



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 5, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0064

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	Sustained
Imposed Discipline		
Suspension Without Pay: 15 days/hrs		

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:

SPD's Compliance Bureau 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 4. Employees Must Attend All Mandatory Training

OPA received a complaint from the Compliance Bureau concerning the alleged failure of Named Employee #1 (NE#1) to attend a mandatory SPD training. Specifically, it was alleged that NE#1 did not participate in the 2019 CIT Scenarios and Defensive Tactics training. Per Special Order SO19-026, which was issued on September 5, 2019, this training was required for all sworn personnel and was offered from October 1, 2019 through November 26, 2019. A second Special Order, SO19-0368, which was issued on November 5, 2019, indicated that the training was "open for any light-duty personnel to attend." This Special Order also indicated that no Cornerstone sign-up was required, and limited duty personnel could simply attend one of the scheduled training days. Based on a review of NE#1's timesheets, she worked regular duty from October 1 through November 14. On November 18, she went on limited duty and she remained on limited duty until November 26. While she was available to attend the training and while she could do so even though she was on limited duty, she failed to take part in it.

As part of its investigation, OPA interviewed NE#1. She confirmed that she did not attend the mandatory training. She said that she was aware of her obligation to do so. She could not recall whether she registered for the training. NE#1 told OPA that she was dealing with medical and other personal issues at the time. She did not recall whether she obtained an Activity Prescription Form (APF) and, even had she done so, she verified that she did not provide it to the Training Unit. Lastly, NE#1 acknowledged that she did not seek an exemption from the training through her chain of command.



OPA also spoke with a Sergeant assigned to the Training Unit. He confirmed that no APF was submitted to him or anyone else in the Training Unit by NE#1, as well as that NE#1 did not seek a training waiver through her chain of command.

SPD Policy 5.001-POL-4 requires that SPD employees attend all mandatory training. Doing so, particularly when in the context of crucial subjects such as crisis intervention, is essential to maintaining core competencies and ensuring ongoing compliance with the Consent Decree.

At the outset, OPA notes that it sympathizes with the Complainant concerning any medical and personal issues she is experiencing. OPA also recognizes that NE#1 has had a long and productive career with SPD. However, NE#1 has also has a history of not attending mandatory Department trainings. As part of that history, she has received both Training Referrals encouraging her to be more cognizant of her obligation to timely attend training, as well as Sustained findings and the imposition of discipline. Unfortunately, neither approaches have appeared to eliminate this ongoing problem. Ultimately and unfortunately, given the number of missed trainings during her career and the lack of effectiveness of previously provided Training Referrals, OPA has no option other than to issue a finding here that NE#1 violated Department policy.

As such, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**