



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 30, 2018

CASE NUMBER: 2018OPA-0498

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

Written 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 a mandatory Department training.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #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 two prior mandatory trainings, making this his third missed training.

The training at issue in this case was offered from March 19, 2018 through April 25, 2018. NE#1 offered evidence that he had a minor surgical procedure on March 16, 2018, and, as such, he was on light duty from that date until March 30, 2018. While on light duty, he was unable to attend the training. However, he was no longer on light duty for the entire month of April and, according to his timesheets, was able to attend the training for multiple dates during that time frame.

NE#1 ultimately signed up for the last training session that was offered. On the way to the training, however, he was stuck in traffic. He arrived to the training approximately 20 minutes late and assumed that he would not be permitted to take part. He did not confirm this (or speak with) and Training Unit staff. He then returned to the precinct and worked his shift. NE#1 stated that he later notified both the Training Unit and his supervisor of his failure to attend the 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, 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. As such, and given the circumstances of this case, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**