



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 25, 2019

CASE NUMBER: 2018OPA-1083

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 3. Employees Must Attend All Mandatory 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.*)

On November 14, 2018, SPD’s Compliance Bureau provided OPA with a list of those SPD employees who had failed to complete the mandatory 2018 Firearms/Advanced Rescue Tactics & 2018 Less Lethal Recertification/Defensive Tactics Core Principles Review. This training was required to be completed by September 27, 2018 and was offered on 34 separate days. The Compliance Bureau informed OPA that Named Employee #1 (NE#1) did not attend the training and that their records indicated that he was not excused from doing so.

OPA’s investigation revealed that NE#1 worked for 22 of the days upon which the training was offered. Moreover, OPA identified that this was NE#1’s seventh missed training during his career.

As part of its investigation, OPA interviewed NE#1. NE#1 stated that 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. NE#1 stated that the special order at issue “did sound familiar.” He further acknowledged that he failed to register for or attend the mandatory training. 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 told OPA that he was not on limited duty during the time



that this training was offered; however, NE#1 opined that, were he assigned to Patrol, he would likely have been. NE#1, who is currently serving as the SPOG president, told OPA that he further was heavily involved in contract negotiations at that time, as well as that he had an extremely busy schedule. Lastly, NE#1 stated that he had no intent to miss this training and that it was a mistake.

OPA is sympathetic to NE#1's medical issues and recognizes that those issues could certainly impact his attending training. As discussed above, 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 seven trainings and the majority of these occurred prior to his suffering a stroke.

Ultimately, given his statements concerning his ongoing medical condition, I give NE#1 the benefit of the doubt and I do not recommend that this allegation be Sustained. Based on his OPA interview, NE#1 is clearly aware of his condition and his need to have additional administrative support to help him manage his calendar. He has such administrative support at SPOG and there is no reason that OPA can discern why NE#1 should miss further trainings. 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. For these reasons, I recommend that NE#1 receive the below Training Referral.

- **Training Referral:** NE#1 should be informed by his chain of command that future failures to attend mandatory trainings will likely result in a recommended Sustained finding. 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)**