



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 7, 2019

CASE NUMBER: 2018OPA-1082

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 Standards and Duties 4. Employees Must Attend All Mandatory Training	Not Sustained (Training Referral)

*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 - Allegations #1**

#### ***5.001 Standards and Duties 4. 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 November 14, 2018, SPD’s Compliance Bureau provided OPA with a list of those SPD employees who had failed to complete the mandatory 2018 Firearms/Advanced Rescue Tactics & 2018 Less Lethal Recertification/Defensive Tactics Core Principles Review. This training was required to be completed by September 27, 2018 and was offered on numerous separate days. The Compliance Bureau informed OPA that Named Employee #1 (NE#1) did not attend the training and that their records indicated that he was not excused from doing so.

OPA’s investigation revealed that NE#1 did not attend the training even though he worked for 25 of the days upon which it was offered. However, OPA determined that NE#1 did take the training during a make-up session on December 7, 2018. OPA also identified that this was NE#1’s third missed training during his career.

As part of its investigation, OPA interviewed NE#1. NE#1 recognized that he failed to register for and attend the training during the original dates upon which it was offered. NE#1 stated that this was an error on his behalf, and he was embarrassed that it occurred. He explained that he registered for and took the make-up course.



---

Attending training is not an optional aspect of employment at the Seattle Police Department. 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.

While an excused training without any extenuating circumstances usually results in a recommended Sustained finding, I reach a different decision in this case. Here, I instead recommend that NE#1 receive a Training Referral. This conclusion is based on NE#1's recognition of his mistake and his taking of responsibility. OPA believes it important to acknowledge this. Moreover, based on OPA's review of NE#1's interview, he appeared to understand the importance of attending training and OPA believes that he will not miss additional trainings moving forward. NE#1 should be notice that, given the above, to the extent he does miss future trainings and does not have an excuse, that conduct will likely result in a recommended Sustained finding.

- **Training Referral:** NE#1 should be informed by his chain of command that future failures to attend mandatory trainings will likely result in a recommended Sustained finding. NE#1 should ensure that he takes whatever steps are necessary to comply with this policy moving forward. This retraining and associated counseling should be documented, and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**