



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 21, 2017

CASE NUMBER: 2017OPA-0704

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 (Training Referral)
Discipline Imposed:		N/A

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:

The Complainant, SPD’s Compliance Bureau, alleges that Named Employee #1 failed to complete the mandatory 2017 Core Competencies training.

ANALYSIS AND CONCLUSIONS:

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 13, 2017, SPD’s Compliance Bureau provided OPA with a list of those SPD employees that had failed to complete the mandatory 2017 Core Competencies 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 January 12, 2017, Special Order SO17-003 was issued. (See *id.*) This Special Order required that all SPD supervisors complete the mandatory 2017 Core Competencies training by March 26, 2017. (See *id.*) A supplemental Special Order was issued on March 6, 2017 (SO17-003-A), which offered the training on two additional dates – March 27 and March 29. (See *id.*) Based on OPA’s investigation, this training appears to have been offered a total of twenty-seven times between January 30, 2017 and March 29, 2017. (See Core Competencies Training Timesheets.)



Based on a review of relevant records, Named Employee #1 (NE#1) worked fourteen of the twenty-seven days upon which the training was offered. NE#1 was registered for the training on March 13, 2017. However, he did not attend the training due to an issue with childcare. After he did not attend the March 13 training, the training was offered on five more days. However, NE#1 did not register for or attend any of those later trainings. NE#1 explained that he had childcare issues for the remainder of the sessions during which the training was held. NE#1 further stated that this was the first time he had missed training during his career. While, aside from his statement, there is no corroborating evidence supporting NE#1's contention that he had childcare issues, there is also no evidence in the record indicating that this information was inaccurate. NE#1 indicated that he told his supervisor that he had to reschedule the training he missed due to childcare issues, but there is no indication that he asked for a supervisor to re-register him or that he informed either a supervisor or the Training Unit of his future unavailability for the remainder of the scheduled training dates.

Attending training is not an optional aspect of employment at the Seattle Police Department. It is mandatory. Missing training not only results in employees that have not received up to date tactical, operational and legal instruction, but it also imposes a financial burden on the Department. Lastly, universal attendance at trainings is a cornerstone of constitutional policing and, as explained by the Court-appointed Monitor, is a crucial component of full and effective compliance.

That being said, I am sympathetic to NE#1's stated circumstances. If he could not have attended the trainings based on childcare issues, a sustained finding is not warranted. He had, however, an obligation to convey his anticipated unavailability to either a supervisor or to the Training Unit. It should not require the initiation of an OPA investigation for such a conversation to occur. For these reasons, I recommend that this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1 should receive counseling from his chain of command concerning his failure to attend this training. Specifically, his chain of command should instruct NE#1 that if he was unable to attend mandatory training due to childcare or other legitimate reasons, he should inform them or the Training Unit of this fact in advance of not attending the trainings. This counseling should be memorialized in a PAS entry.

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