

# TRAINING



# BULLETIN

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Index Number: V-T Discipline Policy Appendix  
Alpha Index: Discipline Matrix

Evaluation Coordinator: IAD Commander  
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*“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”*

## DISCIPLINE POLICY APPENDIX

### DISCIPLINE MATRIX

The Department discipline policy and this accompanying discipline matrix represent the Department's values and current industry standards. The matrix is designed to set the highest penalties on those actions most afoul of our values.

The objective of the Discipline Matrix is to ensure fair and consistent implementation of discipline within the Oakland Police Department. In addition, the Discipline Matrix, associated policies and resulting disciplinary decisions shall reflect contemporary industry standards for progressive discipline.



## Discipline Matrix, Index Number V-T Appendix

MOR / Class	Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
<b>234.00-1</b>	COMMANDING OFFICERS - AUTHORITY AND RESPONSIBILITIES (Gross dereliction of duty) <i>Includes all of the 234.00 subsections</i>	<b>S5-T</b>	<b>S30-T</b>	<b>T</b>
<b>234.00-2</b>	COMMANDING OFFICERS - AUTHORITY AND RESPONSIBILITIES <i>Includes all of the 234.00 subsections</i>	<b>C-S5</b>	<b>S2-D</b>	<b>S2-T</b>
<b>285.00-1</b>	SUPERVISORS - AUTHORITY AND RESPONSIBILITIES (Gross dereliction of duty) <i>Includes all of the 285.00 subsections except 285.90</i>	<b>S5-T</b>	<b>S30-T</b>	<b>T</b>
<b>285.00-2</b>	SUPERVISORS - AUTHORITY AND RESPONSIBILITIES <i>Includes all of the 285.00 subsections except 285.90</i>	<b>C-S5</b>	<b>S2-D</b>	<b>S2-T</b>
<b>314.03-2</b>	GENERAL CONDUCT	<b>C-S3</b>	<b>WR-S5</b>	<b>S5-S30</b>
<b>314.04-1</b>	CONDUCT TOWARD OTHERS - HARASSMENT AND DISCRIMINATION	<b>S30-T</b>	<b>T</b>	
<b>314.04-2</b>	CONDUCT TOWARD OTHERS – UNPROFESSIONAL CONDUCT IN VIOLATION OF AI 71	<b>C-S30</b>	<b>WR-S30</b>	<b>S30-T</b>
<b>314.05-1</b>	CONDUCT TOWARD OTHERS - WORKPLACE VIOLENCE	<b>S5-T</b>	<b>T</b>	
<b>314.07-2</b>	CONDUCT TOWARD OTHERS – DEMEANOR	<b>C-S3</b>	<b>WR-S5</b>	<b>S5-S30</b>
<b>314.08-2</b>	CONDUCT TOWARD OTHERS-RELATIONSHIPS	<b>S2-S5</b>	<b>S3-S10</b>	<b>S10-S30</b>
<b>314.15-1</b>	ASSISTANCE	<b>S30-T</b>	<b>T</b>	<b>-</b>
<b>314.21-2</b>	SPECIAL ASSIGNMENTS	<b>C-S3</b>	<b>S3-S30</b>	<b>S5-T</b>
<b>314.24-2</b>	AVAILABILITY–OFF DUTY MEMBERS	<b>C-S2</b>	<b>WR-S3</b>	<b>S3-S30</b>
<b>314.27-2</b>	PEACE OFFICER STATUS	<b>C-S2</b>	<b>WR-S3</b>	<b>S3-S30</b>
<b>314.28-1</b>	NOTIFICATION - CRIMINAL	<b>S2-T</b>	<b>T</b>	
<b>314.28-2</b>	NOTIFICATION - CIVIL	<b>C-S2</b>	<b>S2-S5</b>	<b>S5-S30</b>
<b>314.30-1</b>	INSUBORDINATION - FAILURE OR REFUSAL TO OBEY A LAWFUL ORDER	<b>S3-T</b>	<b>S10-T</b>	<b>T</b>
<b>314.32-2</b>	INSUBORDINATION - DISRESPECT	<b>C-S5</b>	<b>S5-S10</b>	<b>S10-S30</b>
<b>314.38-1</b>	OBSTRUCTING THE INTERNAL AFFAIRS PROCESS	<b>C-T</b>	<b>S3-T</b>	<b>S10-T</b>
<b>314.39-1</b>	PERFORMANCE OF DUTY – INTENTIONAL SEARCH, SEIZURE, OR ARREST	<b>T</b>		
<b>314.39-2</b>	PERFORMANCE OF DUTY – UNINTENTIONAL/IMPROPER SEARCH, SEIZURE, OR ARREST	<b>C-S3</b>	<b>S3-S10</b>	<b>S10-S30</b>
<b>314.39-1</b>	PERFORMANCE OF DUTY – PLANTING EVIDENCE	<b>T</b>		
<b>314.39-1</b>	PERFORMANCE OF DUTY – MIRANDA VIOLATION	<b>S2-T</b>	<b>S5-T</b>	<b>S10-T</b>
<b>314.39-2</b>	PERFORMANCE OF DUTY - GENERAL	<b>C-S2</b>	<b>WR-S5</b>	<b>S3-S30</b>
<b>314.39-2</b>	PERFORMANCE OF DUTY – PERSONAL DIGITAL RECORDING DEVICE (PDRD)	<b>WR-S5</b>	<b>S2-S10</b>	<b>S10-S30</b>
<b>314.39-2</b>	PERFORMANCE OF DUTY – CARE OF PROPERTY	<b>C-S2</b>	<b>WR-S5</b>	<b>S5-S30</b>
<b>314.42-1</b>	OBEDIENCE TO LAWS – FELONY/SERIOUS MISDEMEANOR	<b>S2-T</b>	<b>T</b>	
<b>314.42-1</b>	OBEDIENCE TO LAWS – DRIVING UNDER THE INFLUENCE	<b>S10-T<sup>1</sup></b>	<b>T</b>	
<b>314.42-2</b>	OBEDIENCE TO LAWS – MISDEMEANOR/INFRACTION	<b>C-S2</b>	<b>S2-S10</b>	<b>S10-S30</b>

