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TRAINING BULLETIN

OFFICERS ON UNPAID, RELIEVED-OF-DUTY STATUS MAY BE DISCIPLINED FOR VIOLATING RULES OF CONDUCT

By: Michael P. Stone, Esq. and Muna Busailah, Esq.

On September 29, 2015, the California Court of Appeal issued its opinion in the case of *Negron v. Los Angeles County Civ. Serv. Comm. (Negron)* (Case No. B258031). The main issue before the Court was whether an officer may be disciplined for violating rules of conduct while on unpaid, relieved-of-duty status. The Court ruled that the Los Angeles County Sheriff's Department may terminate a deputy for misconduct while on relieved-of-duty status and distinguished the case from the Supreme Court's decision in *Garvin v. Chambers* (1924) 195 Cal. 212.

The underlying case involved Deputy Sheriff Negron (Negron) who was arrested for driving under the influence on January 26, 2011. At the time of Negron's arrest, he was on relieved-of-duty status and was not required to report to work. CHP Officer Escalera stopped Negron after

observing him driving erratically at an excessive speed. Officer Escalera ran a check on the Negron's vehicle and learned it was registered to a sheriff's deputy and that the registration had expired in 2009. Officer Escalera asked Negron to produce identification and Negron told him that he was not carrying any form of identification. Officer Escalera observed a sheriff's deputy uniform in the back seat of the vehicle with Negron's name on the nametag. Negron refused to confirm his status as a deputy sheriff and his agency's phone number when asked. Officer Escalera placed Negron under arrest for driving under the influence, confiscated his driver's license, and issued a driver's license suspension and a 30-day temporary license that expired on February 26, 2011.

On March 25, 2011, Negron drove (while on a driver's license suspension) to the Newhall

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