

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