<sup>1</sup> Discipline will be held in abeyance if an approved wellness program is completed.



MOR / Class	Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
314.48-1	REPORTING VIOLATIONS –FAILURE TO REPORT MISCONDUCT WHEN REQUIRED	C-T	S15-T	T
314.49-1	CONFIDENTIAL REPORTING OF MISCONDUCT	S10-T	T	
314.51-2	CRITICISM	C-S3	WR-S3	S3-S30
314.69-1	GIFTS, GRATUITIES - SOLICITING OR ACCEPTING	C-T	S10-T	T
314.70-1	USE OF PRIVILEGED INFORMATION	S10-T	T	
314.72-2	TRANSACTIONS	C-S5	S5-S15	T
314.73-1	OTHER TRANSACTIONS	S5-T	T	
314.74-2	CONFLICT OF INTEREST	C-S3	WR-S3	S3-S30
314.75-1	REWARDS	S2-T	S10-T	S30-T
314.84-2	DEBTS - INCURRING AND PAYMENT	C-S2	S2-S5	S5-S30
328.07-1	PROHIBITED ACTIVITY ON DUTY-SEXUAL ACTIVITY	S2-T	T	
328.07-2	PROHIBITED ACTIVITY ON DUTY	C-S2	S2-S5	S5-S30
328.14-2	LOITERING	C-S2	S2-S5	S5-S30
328.28-2	TARDINESS	C-S2	WR-S3	S3-S30
328.35-2	RELIEF	C-S2	S2-S10	S10-S30
328.49-2	ABSENCE FROM DUTY	C-S3	WR-S6	S6-S30
328.53-1	FALSE REPORTING OF ILLNESS OR INJURY	S30-T	T	
328.56-2	PHYSICAL FITNESS FOR DUTY	C-S2	WR-S3	S3-S30
328.63-1	CONSUMPTION OF INTOXICANTS	S2-T	T	
328.70-2	INTOXICANTS ON DEPARTMENTAL PREMISES	C-S2	S2-S5	S5-S30
328.77-2	USE OF TOBACCO PRODUCTS WHILE ON DUTY	C-S2	WR-S3	S3-S30
328.84-2	POSSESSION OF KEYS	C-S2	WR-S3	S3-S30
328.91-2	ADDRESS AND TELEPHONE NUMBERS	C-S2	WR-S3	S3-S30
342.00-1	DEPARTMENT PROPERTY AND EQUIPMENT–COLLISION W/ GROSS NEGLIGENCE	S3-T	S15-T	T
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – PREVENTABLE COLLISION	C-S3	WR-S3	S3-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – IMPROPER USE/CARE/FAILURE TO CARRY	C-S3	WR-S3	S3-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – MISAPPROPRIATION/MISUSE	C-S3	S3-S10	S10-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – LOSS/DAMAGE	C-S3	S3-S10	S10-S30
342.00-2	DEPARTMENT PROPERTY AND EQUIPMENT – SECURING WEAPONS	C-S3	S2-S5	S5-S30
342.19-2	DAMAGED, INOPERATIVE PROPERTY OR EQUIPMENT	C-S2	WR-S3	S3-S30
342.57-2	CARE OF CITY OR DEPARTMENT BUILDINGS	C-S2	WR-S5	S5-S30
342.76-2	NOTICES	C-S2	WR-S3	S3-S30
342.95-2	USE OF DEPARTMENT VEHICLES	C-S2	WR-S3	S3-S30
342.96-2	DEPARTMENTAL INSIGNIA	C-S2	WR-S3	S3-S30
356.20-2	CORRESPONDENCE	C-S2	S2-S5	S5-S30
356.30-1	ACCESSING INAPPROPRIATE WEBSITES	S3-T	S5-T	T



