFRACTIONS			
B1 DUI while driving a City vehicle *	E	E	E
B2 DUI *	C-D	C-E within 10 yrs	E
B3 DUI with aggravated circumstances *	C-E	D-E	E
B4 DUI with traffic collision *	C-E	D-E	E
B5 DUI with traffic collision and injury *	C-E	D-E	E
B6 At fault for accident involving Department vehicles/apparatus with aggravated circumstances (i.e.: alcohol/drugs) *	V-C	B-D	E
B7 At fault for accident involving department vehicles/apparatus –emergency	V-D	B-E	C-E
B8 At fault for accident involving Department vehicles/apparatus – non-emergency	V-B	A-C	B-E
B9 Knowingly failed to properly dispose of traffic citations issued against private vehicle	A-B	B-C	C-E
B10 Operating a city vehicle without proper endorsements	A	B-C	C-E
B11 Failing to maintain a valid driver's license with proper endorsements	A	B-C	D-E
B12 Failure to make notification of driver's license status change	A	B-C	D-E
B13 Failure to wear seat belt	A	A-C	C-E
B14 Illegal parking of City vehicle (not business related)	A	B	C-E
B15 On or off duty, improper use of a City vehicle	A	B	C-E
B16 Reckless driving (no DUI)	A-E	B-E	E
B17 Reckless driving with aggravated circumstances (no DUI)	D-E	E	E
B18 Reckless driving with traffic collision & injury (no DUI)	E	E	E
B19 Reckless driving (Alcohol Related) **	A-E	B-E	E
B20 Failed to report traffic accident while on duty	A-B	B-C	C-E
B21 Used unauthorized Code 3	V-A	B-C	C-D

V - Verbal Warning

C - 11–15 Day Suspension

A - Reprimand to 5 Day Suspension

D - 16–30 Day Suspension

B - 6–10 Day Suspension

E - Board Of Rights (Suspension–Termination)

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OCTOBER 2008

Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
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DISHONESTY / THEFT			
C1 Accepted a bribe (An exchange of compensation in any form for preferred treatment in the performance of duties) *	D-E	E	E
C2 Destroying City records/property without authorization	C-E	E	E
C3 Forged documents	D-E	E	E
C4 Received benefits through fraudulent means	E	E	E
C5 Fraudulent use of sick time	A-B	B-D	E
C6 Knowingly submitted false timekeeping/overtime report	D-E	E	E
C7 Knowingly submitted a false claim to receive Workers' Compensation insurance benefits	E	E	E
C8 Inappropriately accepted a gratuity/favor for services required on the job	V-E	B-E	E
C9 Intentionally falsified a report *	B-E	C-E	E
C10 Made false and/or misleading statements during a Department inquiry	B-E	C-E	E
C11 Made false statement while under oath *	E	E	E
C12 Theft of City property/converted City property to personal use	E	E	E
C13 Knowingly took property of another without permission	A-E	E	E
C14 Used City resources for personal use	A-E	B-E	C-E
C15 Worked off duty while on IOD status without authorization *	E	E	E
C16 Cheating – City, County, and State exams *	A-D	D-E	E

V - Verbal Warning *A - Reprimand to 5 Day Suspension* *B - 6–10 Day Suspension*
C - 11–15 Day Suspension *D - 16–30 Day Suspension* *E - Board Of Rights (Suspension–Termination)*

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Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
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EEO VIOLATIONS - DISCRIMINATION / HARRASSMENT / SEXUAL HARRASSMENT			
NOTE: Persons in supervisory positions will be subject to more severe levels of discipline within the following penalty ranges. Refer to Book 90 for definitions			
D1 Failure to take appropriate action to correct and eliminate sexual harassment from the workplace *	D-E	E	E
D2 Physical conduct or act of a sexual nature involving the use of force *	E	E	E
D3 Quid Pro Quo – implied or explicit coercive pressure for sexual favor *	E	E	E
D4 Retaliation against employee for filing a complaint of misconduct or participating in a sexual harassment or discrimination complaint *	D-E	E	E
D5 Unwelcome physical contact in sexual area of body *	E	E	E
D6 Used derogatory term to department member in violation of EEO policies *	A-E	D-E	E
D7 Used derogatory term to member of public in violation of EEO policies *	B-E	D-E	E
D8 Unwelcome touching, rubbing, or any type of physical contact and/or conduct toward other employees, which is sexually suggestive *	B-E	D-E	E
D9 Showed/hung cartoons, photos, etc. of discriminatory nature in the workplace *	C-E	D-E	E
D10 Displayed inappropriate photos/cartoons, books, magazines, etc., in the workplace *	A-E	B-E	C-E
D11 Created a hostile work environment *	D-E	E	E
D12 Made improper sexual remark *	A-C	C-D	D-E
FAILED TO APPEAR IN COURT			
E1 Excused from jury duty, failure to return to duty/work	A-B	B-C	E
E2 Failure to appear in court	A	B	C-E
E3 Failure to appear to jury duty	A	B	C-E
HAZING			
F1 Participated in an act of hazing or horseplay	A-C	B-D	D-E
F2 Participated in an act of hazing or horseplay with injury	C-D	D-E	D-E

