3-01/050.83 - Prohibited Cliques: Employee Groups Which Violate Rights of Other Employees or Members of the Public

PURPOSE

Building and preserving trust between the community and law enforcement is crucial to effectively maintaining Department operations, reducing crime, and ensuring the safety of the County's residents. Participation in prohibited cliques undermines the objectives of law enforcement, harms morale, creates a negative perception of the Department, and increases the risk of civil liability to the Department and its members.

Department members who participate in prohibited cliques may fail to properly report misconduct by other members of the prohibited clique, resulting in the Department being unable to properly address improper behavior such as but not limited to unreported patterns of misbehavior, overtime abuse, or favoritism. Members of prohibited cliques may prioritize the interests of the prohibited clique above those of the Department, leading to a lack of accountability. Such misplaced priorities can lead to an atmosphere where misconduct is inappropriately tolerated.

Prohibited cliques also create an environment where there are informal command structures that result in improper decision-making and a departure from merit-based policing. The informal command structure of prohibited cliques weakens the Department’s chain of command, the Department’s ability to ensure the uniform enforcement of its rules and the law, and a perception that adherence to the expectations of the prohibited clique is more important than compliance with the Department’s rules.

Participation in prohibited cliques damages community trust in the Department, discourages community members from working with law enforcement, and discourages residents from seeking help from the Department.

Definitions

A "prohibited clique" is defined as an exclusionary subgroup of Department members who engage in activities that adversely affect the employment of Department members or the rights of others in violation of Department or County policy for the benefit of the clique or its members. Such prohibited groups often use an associated symbol or tattoo.

As used in this definition, "rights" include constitutional rights, those rights held under California law, rights under the memoranda of understanding and other agreements between the County and the labor organizations representing members, the right to a safe workplace, and the right to be free from illegal discrimination and harassment.

“Participation” in a prohibited clique shall mean active and direct involvement in, or coordination or facilitation of, any prohibited clique activity. *See* Penal Code Section 13680 (e)

Policy

Department members shall not participate in, or solicit others to participate in, or join a prohibited clique. Department members shall not engage in activities, in association with a prohibited clique, that adversely

affect the rights of employment of other Department members or the rights of others. This policy does not prohibit constitutionally protected behavior including, but not limited to, the right to engage in lawful association, expression, and speech.

If any alleged violations of this policy involve criminal allegations, the matter may be referred to the appropriate prosecutorial office.

In addition to conducting its own investigations of alleged prohibited cliques, the Department shall cooperate with the Office of the Inspector General, the California Attorney General, and/or any other authorized agency investigating the existence or the potential existence of such organizations within the Department. Employees are required as a condition of employment to participate in these investigations, answer questions, and do so honestly.

Investigations by any County agencies shall comply with the County's Employment Relations Ordinance, the Meyers-Milias-Brown Act, and California Government Code Section 3300 et seq., if applicable.