

Standards of Conduct

115.1 PURPOSE AND SCOPE

This policy ~~provides employees with guidelines for conduct in order that they may participate in meeting the goals of this office in serving the community.~~ ~~This policy shall apply to all sworn, general service staff, volunteer and contractor members of this office (including part-time and reserve employees).~~ ~~This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability.~~ ~~Nor shall it be construed to create or establish a higher standard of safety or care.~~ ~~A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action~~ establishes standards of conduct that are consistent with the values and mission of the San Luis Obispo County Sheriff's Office and are expected of all office 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 this office or a member's supervisors.~~

115.2 POLICY

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

~~An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of an employee being unfit for his/her position.~~

115.3 ~~CONDUCT THAT MAY RESULT IN DISCIPLINE~~ DIRECTIVES AND ORDERS

~~The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this Office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Office service:~~ Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

115.3.1 ~~ATTENDANCE~~ UNLAWFUL OR CONFLICTING ORDERS

~~Leaving the assignment during duty hours without reasonable excuse and proper permission and approval:~~

~~Unexcused or unauthorized absence or tardiness on scheduled days of work:~~

~~Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse:~~

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~~Failure to notify the Office within 24 hours of any change in residence address, home telephone number or marital status~~ Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office 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.

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.

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, office 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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

115.3.2 CONDUCT SUPERVISOR RESPONSIBILITIES

- ~~(a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.~~
- ~~(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.~~
- ~~(c) Using Office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and confidential records.~~
- ~~(d) Engaging in horseplay that results in injury or property damage or the reasonable possibility thereof.~~
- ~~(e) Unauthorized possession of, loss of, or damage to Office property or the property of others or endangering it through unreasonable carelessness or maliciousness.~~
- ~~(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.~~

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- (g) ~~Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.~~
- (h) ~~Using or disclosing one's status as an employee with the Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Office business or activity.~~
- (i) ~~The use of any confidential data, information, photograph, video or other recording obtained or accessed as a result of employment with the Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee may result in discipline under this policy.~~
- (j) ~~Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.~~
- (k) ~~Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Office.~~
- (l) ~~Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.~~
- (m) ~~Engaging in sexual abuse.~~
- (n) ~~Any history of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (28 CFR 115.17).~~
- (o) ~~Conviction or civil or administrative adjudication for engaging or attempting to engage in sexual activity that was facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent or was unable to consent or refuse (28 CFR 115.17).~~
- (p) ~~Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.~~
- (q) ~~Engaging in personal associations with inmates. In instances where the relationship existed prior to the inmate's incarceration, staff shall submit notification of such relationship in writing to their supervisor, who will notify the Facility Manager.~~
- (r) ~~Divulging home telephone numbers, addresses, e-mail addresses, work schedules or other confidential data regarding themselves or other employees to current inmates, former inmates or their families or the general public.~~
- (s) ~~Accepting gifts of any value or favors from current or former inmates or their families. Attempts on the part of a current inmate, former inmate or his/her family to send gifts or offer favors to employees or their families must be immediately reported to the employee's supervisor.~~
- (t) ~~Allowing contraband articles, including, but not limited to, weapons, clothing, food, illegal drugs, or tobacco in any jail facility.~~
- (u) ~~Receiving from an inmate any articles to deliver outside the facility.~~

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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, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

115.3.3 ~~DISCRIMINATION~~

~~Discrimination against any person because of age, race, color, creed, religion, gender, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition will not be tolerated.~~

115.3.4 ~~INTOXICANTS~~

- (a) ~~Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.~~
- (b) ~~Unauthorized possession or use of, or attempting to bring intoxicants to the work site.~~
- (c) ~~Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior authorization from a supervisor.~~
- (d) ~~Unauthorized possession or use of a controlled substance or other illegal drug.~~

115.3.5 ~~PERFORMANCE~~

- (a) ~~Sleeping during on-duty time or assignments.~~
- (b) ~~Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.~~
- (c) ~~Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.~~
- (d) ~~Concealing, attempting to conceal, removing or destroying defective or incompetent work.~~

