



Dear Legally Liz,

I understand that the Los Angeles City Ethics Commission has taken enforcement action against sworn employees of the Los Angeles Police Department for alleged misuse of City resources and disclosure of confidential information. Is such action by the Ethics Commission legally permissible?

Sincerely,
Officer Lee K. Taype

Dear Officer Taype,

The Los Angeles City Ethics Commission is authorized by the Los Angeles City Charter, Los Angeles Administrative Code and Los Angeles Municipal Code Section to investigate and take enforcement action for violation of the Charter or City ordinances relating to campaign finance, lobbying, conflicts of interest or governmental ethics. According to Los Angeles Municipal Code Section 49.5.3, a current or former City employee shall not misuse or disclose confidential information, nor are employees permitted to use their positions to create a private advantage under Municipal Code Section 49.5.5. Following investigation, accusation and hearing, the Ethics Commission is authorized to impose monetary penalties and can subject employees who violate ethics rules to administrative discipline by his or her appointing authority which shall be administered in accordance with procedures prescribed by law or established by City policy. (Municipal Code Section 49.5.16 E).

The Los Angeles Police Protective League believes that such investigative and enforcement action by the Ethics Commission against League-represented members raises serious issues regarding the rights and protections of officers. Specifically, the League contends that investigatory action by the Ethics Commission violates the Public Safety Officers Procedural Bill of Rights Act if it does not comply with Government Code Section 3303 during an interview with the officer that could lead to referral to the Los Angeles Police Department for disciplinary action. Furthermore, the Ethics Commission's authority to issue subpoenas respecting confidential peace officer information and convening of public hearing involving confidential personnel information violates statutory peace officer confidentiality under Penal Code Section 832.5 et seq. and Evidence Code Section 1043 et seq.

In addition, significant issues arise during enforcement action by the Ethics Commission against officers in those cases where its investigation is not completed within one year of the date of discovery of the alleged misconduct in violation of Government Code Section 3304(d) of the Bill of Rights Act, as well raises legal controversy in those cases where an employee is prosecuted by the Ethics Commission/City for the same misconduct of which the employee had previously been exonerated by the Los Angeles Police Department/City or where the charges/allegations were otherwise not sustained by the Department. There is also no notice to employees represented by the League that they could be subjected to fines by the Ethics Commission independent of discipline by the Department.

The League is committed to taking appropriate legal action on behalf of its membership to enforce all applicable rights and protections.

Legally,
Liz

Names have been changed to protect privacy. Send your anonymous questions to LegallyLiz@lappl.org.