



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 26, 2018

CASE NUMBER: 2018OPA-0492

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 three mandatory trainings.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

On May 31, 2018, OPA received a notification from SPD’s Professional Compliance Bureau that Named Employee #1 (NE#1) had failed to attend three separate trainings. The missed trainings were the following: Emergency Vehicle Operations Course (EVOC); Extreme Risk Protection Orders (ERPO) e-learning; and Scenes of Violence (Rescue Task Force) e-learning.

With regard to the EVOC course, all sworn operations personnel were required to attend that training by March 13, 2018. Pursuant to a Special Order, K-9 personnel were required to attend this training. NE#1 did not attend this training. In her training records, she was listed as a “no show.” She did later attend the EVOC training for non-operations personnel on May 30, 2018.

The ERPO e-learning was also mandatory for NE#1 and was required to be completed by March 21, 2018. NE#1 completed this e-learning on May 17, 2018.

Lastly, the Scenes of Violence training was mandatory and was required to be completed by May 18, 2018. NE#1 completed this e-learning on May 21, 2018.

As part of its investigation, OPA interviewed NE#1. She stated that, while she was registered to attend the EVOC training, she cancelled because she “had an emergency with [her] teenage foster daughter that morning [she] had to handle.” She believed that she notified a supervisor. She confirmed that she did not make any effort to



attend the last session of the training, which was the following day. She stated that she attended the EVOC course for non-operational personnel in lieu of the required training.

With regard to the ERPO e-learning, NE#1 stated that she had been training with her new K-9 and that she simply “didn’t get to it.” She confirmed that she was working on the dates that the e-learning was offered, but that she did not complete the e-learning until after the deadline.

NE#1 told OPA that she did not timely take the e-learning for the same reason as discussed above – she was working to train her new K-9. She worked during the period that the e-learning was offered, but did not take the e-learning until after the deadline.

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, as here, an officer has missed three or more trainings, such counseling and instruction is no longer appropriate. Instead, the matter is properly referred to OPA and a Sustained finding is warranted.

In reaching this decision, I note that NE#1 did end up taking all of the required trainings, even if after the fact. I further note that NE#1 has been employed by SPD for approximately 25 years and, based on OPA’s research, has not received any Sustained findings during that time. That being said, this goes more to mitigation of discipline. Moreover, as discussed above, timely attending trainings is a requirement of SPD officers and the continued failure to do so is inconsistent with the Department’s expectations. Accordingly, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

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

Given that I already recommend that the above allegation be Sustained (see Named Employee #1, Allegation #1), I find it unnecessary to also sustain this allegation. As such, I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**



Named Employee #1 - Allegation #3

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

Given that I already recommend that the above allegation be Sustained (see Named Employee #1, Allegation #1), I find it unnecessary to also sustain this allegation. As such, I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**