



CLOSED CASE SUMMARY

ISSUED DATE: MAY 17, 2019

CASE NUMBER: 2019OPA-0122

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 did not attend a mandatory SPD training and that this was the Named Employee’s eighth missed training during his career.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 4. Employees Must Attend All Mandatory Training

This is a companion case to 2018OPA-1083. In both, Named Employee #1 (NE#1), who is the current SPOG President, did not attend mandatory SPD trainings. Here, he failed to attend the Active Threat De-Escalation Training, which was offered on multiple days between October 3, 2018 and November 30, 2018. Like in 2018OPA-1083, NE#1 was on active duty during the dates that this training was offered and was marked sick for only one day (November 15, 2018). In both cases, NE#1 stated that it was his practice was to schedule his own trainings, instead of relying on a supervisor, because it was difficult to get his direct supervisor (the Deputy Chief) to do so. He further acknowledged that he failed to register for or attend the mandatory trainings. NE#1 explained that he had recently suffered a stroke that caused him short-term memory loss. He stated that this affected his ability to schedule and keep appointments and that he needed constant reminders and notifications in this regard. NE#1 stated that he had no intent to miss this training and that it was a mistake. Lastly, NE#1 stated that he had taken steps to make sure that he did not miss additional trainings in the future.

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.*)

As discussed in 2018OPA-1083, OPA is sympathetic to NE#1’s medical issues and recognizes that those issues could certainly impact his attending training. OPA also understands that NE#1 has many responsibilities and a busy schedule given his role as the SPOG president. That being said, all employees, including Chiefs and others with similarly busy schedules, regularly attend trainings. Moreover, NE#1 has now missed eight trainings and the majority of these occurred prior to his suffering a stroke.

However, OPA does not recommend that this allegation be Sustained due to NE#1's acceptance of responsibility and OPA's recognition of NE#1's ongoing medical condition. Instead, OPA issues NE#1 the below Training Referral. That being said, and as explained in 2018OPA-1083, NE#1 should be notice that, given the above, to the extent he does miss future training 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 recommended Sustained findings. 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)**