V - Verbal Warning
C - 11–15 Day Suspension

A - Reprimand to 5 Day Suspension
D - 16–30 Day Suspension

B - 6–10 Day Suspension
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Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
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IMPROPER REMARK OR GESTURE (NON-EEO)			
G1 Improper remark/abusive language/gesture directed to fellow Department member	A-B	C-D	D-E
G2 Improper remark/abusive language/gesture directed to member of the public	B	C-D	D-E
G3 Improper remarks/abusive language/gesture directed at a supervisor	B	C-D	D-E
G4 Malicious gossip	B	C	D-E
G5 Involved in verbal altercation with Department member	A-B	C-D	D-E
G6 Involved in verbal altercation with member of the public	A-B	C-D	D-E
INSUBORDINATION			
H1 Failed to follow instruction of supervisor	V-E	B-E	C-E
H2 Refused to follow instructions of supervisor	C-E	C-E	D-E
H3 Refused to obey a proper and lawful order	C-E	E	E
LOST EQUIPMENT			
I1 Negligent loss of Department cellular phone or pager	V-A	A-B	C
I2 Negligent loss of Department radio	V-A	A-B	C-E
I3 Negligent loss of other Department equipment	V-A	A-B	C-E

V - Verbal Warning *A - Reprimand to 5 Day Suspension* *B - 6–10 Day Suspension*
C - 11–15 Day Suspension *D - 16–30 Day Suspension* *E - Board Of Rights (Suspension–Termination)*

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LAFD PENALTY GUIDELINES FOR SWORN MEMBERS
OCTOBER 2008

Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
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NEGLECT OF DUTY				
J1	Failed to report to the Department if they have been named as a suspect or principle in a written crime report or complaint filed with any law enforcement agency as required	A-B	B-C	D-E
J2	Possession of weapon/ammunition in violation of Department policy *	A-E	B-E	C-E
J3	Changed work assignment without approval	A	B	C-E
J4	Conducted personal business while on duty resulting in neglect of duty	A-B	B-D	C-E
J5	Failed to care for another's property	A	A-B	A-C
J6	Failed to care for Department equipment resulting in damage.	A	B-C	C-D
J7	Failed to clear an incident in a prompt manner	V-A	A-B	C-E
J8	Negligent failure to follow proper medical protocol	A-E	B-E	C-E
J9	Failed to notify supervisor of accident/sickness/injury that occurred on duty	A	B-C	C-E
J10	Failed to notify supervisor of any limitation, condition or restriction that might compromise ability to perform required duties	A-E	B-E	C-E
J11	Improperly used vehicle P.A. system	V-A	A-B	C
J12	Negligent or intentional damage to city property	B-E	C-E	C-E
J13	Negligent failure to complete a required EMS or fire report	A-E	B-E	C-E
J14	Left approved district without authorization	A	B	C-E
J15	Left approved district without authorization with aggravated circumstances	B-D	B-E	C-E
J16	Left assigned district to conduct personal business	A-E	B-E	C-E
J17	Left work assignment without securing proper relief	A-E	B-E	C-E
J18	Took a City vehicle without authorization	A	B-C	C-E
J19	Off duty, failed to comply with home garaging procedures	A	B	C
J20	Negligent failure to monitor and/or care for a patient	A-C	B-D	C-E
J21	Refused an assign hire	A	B	C
J22	Represented personal opinion as that of the Department	A-B	B-C	D-E
J23	Took resource out of service without approval	A	B	C-E
J24	Transported an unauthorized person in City vehicle.	V-A	A-B	C-D
J25	Transported an unauthorized person in City vehicle on emergency response	A-B	B-C	C-D
J26	Negligent release of confidential reports/records/information	A-E	B-E	D-E
J27	Intentional release of confidential reports/records/information	B-E	C-E	D-E
J28	Inappropriate self-dispatch to incident	V-B	B-C	C-D

