



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 14, 2018

CASE NUMBER: 2018OPA-0502

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	Sustained

Imposed Discipline

Oral Reprimand

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 four mandatory trainings and that those failures to attend were not excused.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 Standards and Duties 3. Employees Must Attend All 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.*)

On June 4, 2018, OPA received a memorandum from SPD’s Compliance bureau that indicated that Named Employee #1 (NE#1) had failed to attend the 2018 Crowd Control and Firearms and Defensive Tactics training. This was a mandatory training for all sworn SPD employees, which was held from March 19, 2018 to April 25, 2018. The Compliance Bureau’s records indicated that NE#1 did not attend this training even though he worked full days on 17 of the dates upon which the training was offered.

On July 31, 2018, OPA received another memorandum from SPD’s Compliance bureau that indicated that Named Employee #1 (NE#1) had failed to attend the 2018 Emergency Vehicles Operation Course. Again, this was a mandatory training, which was held from May 10, 2018 to June 20, 2018. NE#1 did not attend this training even though he worked all but two dates upon which the training was offered.

Prior to failing to attend these trainings, NE#1 did not attend four other trainings. Three of those missed trainings –



Privacy & Information Awareness eLearning; SPD – 2017 Bloodborne Pathogens Recertification eLearning; and SPD – 2017 Alzheimer’s and Dementia Awareness eLearning – were investigated in 2018OPA-0261. The fourth, which occurred prior to these three, was evaluated in a Frontline Investigation.

OPA initiated three separate investigations concerning the four missed trainings. Given that these investigations were all initiated at relatively the same time, OPA evaluates them together in this DCM. This was done for three main reasons. First, given the similarity between the cases it seemed to be a more efficient use of the time of OPA, the Named Employee, and the Chain of Command to do so. Second, given the overlap of the cases, they could not serve as progressive discipline for each other. Third, NE#1 requested that we consolidate his cases at his OPA interview.

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.

I note that NE#1’s role is unique within the Department. He works long hours in a stressful position and does not work in a Department facility. Moreover, as he indicated at his OPA interview, during the dates upon which he missed trainings, NE#1 was dealing with personal and professional challenges. I commend NE#1 for taking responsibility for his missed trainings at his OPA interview. He did not make excuses, but offered compelling explanations. Had NE#1 only missed one training, I would have recommended that this allegation be Not Sustained and that NE#1 receive a Training Referral. However, the fact that NE#1 has missed four other trainings that are the subjects of multiple OPA investigations necessitate that I, instead, recommend a Sustained finding.

Ultimately, the policies and procedures of the Department must apply to all employees equally, no matter what the employee’s role, rank, or function is, and without any favoritism or special treatment. I believe that NE#1 understands this and that he would not have it any other way, even if that means that he receives a Sustained finding in this case.

For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**