



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 8, 2019

CASE NUMBER: 2018OPA-0643

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 Department policy when she failed to appear at an 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-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.) On June 29, 2018, Named Employee #1 (NE#1) received a Sworn Employee In-Person Interview Notification scheduling her to appear for an OPA interview on July 13, 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 failed to attend that interview.

At her OPA interview, NE#1 stated that, on the date of her scheduled OPA interview, she was serving a disciplinary suspension relating to another OPA case. She told OPA that she likely checked her email during her shift on July 2, 2018, which indicated that she saw the email setting her OPA interview. She contended that she missed the interview because she was upset about her suspension in the other case. She further told OPA that she had been suffering from depression and memory deficits, which may have contributed, at least in part, to her missing the interview. NE#1 stated that, since this incident, she is in a better mental state. She further explained that she is now more careful to check and respond to emails each shift.

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, I do not recommend that she receive a Sustained finding. Instead, I recommend that she receive the below Training Referral.

- **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 ensure that she attends OPA 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)**