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## Article 4. Peace Officer Certification.

### 1213. Suspension of Peace Officer Certification.

11 CA ADC § 1213

- (a) Any peace officer who has been certified in the State of California by the commission may have their certification suspended or revoked if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, engaged in serious misconduct.
- (b) In cases where the board determines the facts and circumstances revealed by the investigation may warrant a sanction other than revocation, it may recommend a suspension for a period of time.
- (c) In considering whether to take action against a peace officer's certification, and in considering whether a revocation, suspension, or some other action is appropriate in light of the facts of the particular case, the Commission may consider any of the following factors:
  - (1) The nature and severity of the act or omission.
  - (2) The circumstances surrounding the conduct and the extent to which the act or omission caused any actual or potential harm to or impact upon the victim, the public, other peace officers, the employing agency, or the law enforcement profession.
  - (3) Whether the involved peace officer is currently employed as a peace officer.
  - (4) Whether the alleged conduct was committed under the color of authority or while person was acting in the capacity of a peace officer.
  - (5) The peace officer's prior conduct, discipline and service record, and any prior instances of misconduct.
  - (6) The proximity or remoteness in time since the conduct occurred.
  - (7) Any mitigating or aggravating factors and/or evidence of rehabilitation.
  - (8) The degree of accountability and cooperation with the investigation evidenced by the peace officer.
  - (9) The extent to which discipline, or forbearance from discipline, would impact the best interests of the public, the public service, the employing agency, and/or the law enforcement profession.

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- (10) The praiseworthiness or blameworthiness of the motives of the peace officer that resulted in the conduct.
  - (11) Consistency of the penalty with those imposed upon other peace officers for the same or similar offense.
  - (12) The clarity with which the employee was on notice of any rules that were violated in committing the offense.
  - (13) The extent to which the act or omission was done intentionally, willfully, or maliciously.
  - (14) The likelihood of recurrence.
  - (15) Any other aggravating or mitigating factors relevant to the board or Commission's determination.
- (d) A suspension shall not exceed three years.
- (e) A peace officer whose certification has been suspended may not be assigned duties which include the exercise of peace officer powers.

Note: Authority cited: Sections 13510.1, 13510.85, Penal Code. Reference: Sections 13510.1, 13510.85, Penal Code.