

| To | From |
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| | BOARD OF HARBOR COMMISSIONERS |
| | EXECUTIVE DIRECTOR |
| | DED & CHIEF FINANCIAL OFFICER |
| | CHIEF OF PUBLIC SAFETY & EMERG MGT |
| | DED - MKTG & CUSTOMER RELATIONS |
| | DED - DEVELOPMENT |
| | DED - STAKEHOLDER ENGAGEMENT |
| | SR DIRECTOR, COMMUNICATIONS |
| | SR DIRECTOR, GOVERNMENT AFFAIRS |
| | ACCOUNTING |
| | CARGO/INDUSTRIAL REAL ESTATE |
| | CARGO MARKETING |
| | CITY ATTORNEY |
| | COMMISSION OFFICE |
| | COMMUNITY RELATIONS |
| | CONSTRUCTION |
| | CONSTRUCTION & MAINTENANCE |
| | CONTRACTS & PURCHASING |
| | DEBT & TREASURY MANAGEMENT |
| | EMERGENCY MANAGEMENT |

CITY OF LOS ANGELES
HARBOR DEPARTMENT

OFFICE MEMORANDUM

October 15, 2019

| To | From |
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| | ENGINEERING |
| | ENVIRONMENTAL MANAGEMENT |
| | FINANCIAL MANAGEMENT |
| | GOODS MOVEMENT |
| | GRAPHICS |
| | HUMAN RESOURCES |
| | INFORMATION TECHNOLOGY |
| | LABOR REL & WORKFORCE DEV |
| | LEGISLATIVE AFFAIRS |
| | MANAGEMENT AUDIT |
| | MEDIA RELATIONS |
| | PLANNING & STRATEGY |
| | PORT PILOTS |
| | PORT POLICE |
| | RISK MANAGEMENT |
| | TRADE DEVELOPMENT |
| | WATERFRONT/COMM REAL ESTATE |
| | WHARFINGERS |
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SPECIAL ORDER 19-09

TO: All Port Police Personnel

SUBJECT: Modification to Policy 341 Standards of Conduct and Policy 904 Prison Rape Elimination

Effective immediately, revised Policy 341 shall be implemented and Policy 904 is cancelled. Policy 341 has been revised to provide department personnel with clarification for performance efficiencies and updated disclosure requirements based on changes to State Laws.

All staff are directed to read and be familiar with the attached policy, which will be incorporated into the Policy Manual at its next publication.

THOMAS E. GAZSI
Chief of Police

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Standards of Conduct

341.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Los Angeles Port Police and what is expected of all its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by the Los Angeles Port Police or a member's supervisors.

341.1.1 LAHD DISCIPLINARY ACTIONS GUIDE

See also the Los Angeles Harbor Department (LAHD) Employee Manual for additional information.

The Los Angeles Port Police Policy Manual augments the LAHD Employee Manual, providing more specific guidance relative to police functions and activities that may merit disciplinary action.

341.2 POLICY

The continued employment or appointment of every member of the Los Angeles Port Police shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

341.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any Los Angeles Port Police supervisor or person in a position of authority, absent a reasonable and bona fide justification.

341.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Los Angeles Port Police policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, Los Angeles Port Police policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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No member is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

341.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

341.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Naivety or ignorance of policies or procedures is not a defense for violation of policy. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

341.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient service.

341.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement, or failure to follow instructions contained in Department or City manuals.

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- (b) Disobedience of any legal directive or order issued by any Los Angeles Port Police member of a higher rank.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

341.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Los Angeles Port Police in any way that could reasonably be perceived as an attempt to gain influence or authority for non--department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts, or money contrary to the rules of Los Angeles Port Police and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

341.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Discriminating against, oppressing, or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition, or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

341.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Los Angeles Port Police.

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- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by the Los Angeles Port Police.

341.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

341.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with the Los Angeles Port Police.
 - 1. Members of the Los Angeles Port Police shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to the Los Angeles Port Police for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Los Angeles Port Police badge, uniform, identification card, or Los Angeles Port Police property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using Los Angeles Port Police resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.

341.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing, and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

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- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Loafing or failure to be attentive to police business.
- (e) Unauthorized sleeping during on-duty time or assignments.
- (f) Failure to notify the Los Angeles Port Police within 24 hours of any change in residence address, contact telephone numbers, or marital status.
- (g) Continued unacceptable work performance upon the member receiving clear direction or performance improvement plan (PIP) along with the established goals for acceptable competency.

341.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work--related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper, or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of the Los Angeles Port Police or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Los Angeles Port Police or subverts the good order, efficiency, and discipline of the Los Angeles Port Police or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on Los Angeles Port Police premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any Los Angeles Port Police equipment or system.
 - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:

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1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or, on Los Angeles Port Police property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to the Los Angeles Port Police.

341.5.9 CONDUCT

- (a) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (b) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (c) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (d) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (e) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (f) Engaging in horseplay that reasonably could result in injury or property damage.
- (g) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of the Los Angeles Port Police or the City.
- (h) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (i) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with the Los Angeles Port Police.
- (j) Unauthorized possession of, loss of, or damage to Los Angeles Port Police property or the property of others, or endangering it through carelessness or maliciousness.
- (k) Attempted or actual theft of Los Angeles Port Police property; misappropriation or misuse of public funds, property, personnel, or the services or property of others, unauthorized removal or possession of Los Angeles Port Police property or the property of another person.

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- (l) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (m) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (n) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Los Angeles Port Police, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon the Los Angeles Port Police or its members.

341.5.10 SAFETY

- (a) Failure to observe or violating Los Angeles Port Police safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

341.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

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341.6 OTHER CONTROLLING DOCUMENTS

See policy manual § 106.7 for the hierarchy of City documents.

341.7 POLICY ADMINISTRATION

Adherence to this policy is under the chain of command of the Office of the Chief of Police, Professional Standards Commanding Officer, or their authorized designee.