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- (e) ~~Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.~~
- (f) ~~The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.~~
- (g) ~~Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Office or subverts the good order, efficiency and discipline of the Office or that would tend to discredit any member thereof.~~
- (h) ~~Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Office or members thereof.~~
- (i) ~~The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Office record, book, paper or document.~~
- (j) ~~Wrongfully loaning, selling, giving away or appropriating any Office property for the personal use of the employee or any unauthorized person.~~
- (k) ~~The unauthorized use of any badge, uniform, identification card or other Office equipment or property for personal gain or any other improper purpose.~~
- (l) ~~The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).~~
- (m) ~~Any knowing or negligent violation of the provisions of the Office manual, operating procedures or other written directive of an authorized supervisor that the Office has made available to the employees.~~
- (n) ~~Dishonesty, including attempted or actual theft of Office property, services or the property of others, or the unauthorized removal or possession of Office property or the property of another person.~~
- (o) ~~Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on-duty or off-duty.~~
- (p) ~~Failure to disclose or misrepresenting material facts, or the making of 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.~~
- (q) ~~Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Office practices or procedures.~~

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- (r) ~~Substantiated, active, continuing association with or membership in organized crime or criminal syndicates or a criminal gang with knowledge thereof, except as specifically directed and authorized by the Office.~~
- (s) ~~Offer or acceptance of a bribe or gratuity.~~
- (t) ~~Misappropriation or misuse of public funds.~~
- (u) ~~Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.~~
- (v) ~~Unlawful gambling or unlawful betting on Office premises or at any work site.~~
- (w) ~~Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Office.~~
- (x) ~~Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Office property or while in any way representing him/herself as a member of this Office, without the express authorization of the Sheriff.~~
- (y) ~~Engaging in political activities during assigned working hours without the express authorization of the Sheriff.~~
- (z) ~~Violating any misdemeanor or felony statute.~~
- (aa) ~~Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Office or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Office or its members.~~
- (ab) ~~Any failure or refusal of an employee to properly perform the function and duties of an assigned position.~~
- (ac) ~~Failure to maintain required and current licenses (e.g., driver license) and certifications (e.g., first aid).~~
- (ad) ~~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 Office-related business.~~

115.3.6 SAFETY

- (a) ~~Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within office facilities or to use required protective clothing or equipment.~~
- (b) ~~Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.~~

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- (c) ~~Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.~~
- (d) ~~Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.~~
- (e) ~~Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.~~
- (f) ~~Violating office safety standards or safe working practices.~~

115.3.7 SECURITY

- (a) ~~Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.~~

115.3.8 SUPERVISION RESPONSIBILITY

- (a) ~~Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this Office and the actions of all personnel comply with all laws.~~
- (b) ~~Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.~~
- (c) ~~The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.~~

115.3.9 PRISON RAPE ELIMINATION ACT (PREA) DISCLOSURE

~~Members have a continuing affirmative duty to notify the Facility Manager in writing if they have (28 CFR 115.17):~~

- (a) ~~Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 USC § 1997.~~
- (b) ~~Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.~~
- (c) ~~Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.~~

115.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS **GENERAL STANDARDS**

~~Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with this Office's Personnel Complaint Policy.~~

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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. 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.**

115.5 **POST-INVESTIGATION PROCEDURES 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 office service.**

115.5.1 **FACILITY MANAGER RESPONSIBILITIES LAWS, RULES AND ORDERS**

~~Upon receipt of any completed personnel investigation, the Undersheriff and/or Facility Manager shall review the entire investigative file, the employee's personnel file and any other relevant materials.~~

~~The Undersheriff and/or Facility Manager may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.~~

- ~~(a) Prior to forwarding recommendations to the Sheriff, the Undersheriff and/or Facility Manager may return the entire investigation to the assigned detective or supervisor for further investigation or action.~~
- ~~(b) When forwarding any written recommendation to the Sheriff, the Undersheriff and/or Facility Manager shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in office or county manuals.~~
- ~~(c) Disobedience of any legal directive or order issued by any office member of a higher rank.~~
- ~~(d) Violation of federal, state, local or administrative laws, rules or regulations.~~

