



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 25, 2018

CASE NUMBER: 2018OPA-0499

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 Standards and Duties 3. Employees Must Attend All Mandatory Training	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 failed to attend a mandatory Department training.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 Standards and Duties 3. Employees Must Attend All Mandatory Training

On May 31, 2018, the Compliance Bureau issued a memorandum to OPA concerning several officers that had missed mandatory Department trainings. This memorandum, which OPA received on June 4, 2018, specifically indicated that Named Employee #1 (NE#1) had failed to attend the mandatory Crowd Control and Firearms/Defensive Tactics training. The memorandum further informed OPA that NE#1 had missed one prior mandatory training, making this her second missed training.

The training at issue in this case was offered from March 19, 2018 through April 25, 2018. NE#1 signed up to attend the April 17, 2018 session. NE#1 offered evidence that she received an unexpected serious medical diagnosis on April 11, 2018 and that she had follow-up testing on April 17, which caused her to miss the training. She withdrew from the training using the Cornerstone System. She stated that she did not attend the subsequent trainings offered because she needed to keep her schedule clear for additional testing and due to the nature of her medical condition.

NE#1 reported her failure to attend the training to her supervisor. Her supervisor noted that the Complainant underwent a medical procedure on April 18, 2018 and convalesced until April 21, 2018. The Complainant had another procedure on April 26, 2018 and convalesced until May 1, 2018. The supervisor wrote that the Complainant stated the following during their meeting together: “I felt a little overwhelmed with this unexpected diagnosis and failed to notify my supervisor to reschedule this mandatory training.” The supervisor reviewed the policy governing the requirement to attend mandatory trainings with the Complainant and she informed him that she understood the policy and would comply with it moving forward. The supervisor noted that the Complainant was “positive and



contrite” during their conversation. He further wrote that the Complainant “is a 35-year veteran, with an excellent service record, who does *not* have a history of missing mandatory training.”

SPD Policy 5.001(3) states that “[e]mployees will attend mandatory training and follow the current curriculum during the course of their duties.” The sole exception for missing training is for those officers who are on approved light or limited duty and have received a waiver from a supervisor. (See SPD Policy 5.001(3).) Employees that have missed mandatory trainings as a result of excused absences are required to make arrangements through their supervisor to complete the trainings within a reasonable timeframe. (See *id.*)

The requirement to attend training is a fundamental responsibility of officers. Indeed, attending training is not an optional aspect of employment at SPD. It is mandatory. Missing training not only results in employees that have not received up to date tactical, operational and legal instruction, but it also imposes a financial burden on the Department. Lastly, universal attendance at trainings is a cornerstone of constitutional policing and, as explained by the Court-appointed Monitor, is a crucial component of full and effective compliance.

As a general matter, where an officer misses a training, that conduct can be dealt with by the officer’s chain of command through counseling and the instruction to not do so in the future. However, where an officer has missed three or more trainings, such counseling and instruction is no longer appropriate and an OPA referral is warranted. The training missed here was NE#1’s second. Moreover, her excuse for failing to attend the training was reasonable and understandable. For these reasons, I recommend that NE#1 receive a Training Referral rather than a Sustained finding.

- **Training Referral:** NE#1 should be counseled concerning her failure to attend a mandatory training. NE#1 should be reminded that the failure to do so is inconsistent with policy and her chain of command should ensure that she does not miss trainings moving forward. NE#1’s supervisor already performed a very thorough and thoughtful training and counseling session regarding this matter. As such, to the extent NE#1’s supervisor believes this issue to have been fully addressed and resolved, no further action needs to be taken. This counseling should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**