



CLOSED CASE SUMMARY

ISSUED DATE: JULY 9, 2018

CASE NUMBER: 2017OPA-0696

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	Allegation Removed

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 mandatory Department training.

ADMINISTRATIVE NOTE:

During the pendency of this investigation, the Named Employee retired from SPD. At the time that this occurred, he was no longer a member of the Seattle Police Officers’ Guild or subject to the Collective Bargaining Agreement between SPOG and the City of Seattle. As such, the 180-day period for the imposition of discipline set forth in the CBA is inapplicable to him. However, for administrative purposes, OPA has set the 180-day deadline as the date of this DCM – July 9, 2018.

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.*)

SPD’s Compliance Bureau provided OPA with a list of those SPD employees that had failed to complete the mandatory 2017 Crowd Management Operational Incident Command training. This list constituted a final and conclusive determination of those employee that had failed to attend the training as it had been vetted through SPD Human Resources. As such, the names of those individuals who were out due to Extended Sick, Light Duty, Military Leave, or Administrative Reassignment had been removed, and this list had also been culled of those individuals who were marked as Exempt or Excused. Prior to these steps being taken there was no definitive determination of which employees failed to attend this training without a valid justification. The steps taken by SPD’s Compliance



Bureau to verify the accuracy of this information ensured that employees who had official approval to not attend this training were not improperly made the subjects of an OPA investigation, thus preserving the resources of the Department and OPA and ensuring fundamental fairness to SPD's employees.

On March 23, 2017, Special Order SO17-009 was issued. (*See id.*) This Special Order required that all SPD supervisors complete the mandatory 2017 Crowd Management Operational Incident Command training by May 9, 2017. (*See id.*) OPA's investigation indicated that this training appears to have been offered on nine separate occasions.

Based on a review of relevant records, Named Employee #1 (NE#1) worked seven of the nine days upon which this training was offered; however, he never registered for this training. NE#1 was interviewed by OPA. He stated that, during the period of time during which this training was offered, he suffered from ongoing medical issues that ultimately necessitated his retirement from the Department. He told OPA that he was confused as to whether or not he attended this training as it was similar to another training he did, in fact, attend. Ultimately, NE#1 acknowledged that he failed to attend this training.

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 such and under normal circumstances, NE#1's admitted failure to attend a mandatory training would result in a recommended Sustained finding.

However, here, I do not believe that a Sustained finding is appropriate for three main reasons. First, while he worked seven of the nine dates upon which this training was offered, during that period of time NE#1 was dealing with a number of ongoing serious medical conditions. Second, these medical conditions necessitated, at least in part, NE#1's retirement from the Department. Perhaps the most fundamental purpose of a Sustained finding is to ensure that the employee learns from an error and does not repeat it again. As he is no longer a Department employee, there is no question that NE#1 will not miss any future training. Third, and last, I deem it unnecessary under the circumstances of this case to recommend a Sustained finding that would serve as the closing note for a Department employee who is recently retired after a 30-year career. This is particularly the case where the misconduct is minor, such as a missed training.

For these reasons, instead of recommending a Sustained finding, I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**