



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 6, 2018

CASE NUMBER: 2018OPA-0171

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)

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 failed to attend a scheduled OPA interview, which was in potential violation of Department policy.

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 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-14.) Named Employee #1 (NE#1) received a Sworn Employee In-Person Interview Notification scheduling her to appear for an OPA interview on February 21, 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 and also failed to coordinate finding a Guild representative, which was also her responsibility. She explained that while she recalled receiving and reading the email from OPA concerning the scheduling of her interview, she then “spaced” and “forgot about the interview.” She contended that her failure was not intentional. She further stated the following: “it’s completely not like me to forget about interviews such as this. I realize that they are greatly important and I regret not making it even more important than it was, and it will not happen again.”

When NE#1 did not appear at her OPA interview, she 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, that she regrets this error sincerely, and that she will not miss an OPA interview in the future, I do not recommend that she receive a Sustained finding. Instead, I recommend that she receive the below Training Referral.



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- **Training Referral:** NE#1 should receive counseling from her chain of command regarding her failure to attend her OPA interview in this case. NE#1 should be reminded that it is her responsibility to read the Interview Notification and to manage her calendar to ensure that she attends interviews on the dates she 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)**