

Excerpt from LAPD Manual

272. POLICY PROHIBITING RETALIATION. The Department is committed to providing an atmosphere in which employees are free from workplace harassment and retaliation of any kind. Retaliation and acts contributing to retaliation are serious misconduct. Therefore, any Department employee who engages in, sanctions or supports such activity is subject to disciplinary action, up to and including termination. Department managers, commanding officers, and supervisors will be held accountable for providing an atmosphere at work in which employees are free from retaliation. Department managers, commanding officers, and supervisors, are also accountable for subordinate employees who engage in behavior that the manager, commanding officer, or supervisor knew, or should have known, was occurring, that formally or informally punish an employee for engaging in protected activity. Retaliation is defined as an adverse employment action taken against an employee for engaging in protected activity. An adverse employment action includes an action that would cause a reasonable employee to be deterred from engaging in a protected activity or an action in direct response to an employee engaging in a protected activity. Adverse employment actions may include, but are not limited to, negative performance evaluations, negative Employee Comment Sheets, the imposition of discipline, denial of a paygrade advancement, coveted assignment or promotional opportunity, or change of assignment.

Protected activities include:

- Opposing reporting, or participating in any claim, lawsuit, or investigation concerning unlawful discrimination or sexual harassment;
- Filing a grievance or participating in any unfair labor complaint;
- Taking advantage of any labor right or benefit such as using sick or family leave, seeking compensation for overtime worked, or filing an objectively valid work-related claim for damages;
- Reporting misconduct of another Department or City employee to the Office of the Inspector General, or any Department or governmental entity; or,
- Supporting, assisting or cooperating in a misconduct investigation.

Employee's Responsibilities. Any employee who reasonably believes that he or she has been the subject of retaliation as defined above must report it without delay.

Employees may contact any Department supervisor, the Ombuds Office; Workplace

Investigations Section, Internal Affairs Group; Legal Affairs Division; or the Office of the Inspector General. It is the duty of Department managers, commanding officers and supervisors to monitor the workplace to prevent retaliation from occurring, identify and stop retaliation when it occurs, take allegations of retaliation seriously and encourage employees to come forward without delay to report retaliation.

Note: Taking employment action against an employee that is justified on merit does not constitute retaliation forbidden by law or Department policy. Therefore, all Department managers and supervisors must ensure that employment actions are appropriate and not motivated by or in response to an employee engaging in protected activity. The Commanding Officer, Legal Affairs Division, is responsible for providing support and guidance to Department managers and commanding officers after a complaint of retaliation has occurred in their command.

272.10 PROHIBITED ACTS THAT CONTRIBUTE TO RETALIATION. All Department employees are prohibited from engaging in any act or incident of retaliation in the workplace. Employees shall not target another employee in response to such employee engaging in any protected activity as defined in Manual Section 1/272. Any employee who becomes aware of such conduct shall immediately report the misconduct to a supervisor and/or directly to Internal Affairs Group, in accordance with Manual Section 3/813.05.

Prohibited behavior may include, but is not limited to:

- Refusing to provide or intentionally delaying response to a request for assistance or back up;
- Creating a dangerous working environment;
- Ostracizing employees for participating in an investigation; and/or,
- Spreading rumors impugning the character or reputation of a complainant or an accused.

273. PROTECTION FROM RETALIATION FOR PROVIDING INFORMATION TO THE INSPECTOR GENERAL. It is the policy of the Department that employees are free to contact the Inspector General or respond to queries from the Inspector General without having to fear that their employment might be adversely affected. An employee's contact with the Inspector General may play no role in any future employment action towards the individual by the Department. Retaliation by adverse employment action or harassment against employees who provide information to the Inspector General is an intolerable violation of Department policy and undermines the effectiveness of oversight efforts of the Inspector General by threatening the continued flow of information. However, the protections of this section shall not apply when the contact was made or the

information was disclosed with knowledge that it was false or with willful disregard for its truth or falsity. The Board, the Inspector General and all Department supervisors shall be vigilant in protecting from reprisal or threat of reprisal any individual who discloses any information to the Inspector General.

In the event the Inspector General concludes that there is reason to believe retaliation against an individual has occurred, the Inspector General shall:

- Conduct an investigation and forward the findings to the Police Commission upon completion; and,
- Promptly forward a personnel complaint (except a complaint of misconduct regarding the Chief of Police) to the Commanding Officer, Internal Affairs Group, or promptly request the Board to make a determination on whether a notice to the Internal Affairs Group should be delayed.

275. HAZING AND INITIATION ACTIVITIES. The Los Angeles Police Department recruits and selects only the most qualified applicants. Appointment to this Department is based on qualifications not requiring "rites of passage," such as hazing or initiation.

Since hazing is harassment by way of initiation, it is misconduct which violates Department policy and will not be tolerated. Hazing includes any activity related to initiation which causes, or is likely to cause physical harm, personal degradation, ridicule, criticism, or mental anguish.

Hazing not only exposes the City, the Department, and involved employees to civil liability, but also lowers morale, increases job stress, and negatively impacts the overall effectiveness of Department operations. Of utmost importance is that employees treat one another with respect and courtesy. Individual dignity is an integral part of the Department's management philosophy and must be practiced by everyone.

Employees shall conduct themselves in a manner that will foster the greatest harmony and cooperation between themselves and other members of the Department.

Department employees are expected to act in a manner that cultivates and maintains a healthy and productive environment.

Personnel who become aware of hazing/initiation activity by Department personnel shall take immediate action to stop the activity and report the incident.