



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 4, 2019

CASE NUMBER: 2017OPA-0703

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 (Inconclusive)

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 may have failed to attend a mandatory Department training.

ADMINISTRATIVE NOTE:

This case was investigated by OPA in late 2017. It was timely submitted to the OPA Auditor for review of the completed investigation; however, the Auditor sent the case back to OPA, requesting additional work. Unfortunately, the sworn supervisors in OPA failed to ensure that this follow-up investigation was timely completed and, apparently, completely lost track of this case. Once the supervisors realized that this case was outstanding, the 180-day deadline had passed. Given heavy caseloads and other organizational priorities, this case was not completed until more than a year after it was due. As a result, this investigation was not completed and this DCM not submitted within the 180-day contractual deadline.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

SPD Policy 5.001-POL-4 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-POL-4.) 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.*)

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.



OPA received a memorandum from the Compliance Bureau that indicated that Named Employee #1 (NE#1) may have failed to attend the mandatory Core Competencies training.

At his OPA interview, NE#1 stated that he was scheduled to attend the training on March 29, 2017, which was the last day that it was offered. However, he was late due to unforeseen traffic and was unable to attend. NE#1 told OPA that he informed his supervisor of the cancellation and tried to reschedule, but was unable to do so.

Additional investigation completed by OPA indicated that NE#1 was registered for the training on March 13, 2017, not March 29. There was no evidence that OPA could find that supported that NE#1 was ever registered for the training on March 29. That being said, OPA also could not disprove that this was the case.

If NE#1 was registered for the March 29 training and could not attend because of circumstances outside of his control, I would find this allegation to be Not Sustained – Lawful and Proper. If, however, NE#1 withdrew from the March 13 class, but failed to take the training on any of the multiple dates upon which it was later offered, he would have violated Department policy. Ultimately, there is a lack of conclusive evidence establishing which day NE#1 was actually signed up to take the training. Accordingly, I cannot definitively determine whether he violated this policy and, as such, I recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**