



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 9, 2020

CASE NUMBER: 2019OPA-0739

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer	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 the Named Employee violated policy when he did not attend a scheduled OPA interview.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer

SPD Policy 5.001-POL-15 requires that Department 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-15.)

On October 1, 2019, Named Employee #1 (NE#1) received a Sworn Employee In-Person Interview Notification scheduling him to appear for an OPA interview on October 8, 2019. 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 failed to attend that interview. As a result, this subsequent investigation was initiated.

At his OPA interview, NE#1 stated that he did not intentionally fail to appear at his OPA interview and that he made a mistake by not showing up. NE#1 explained that he had been off work for more than six months and had been getting back into the swing of things when he missed his OPA interview. He made clear that he did not take his OPA interview and missing that interview lightly.

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, 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 ensure that he attends OPA 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)**