



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 1, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2016OPA-0006

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	1.020 – Chain of Command 6. Command Employees Take Responsibility for Every Aspect of Their Command	Not Sustained (Lawful and Proper)

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 ensure appropriate training for student officers under his command.

ADMINISTRATIVE NOTE:

This case was not referred to OPA by SPD until after the expiration of the 180-day timeline. Given this, OPA made the decision to prioritize non-expired cases and, thus, submits this DCM well after the 180-day timeline ended.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

1.020 – Chain of Command 6. Command Employees Take Responsibility for Every Aspect of Their Command

OPA received a complaint from the Force Review Board concerning a decision made by Named Employee #1 (NE#1), who was at that time the assistant chief overseeing the Professional Standards Bureau. The specific decision concerned several student officers who fell under the jurisdiction of the Professional Standards Bureau. Those student officers had not performed satisfactorily in SPD's firearms training but were graduated from the student officer program regardless and placed into field training. It was alleged that the decision to do so, which ultimately rested with NE#1 as the bureau chief, may have been inconsistent with policy.

OPA's investigation verified that a sergeant overseeing SPD's firearms training identified serious deficiencies on the part of the officers and recommended that they not be placed on the street. OPA interviewed two lieutenants and a captain then assigned to the Education and Training Section (ETS), as well as NE#1. The first lieutenant stated that the second lieutenant made the decision to pass the student officers into field training. She believed that this was based on approval the second lieutenant received from the captain. The second lieutenant denied that he made the decision and said that he had no oversight over the student officer and field training programs. He made a recommendation that he passed up to the captain and he believed that the captain then made the call. The captain said that he was on



vacation at the time and that he had delegated decision making to the second lieutenant, who was assigned as the acting captain in his stead. He told the second lieutenant that if there were questions or concerns, those should be raised with NE#1. Lastly, NE#1 recalled telling the captain to give the student officers whatever training was needed and required prior to sending them out on the street. He assumed that this direction would be filtered down the chain of command by the captain. He said that, in his perspective, the decision as to what training would be conducted and when it would occur rested with the captain.

OPA subsequently requested and reviewed the emails sent by the various supervisors during the period of time in question. Those emails indicated that the supervisors collaboratively came up with a plan to provide the student officers with remedial training on firearms to occur the next month.

Lastly, OPA verified that, prior to this incident, there was no policy that actually required officers to “pass” SPD’s firearms training prior to being moved from the student officer program into field training. All that was required was that the officers pass firearm qualifications at the Washington State Criminal Justice Training Commission (WSCJTC), which all of the student officers did. The policy was subsequently changed to mandate that student officers also pass SPD’s firearms training/qualifications prior to entering into service as patrol officers.

SPD Policy 1.020-POL-6 requires that Department supervisors take responsibility for every aspect of their command.

Here, OPA finds that NE#1, as the bureau commander, was appropriately identified as the involved employee. OPA’s investigation determined that, under his supervision, a decision was made to move the student officers into field training, but to ensure that they received remedial firearms instruction within the next month. OPA believes that this decision was reasonable and did not violate policy. This is particularly the case given that all of the student officers passed WSCJTC firearm qualifications and there was no requirement that they also pass SPD’s firearms training prior to entering into service. OPA notes that this issue has been remedied by the subsequent change in policy.

For these reasons, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**