

San Jose Police Communications
Basic Dispatch Academy

NEGLIGENT PERFORMANCE

POST Learning Domain #101

2 Hours

- I. Introduction
 - a. Class Objectives
 - i. To define the term Negligent Performance
 - ii. Possible consequences as a result of negligent performance
 - iii. To identify methods to avoid negligent performance
 - iv. Reduce exposure to liability
 - v. To identify resources available if discipline or lawsuit happens
 - vi. The City Attorneys Office
- II. Definitions
 - a. Negligence
 - b. Negligent Performance
 - c. Good Faith
 - d. Prudent
 - e. Omission
 - f. Errors
 - g. Reasonable Person
- III. Negligence
 - a. Simplified
 - b. Levels
 - i. Mistake
 - ii. Reckless Negligence
 - iii. Gross Negligence
 - iv. Willful Negligence
 - c. Common Issues
 - i. Call Taking – Hang Up Scenarios
 - ii. Call Taking – Transferring Scenarios
 - d. Assumptions
 - e. Videos
 - i. Dispatcher Mistakes
 - ii. Social Media
- IV. Basic rules for dispatchers
 - a. 3 rules
 - i. Don't promise what can't or won't be delivered
 - ii. Always verify the location with the reporting party
 - iii. Use care to avoid increasing the risk to the reporting party
 - b. 2 more rules
 - i. Don't cut corners
 - ii. CYA
- V. Government Code Sections
 - a. Government Code 820.2
 - b. Government Code 820.4

- c. Course & Scope of Employment
 - d. Murphy's Law
- VI. Administrative Investigation
 - a. Internal Affairs versus Chain of Command
 - b. The Investigation
 - c. Performance Standards
 - d. Discipline
 - i. Informal Discipline
 - 1. Training
 - 2. Informal counseling
 - 3. Documented Oral Counseling
 - 4. Letter of reprimand
 - ii. Formal Discipline
 - 1. Suspension
 - 2. Salary step reduction
 - 3. Demotion
 - 4. Termination
 - e. Civil Repercussions
 - i. Liability
 - 1. 42 USC 1983
 - 2. Vicarious Liability
 - 3. How to reduce exposure to liability
 - 4. Tips for call takers
 - 5. Importance of training
 - f. Available Resources
 - i. Union representative
 - ii. Personal attorney
 - iii. City attorney
 - g. Skelly Disciplinary Process
- VII. Review
 - a. Rules for dispatchers
 - b. Forms of discipline
 - c. Reduce exposure to liability