



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 25, 2020

CASE NUMBER: 2019OPA-0819

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

OPA received a complaint from SPD's Compliance Bureau in which it was alleged that Named Employee #1 (NE#1) failed to attend a mandatory Department training. Specifically, it was alleged that NE#1 did not take part in the Firearms Fundamentals and Field Movement training. This training was offered on multiple occasions from April 15, 2019 through September 24, 2019. The information provided by the Compliance Bureau indicated that NE#1 signed up for and then withdrew from the training on several occasions. The Compliance Bureau further noted that NE#1 was alleged to have failed to attend mandatory trainings on eight separate occasions. After receiving the complaint, this OPA investigation ensued.

As part of its investigation, OPA interviewed NE#1. He acknowledged that he missed the training in question, which he understood to be mandatory. However, he explained that, during the time period that this training was offered, he was suffering from gout in his hand. He asserted that this prevented him from properly holding and using his firearm and, thus, precluded him from participating in the training. NE#1 stated that he recognized the importance of attending Department training and stated that the only reason he did not do so here was because of his ongoing medical issues. NE#1 brought a doctor's note to his OPA interview. The note reflected that NE#1 had an undefined medical issue with his hand during the time period in question.

SPD Policy 5.001-POL-4 states that Department employees must attend all mandatory trainings. Here, NE#1 did not attend a mandatory training and, in this respect, technically acted contrary to policy. However, OPA finds that, given his presentation of a medical note that verified an ongoing medical condition with his hand and due to other medical issues that NE#1 has recounted in previous OPA cases, a Sustained finding is not warranted. Instead, OPA issues NE#1 the below Training Referral.



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- **Training Referral:** NE#1 should be reminded to timely notify his chain of command of anticipated missed trainings based on medical issues. He should further be instructed to keep up to date medical records concerning these issues to ensure that he is excused from mandatory training and does not incur future OPA complaints. This retraining and associated counseling should be documented, and this documentation should be maintained in an appropriate database.

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