



TO: Trindel Members (Human Resources/Risk Management/Sheriffs/County Counsels)
FROM: Ed Obayashi
DATE: May 30, 2020
RE: PERSONNEL MISCONDUCT TRAINING

I recently had the opportunity to video-address Trindel member counties' representatives (Human Resources and Risk Management) regarding the new Trindel services which I look forward to providing to your counties: Training (both law enforcement and civilian), Personnel Investigations, Policy Development, and Liability Advisories.

One of my recent personnel cases prompted me to preview a "hot-button" training topic with the group which affects all county departments and not just law enforcement. Since I began conducting personnel investigations many years ago (too many to count) for law enforcement, the one matter that dominated my attention by far has always been *Use of Force* allegations.

However, in what seems like only yesterday, a totally unpredictable type of misconduct that no one saw coming has emerged out of nowhere and just keeps coming. And unlike the familiar types of investigations, this one is navigating in uncharted waters.

A simple and everyday activity has now become the most serious and embarrassing act of misconduct that you, privately (on your own time) or as an employee, can commit and it is more (actually more so) career-ending than any other kind of misconduct. What is really scary is that the employee (both line and management) often does not realize that anything is wrong with this conduct.

So (for those who were not able to attend the meeting) what is this new "menace"?

Any Guesses? Paste this link in browser and open

<https://riteacademy.com/wp-content/uploads/2020/02/social-media-mis.png>

For some examples of instant career suicide follow the links below and note my comments in the articles:

<https://www.latimes.com/local/lanow/la-me-chp-mark-garrett-caitlyn-jenner-facebook-20190604-story.html>

<https://www.latimes.com/local/lanow/la-me-deputy-lakewood-video-20170330-story.html>

Compared to all other personnel issues, I am dumbfounded by the sheer stupidity of personnel who hit the “SEND” button. But, then again, who would have ever predicted “social media” and its consequences? Did you ever think that posting a Facebook comment could lead to any discipline, much less termination?

You may be familiar with the recent news about some Los Angeles Sheriff deputies alleged to have taken unauthorized cell phone photographs of the victims at the Kobe Bryant crash scene. (You don’t think this doesn’t happen in your county?) When I was asked to represent one of the involved deputies, I asked myself the same question that I always do: “What were they thinking?”

Now, the “moral of this story”: If you think this can’t hurt your counties financially, think again. What is not known to those unfamiliar with this problem is that there can be very serious and expensive liability exposure (not to mention extreme embarrassment) due this type of employee behavior, even when done “privately”. One agency paid out \$2.4 million for similar crash scene photo-taking and distribution by its officers. Kobe Bryant’s widow has already filed a claim against the County of Los Angeles and the Sheriff’s Office.

This minefield goes on and on: sex, race, politics, religion, sexual orientation, etc.

Trust me, if your county has not been affected by this issue, it is only a matter of time when it does.

Critically, policy and training have not caught up with effectively addressing this issue because of its uniquely evolving legal and technological aspects: Free Speech rights, employer rights, and ever evolving social media technology.

This Trindel training topic is a 2 hour course addressing its liability and prevention aspects. Although we are all still in a holding pattern due to COVID19 regarding a training timetable, I wanted to bring this serious matter to your attention.