V - Verbal Warning

C - 11–15 Day Suspension

A - Reprimand to 5 Day Suspension

D - 16–30 Day Suspension

B - 6–10 Day Suspension

E - Board Of Rights (Suspension–Termination)

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LAFD PENALTY GUIDELINES FOR SWORN MEMBERS

OCTOBER 2008

Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
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OFF-DUTY EMPLOYMENT			
K1 Conflict of interest involving off duty work activities. As defined by the City Ethics Rules.	B-D	C-E	E
K2 Worked outside employment without having an approved F-1150 on file.	V-A	B	C
PUNCTUALITY / ABSENTEEISM			
L1 Absent without leave (AWOL)	A-B	C-D	D-E
L2 Tardiness	V-A	A-B	B-C
SAFETY			
M1 Violation of safe working practices during non-emergency activities	V-B	B-C	D-E
M2 Failure to follow department training protocols	A-B	B-C	D-E
M3 Failure to utilize appropriate safety equipment	A-B	B-C	D-E
SEXUAL MISCONDUCT (NON-EEO)			
N1 Inappropriately touched another person in sexual manner.	B-D	C-E	E
N2 Committed an act of lewd conduct	B-D	C-E	E
N3 Solicited illegal sex act (off duty)	B-D	C-E	E
N4 Solicited illegal sex act (on duty)	D-E	E	E
SUPERVISORY MISCONDUCT – NON EEO			
P1 Failed to report misconduct as required	A-B	B-C	C-E
P2 Failed to process a personnel complaint in a timely manner	A-B	B-C	C-E
P3 Failure to carry out supervisory responsibilities	A-E	B-E	D-E
UNAUTHORIZED FORCE – DUTY CONNECTED			
Q1 Unnecessarily applied excessive force	A-E	B-E	C-E
Q2 Used unapproved type of physical restraints to patient	V-A	A-B	C-D

V - Verbal Warning

C - 11–15 Day Suspension

A - Reprimand to 5 Day Suspension

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OCTOBER 2008

Act of Misconduct	1 st Offense	2 nd Offense	3 rd Offense
UNBECOMING (MISCELLANEOUS)			
R1 Abuse of authority	A-D	B-E	E
R2 Brought discredit to the Department	V-C	B-D	D-E
R3 Violation of Department or City work rule or policy	A-B	B-C	C-E
R4 Improper use of the MDT/Radio frequency	V-A	B	C
R5 Improperly converted or attempted to convert an official on duty contact into a social relationship	V-B	B-C	D-E
R6 Used Department computer system for personal reasons in violation of City Policy	V-A	A-B	B-C
R7 Violated internet use policy to view pornography	A-B	C-D	D
R8 Intentionally compromised an official Fire Department investigation	C-E	D-E	E
R9 Misuse of Department prestige for personal gain	A-B	B-C	C-E
R10 Smoked tobacco product in violation of statute or Department policy	A	B-C	D-E
R11 Violation of non-tobacco use affidavit	C	D	E
UNBECOMING CONDUCT (CRIMINAL, NOT INCLUDED IN OTHER CATEGORIES)			
S1 Committed a felony *	E	E	E
S2 Committed a misdemeanor in conflict with job duties <i>—(i.e. shoplifting)</i>	A-D	D-E	E
S3 Vandalism	A-E	D-E	E
VIOLENCE – WORKPLACE OR DOMESTIC			
T1 Involved in physical altercation with Department member, or member of public.	A-C	C-D	E
T2 Threatened a member of the Department, or member of the public.	A-C	C-D	B-E
T3 Threatened a member of the Department, or member of the public with great bodily harm.	A-E	C-E	E
T4 Committed an act of domestic violence	B-E	E	E
T5 Failed to comply with a court order	A-C	D-E	E

V - Verbal Warning
C - 11–15 Day Suspension

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DISPOSITIONS

Attachment 2

Exonerated: Investigation indicates that the incident occurred, but was justified, lawful, and proper under the circumstances.

Non-Disciplinary: Investigation indicates that the incident related to the following categories: Alternative Complaint Resolution/Complaint Withdrawn or Retracted/Filed with Another Agency/Member Not Involved/Not Misconduct/Policy or Procedure/Referred to Another Bureau, Department or Agency.

Unfounded: Investigation indicates that the allegations are false.

Not Sustained: Insufficient evidence to either prove or disprove the allegations.

Sustained, Non-Punitive: Allegations are supported by a preponderance of the evidence to conclude they are true, however punitive action against the member is not warranted.

Sustained: Allegations are supported by a preponderance of the evidence to conclude they are true, and an appropriate Departmental punitive action was/will be imposed.