



CLOSED CASE SUMMARY

ISSUED DATE: JULY 20, 2018

CASE NUMBER: 2018OPA-0084

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 14. Employees Obey any Lawful Order Issued by a Superior Officer	Not Sustained (Training Referral)
# 2	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Training Referral)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that NE#1 failed to attend a scheduled OPA interview, which was in potential violation of Department policies.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 14. Employees Obey any Lawful Order Issued by a Superior Officer

SPD Policy 5.001-POL-14 requires that employees obey any lawful order issued by a superior officer. The failure to do so is treated as insubordination and is a serious violation of policy. (See SPD Policy 5.001-POL-14.) Named Employee #1 (NE#1) received a Sworn Employee In-Person Interview Notification scheduling him to appear for an OPA interview on January 22, 2018. This notification was issued under the authority of the Chief of Police and was a direct lawful order requiring NE#1 to appear for the interview.

NE#1 admittedly did not do so. He explained to OPA that this failure was not intentional, but that he had another event that he had previously scheduled for that same date. On the date of his OPA interview he attended that other event and, as such, was not present for the interview.

When NE#1 did not appear at his OPA interview, he acted contrary to a direct lawful order from a superior officer and, by doing so, violated this policy. However, given that this is NE#1’s first time failing to attend an OPA interview and given that I believe, based on NE#1’s assertions, that this was a mistake rather than intentional misconduct, I do not recommend that he receive a Sustained finding. Instead, I recommend that he receive the below Training Referral.

- **Training Referral:** NE#1 should receive counseling from his chain of command regarding his failure to attend his OPA interview in this case. NE#1 should be reminded that it is his responsibility to read the Interview



Notification and to manage his calendar to ensure that he attends interviews on the dates he is ordered to appear. NE#1 should be informed that future unauthorized failures to attend a scheduled OPA interview will likely result in a Sustained finding. This counseling should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

There are multiple SPD policies that apply to this situation. Notable among these are: SPD Policy 5.001-POL-14, which is discussed above; SPD Policy 5.002-POL-10, which concerns the professionalism of officers; and SPD Policy 5.002-POL-11, which requires that employees comply with Department internal investigations.

It is undisputed that NE#1 failed to attend a mandatory OPA interview. This constituted a violation of Department policies. As discussed above, I credit NE#1's account that his not attending the interview was a mistake. I counsel him to ensure that this mistake is not repeated and, instead of a Sustained finding, I refer to the above Training Referral.

Recommended Finding: **Not Sustained (Training Referral)**