## Discipline Matrix, Index Number V-T Appendix

MOR / Class	Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
356.35-2	ELECTRONIC MESSAGING	C-S2	WR-S3	S3-S30
356.40-2	FORWARDING COMMUNICATIONS	C-S2	WR-S3	S3-S30
356.60-2	PRIVATE USE OF DEPARTMENT ADDRESS	C-S2	WR-S3	S3-S30
356.80-2	TELEPHONES	C-S2	WR-S3	S3-S30
356.89-1	IMPROPER DISSEMINATION OF INFORMATION	C-T	T	
356.90-1	UNAUTHORIZED USE OF ELECTRONIC SYSTEMS	C-T	T	
370.09-2	IDENTIFICATION AS POLICE OFFICER	C-S2	WR-S3	S3-S30
370.10-1	IDENTIFICATION OF UNDERCOVER OFFICER	T		
370.27-1	USE OF PHYSICAL FORCE - LEVEL 1 - 4	C-T	S3-T	T
370.36-1	CUSTODY OF PRISONERS – TREATMENT & MAINTAINING CONTROL	C-T	S5-T	S10-T
370.45-1	REPORTS AND BOOKINGS	T		
370.63-1	SECURITY OF DEPARTMENTAL BUSINESS	C-T	S5-T	T
370.72-1	COMPROMISING CRIMINAL CASES	T		
370.81-1	ASSISTING CRIMINALS	T		
370.90-1	ENDORSEMENTS AND REFERRALS – FEE IS EXCHANGED	T		
370.90-2	ENDORSEMENTS AND REFERRALS – NO FEE IS EXCHANGED	C-S2	WR-S3	S3-S30
384.28-2	COMMERCIAL TESTIMONIALS	C-S2	WR-S3	S3-S30
384.32-2	POLITICAL ACTIVITY	C-S2	S2-S5	S5-S30
384.56-2	MEMBERSHIP IN ORGANIZATIONS	C-S2	WR-S3	S3-S30
384.70-1	SUBVERSIVE ORGANIZATION	T		
384.98-1	PERSONAL PREFERMENT	C-T	S2-T	S10-T
398.16-2	COURT APPEARANCES	C-S30	S3-T	T
398.32-2	NOTIFICATION OF SUBPOENA TO TESTIFY FOR THE DEFENSE	C-S2	WR-S3	S3-S30
398.48-1	REFUSAL TO TESTIFY	T		
398.70-1	INTERFERING WITH INVESTIGATIONS	T		
398.73-1	RETALIATION	T		
398.74-1	RETALIATION, ACCOUNTABILITY - SUPERVISORS	S30-T	T	
398.76-1	REFUSAL TO ACCEPT OR REFER A COMPLAINT (INTENTIONAL)	S5-T	T	
398.76-2	FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	C-S5	S2-S5	S5-S30
398.77-1	REFUSAL TO PROVIDE NAME OR SERIAL NUMBER	S3-T	S30-T	T
398.80-1	TRUTHFULNESS	T		
398.96-2	CIVIL CASES	C-S2	S2-S5	S5-S30