



March 27, 2012

To: David Lovrak, LESA Communications Officer  
From: Diana Lock, LESA Assistant Director *DMLock*  
Subject: Written Reprimand

I have thoroughly reviewed incident #12-0360442, a call placed by an employee of Foster Care Resource Network reporting a visitation violation on February 5, 2012. In addition I have reviewed LESA policies and procedures as they pertain to this incident. I held a fact-finding with you on February 27, 2012. Present also was Teamsters 117 Business Agent Mark Manning.

You answered a 911 call from an employee of Foster Care Resource Network at 12:06:35 hours on February 5, 2012. The caller reported that she had brought two (2) children to this residence; the father had let the children inside his residence and then closed and locked the door without allowing the caller to also enter. The caller stated that this was a supervised visit and the father knew that it was supposed to be supervised. You asked the caller for the address several times and she was able to provide it after 1 minute and 43 seconds. A call for service was entered in CAD at 12:13:20.

During the fact-finding you stated that you knew your responsibility was to gather an accurate location and enter a call for service so that field units could be dispatched. The caller told you that she had an address for the location. You stated that you chose not to use Lat/Lon technology due to its inherent flaws and that the caller told you she had an address. Phase II technology, at this point in time, is hit or miss with the many variables. It can be extremely accurate or can point to an address blocks or miles away. For this reason Lat/Lon location is used as a last resort when no other address/location is available to the call taker. The State E911 Program Office ran a campaign last year focused on "Know Your Location" for cellular callers. It was intended to educate cellular callers to be aware of their location when calling 911. Inaccurate Phase II Lat/Lon data is not an issue specific to LESA, it is a state-wide concern.

There was quite a bit of confusion on your part during this phone call as to the supervised visit itself; who was visiting, who was supervising, and how the caller fit in the equation. During the fact-finding you said that you were indeed confused and at first thought that the caller was the mother of the children. You said that you regretted sounding contentious when you said "You can't supervise yourself". You stated that in order to better understand the situation you should have said "I'm confused about your relationship with these children and their father – can you clarify that for me".

I asked you about the smell of gasoline and the statement made by the caller "I'd like to pull out of the driveway because I smell gasoline". You stated that when the caller told you she smelled gas, you assumed it was from the fumes of her own idling vehicle. You further stated that you wished you had queried her further. You said that you have learned from this call to be more attentive to every caller and listen carefully to what they are saying and assuming nothing.

There was concern over the way you answered the caller's question "How long will it be" to which you answered "I don't know ma'am, they have to respond to emergencies – life threatening situations first". In the fact-finding you stated that you should have responded "we'll have the first available officer contact you".

In reviewing the call there appeared to be many red flags that were stated by the caller. When asked about this in the fact-finding you responded that custodial interference calls typically have heightened emotions and feel like emergencies to the person making the 911 call. You further stated that you wished you had known who Josh Powell was.

### **POLICIES VIOLATED**

LESA Operations Manual 01.010.010

"It is the mission of the Law Enforcement Support Agency to: Increase the sense of safety and security throughout OUR community by gathering, processing, and providing timely and accurate information."

LESA Operations Manual 01.010.200 (1)

"We recognize the trust that has been placed in us by the citizens that we serve, each other, and the Law Enforcement community. We are fully accountable to this trust and to the ethics of police service."

LESA Operations Manual 01.010.200 (3)

"Concern and courtesy mark all levels of service that we provide. Our relationships with our partners and our coworkers are first based on courtesy and a sincere consideration of their needs, followed by a willingness to do the job."

LESA Operations Manual 01.010.200 (6)

"LESA is responsive to the requests made by its customers. LESA is innovative in getting the job done quickly and completely. The emergency response image permeates all facets of the agency work. Innovation is encouraged at all levels of LESA. LESA employees are mission driven and are not hesitant to be innovative in accomplishing the mission."