115.5.2 **RESPONSIBILITIES OF THE SHERIFF ETHICS**

~~Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials.~~

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~~The Sheriff may modify any recommendation and/or may return the file to the Undersheriff and/or Facility Manager for further investigation or action.~~

~~Once the Sheriff is satisfied that no further investigation or action is required by staff, the Undersheriff shall determine the amount of discipline, if any, to be recommended.~~

~~In the event disciplinary action is recommended, the Sheriff shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or 3508.1):~~

- ~~(a) Specific charges set forth in separate counts, describing the conduct underlying each count.~~
- ~~(b) A separate recommendation of proposed discipline for each charge.~~
- ~~(c) A statement that the employee has been provided with or given access to all of the materials considered by the Sheriff in recommending the proposed discipline.~~
- ~~(d) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the Skelly notice.~~

~~Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.~~

~~If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording [Using or disclosing one's status as a member of the San Luis Obispo County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.](#)~~

- ~~(e) [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.](#)~~
- ~~(f) [The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties \(lawful subpoena fees and authorized work permits excepted\).](#)~~
- ~~(g) [Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.](#)~~
- ~~(h) [Offer or acceptance of a bribe or gratuity.](#)~~
- ~~(i) [Misappropriation or misuse of public funds, property, personnel or services.](#)~~
- ~~(j) [Any other failure to abide by the standards of ethical conduct.](#)~~

115.5.3 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) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
- (g) Failure to properly supervise a housing unit, including but not limited to, leaving assigned duty post unattended, leaving a post out of sight and/or sound of inmates or excess time away from duty post with supervisor permission.

115.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, or any other classification or status 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.

115.5.4 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 with other members, volunteers, contractors or inmates.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with an inmate or 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 this office.
- (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 this office.

115.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

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- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

115.5.6 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 this office.
- (b) Disclosing to any unauthorized person any active investigation, inmate or critical incident information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using office 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.

115.5.8 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 office record, public record, book, paper or document.
- (c) Failure to participate in investigations, 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 office-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 this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office 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:

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1. [While on office premises.](#)
 2. [At any work site, while on-duty or while in uniform, or while using any office equipment or system.](#)
 3. [Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.](#)
- (g) [Improper political activity including:](#)
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 office property, except as expressly authorized by county policy, the memorandum of understanding or contract or the Sheriff.](#)
- (h) [Engaging in political activities during assigned working hours except as expressly authorized by county policy, the memorandum of understanding or contract or the Sheriff.](#)
- (i) [Any act on- or off-duty that brings discredit to this office.](#) .

115.5.9 CONDUCT

- (a) [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.](#)
- (b) [Unreasonable and unwarranted force to a person encountered or a person under arrest.](#)
- (c) [Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.](#)
- (d) [Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.](#)
- (e) [Engaging in horseplay that reasonably could result in injury or property damage.](#)
- (f) [Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.](#)
- (g) [Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.](#)
- (h) [Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.](#)
- (i) [Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.](#)
- (j) [Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.](#)

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- (k) 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 including fraud in securing the appointment or hire.
- (l) 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 Sheriff of such action.
- (m) Allowing contraband articles including, but not limited to, weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs or tobacco in any jail facility.
- (n) Receiving from an inmate any articles to deliver outside the facility.
- (o) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members. .

115.5.10 SAFETY

- (a) Failure to observe or violating office 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, including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, 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.

115.5.11 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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115.6 **EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Sheriff has issued a written decision, the discipline shall become effective.

115.7 **RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

115.8 **POST-RESPONSE PROCEDURE**

In situations resulting in the imposition of a suspension, punitive transfer, demotion or termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative collective bargaining agreement and personnel rules.

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115.9 SECTION TITLE