



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 28, 2018

CASE NUMBER: 2017OPA-0695

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 training.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #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 July 14, 2017, SPD’s Compliance Bureau provided OPA with a list of those SPD employees that had failed to complete the mandatory 2017 Crowd Management Operational Incident Command training. (See Original Complaint Memo.) This list constituted a final and conclusive determination of those employee that had failed to attend the training as it had been vetted through SPD Human Resources and removed the names of those individuals who were out due to Extended Sick, Light Duty, Military Leave, or Administrative Reassignment, as well as culled the list of those individuals who were marked as Exempt or Excused. (See *id.*) Prior to these steps being taken there was no definitive determination of which employees failed to attend this training without a valid justification. The steps taken by SPD’s Compliance Bureau to verify the accuracy of this information ensured that employees who had official approval to not attend this training were not improperly made the subjects of an OPA investigation, thus preserving the resources of the Department and OPA and ensuring fundamental fairness to the employees.

On March 23, 2017, Special Order SO17-009 was issued. (See SO17-009.) This Special Order required that all SPD supervisors complete this mandatory training by May 9, 2017. (See *id.*) The training was held for nine days during that time period.



Once it received this complaint, OPA looked up NE#1's leave status during that time. OPA determined that NE#1 had worked three of the nine days upon which the training was offered, but that he failed to attend the training on any of those three days. In addition, Department records indicated that NE#1 registered for training on the last date that it was offered; however, he did not actually attend and was listed as a "no show."

At his OPA interview, NE#1 stated that while he registered for the May 9 training, there was a large scale protest the day before. Due to this and resulting officer leave time, there were only two sergeants available to cover second watch at the West precinct. NE#1 told OPA that he tried to confer with his Acting Captain on whether he should attend the training or to ensure appropriate staffing on the watch. NE#1 ultimately could not get in contact with the Acting Captain and decided that it was more important "operationally" that he go to his shift and provide supervisory support. NE#1 stated that he spoke to the Training Unit to see if any make up days would be scheduled that he could attend; however, there is no indication that any such sessions went forward and NE#1 did not complete the training at any later point.

OPA reviewed the precinct staffing sheet for April and May. OPA determined that on May 9, there were only two Sergeants assigned to work, including NE#1. A third Sergeant was assigned as an Acting Lieutenant for that day, given that the Lieutenant was serving as the Acting Captain.

The staffing sheet further indicated that there was adequate Sergeant staffing for the two other days that NE#1 worked and the training was offered. As such, he could have attended the training on either of those dates without undermining the operation of his Precinct. By waiting until the last minute, he put himself in a place where he had a higher likelihood of missing the training.

Ultimately, however, I find that his decision to miss the training was reasonable under the circumstances. Stated differently, while it would have been optimal for him to have attended an earlier session of the training to ensure that he did not miss it, I do not feel that his failure to do so here violated policy. I advise him to better manage his calendar to attend mandatory trainings in the future and to avoid these types of situation in the future.

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