### **MITIGATING AND AGGRAVATING FACTORS**

I have reviewed your Personnel File. Since 2005, you have received eight (8) commendations, compliments, and/or letters of thank you. In addition, you were awarded the LESA Distinguished Service Citation in 2007 and the LESA Crowning Achievement Superior Service Award in 2011. In looking beyond 2005, you received an additional 30 commendations, compliments, and/or letters of thank you.

Current Annual Appraisals use a rating scale that includes three categories; Acceptable, Unacceptable, and Needs Training. Older appraisals used a rating scale of 1 – 5; (1) Failing,

(2) Below Average, (3) Average, (4) Above Average, and (5) Superior. You received the following ratings:

- 2011 – Acceptable – with reminders to stay in ‘ready’ mode, enter calls quickly, place routine calls on hold
- 2010 – Acceptable - with reminders to use correct addresses and quickly enter calls
- 2009 – Acceptable – with reminders to not go ‘not ready’ to read email
- 2008 – Acceptable – with reminders to speed up call handling and placing routine calls on hold
- 2004 – Acceptable – with reminder to place routine calls on hold to answer incoming 911 calls
- 2002 – Acceptable – with reminders to multitask and place routine calls on hold
- 1997 – Above Average
- 1996 – Above Average
- 1995 – Average, with one score of Above Average (this was a probationary review)
- 1994 – Average, with one score of Above Average (this was a probationary review)

On October 3, 2007 you received a Written Letter of Reprimand for being tardy on 4 separate occasions within one (1) year. In looking beyond 2005, you received a Letter of Reprimand on August 27, 1999 for the misuse of CAD messaging. On August 19, 1998 you received a Written Reprimand for intervening and attempting to resolve a dispute involving an acquaintance of yours. On June 10, 1997 you received a Written Reprimand for the misuse of CAD messaging.

## FINDINGS

On this call, you obtained Basic Information for Dispatch (BID) and entered a call for service with the incident type code of CUS (Custodial Interference) with an associated priority of 2. Priority 2 calls are defined as "A situation with imminent danger to life or property that is occurring now or just occurred". You did not enter this call for service as a routine or non-emergency call. This call has been scrutinized with the knowledge of the outcome. I believe we need to focus on the content of the call itself. Had you failed to enter a call for dispatch, had ignored or refused your responsibilities as a 911 call taker we would indeed be factoring in the outcome. This is not the case. We handle, on average, over one thousand 911 calls each day. These calls are handled in the moment; we do not have the luxury of seeing into the future or knowing the outcome.

The communications officers and dispatchers rely on CAD Premise Hazard information as a matter of daily operations. Premise Hazard information is associated with a specific address and alert LESA employees and field units to potential hazards. These can include such information as officer safety hazards, diminished capacity of the resident, the need for a multiple unit response, directions to an address, and so forth. In addition, when a subject is identified in a Premise Hazard, a full physical description is part of that Hazard file information. These entries are made at the request of our law enforcement or fire partners. There was no Premise Hazard for this address which would have alerted you and the dispatcher to the need for a heightened response and prompt entry into CAD. Having a full physical description available to you would have also eliminated the need for that line of questioning.

Could you have handled this call better? Yes, and you have been the first to admit that. In reaching this finding I have considered many factors. Foremost is that discipline is intended to correct performance and not be punitive. You have undergone local and national scrutiny, have admitted your errors, and have identified the ways you will correct and improve your call handling in the future.

A Written Reprimand is appropriate. If the outcome of this call had been different I feel a Written Record of Counseling would be warranted. However, the fact that the public trust has been shaken, and therefore multiple LESA Operational Manual sections violated, formal discipline is necessary and appropriate. This Written Reprimand will be placed in your Personnel and Division Files.

David G. Lovvick  
I acknowledge receipt of this written reprimand

3-27-12  
Date

*The Employee Assistance Program (EAP) is available to assist employees who may have personal problems that affect their job performance. If you would like to take advantage of these confidential counseling services, you are encouraged to contact the EAP First Choice Health at 1-800-777-4114.*