



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 23, 2018

CASE NUMBER: 2018OPA-0497

Allegations of Misconduct & Director’s Findings

Named Employee #1

| Allegation(s): | | Director’s Findings |
|-----------------------|--|-----------------------------------|
| # 1 | 5.001 Standards and Duties 3. Employees Must Attend All Mandatory Training | 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 attend a mandatory Department training.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 Standards and Duties 3. Employees Must Attend All Mandatory Training

On June 1, 2018, the Compliance Bureau sent OPA a memo that listed multiple officers that had purportedly failed to attend mandatory Department trainings. Included in that list was Named Employee #1 (NE#1), who was alleged to not have attended the Emergency Vehicle Operations Course (EVOC) for operations personnel.

After OPA sent a five-day notice of complaint to NE#1, OPA received an email from a Sergeant employed in the Training Unit. The Sergeant stated that NE#1 had been present for the EVOC training but gave up his spot to another officer because the class was full. NE#1 did so in part because he was assigned to the Community Policing Team and did not often engage in emergency vehicle operations. He was further told by the Sergeant that it would be permissible for him to attend the non-operations EVOC training in lieu of the operations sessions. He signed up for and attended that other 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.*)

It is undisputed that NE#1 was required to attend the operations EVOC training and did not do so. It is further undisputed, however, that NE#1 was told that was sufficient for him to attend the non-operations EVOC training instead and that he did so. For these reasons, I do not find that NE#1 violated policy. Indeed, I conclude that he was entitled to rely on the direction from a Department supervisor, even if the Training Unit Sergeant was not NE#1’s direct chain of command. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.



Seattle
Office of Police
Accountability

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