



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 24, 2018

CASE NUMBER: 2018OPA-0501

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 - Allegations #1

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

On May 31, 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 mandatory firearms qualification. NE#1 was registered for the training sessions that occurred on March 22, 2018 and April 19, 2018; however, he was marked as “withdrawn” from both. OPA was further informed by the Compliance Bureau that this was NE#1’s fourth missed training. As such, and given that he had missed three prior trainings, OPA initiated this investigation.

As part of its investigation OPA reviewed a note left in the Cornerstone system by NE#1’s supervisor. The note indicated that NE#1 was withdrawn from the March 22 training due to ongoing medical treatment and that he timely provided his supervisor with notice that he could not attend. There was no such note for the April 19 missed training; however, OPA was provided with documents that indicated that, on that date, NE#1 was also receiving medical treatment for his illness.

OPA interviewed NE#1 concerning this matter. NE#1 told OPA that he had been receiving medical treatment for cancer and, at times, this treatment could cause him to feel ill. He stated that his doctor indicated that he should not engage in “physical activity outside of the office.” Notably, firearms qualification occurs outside at the SPD range. While the letter from his doctor concerning these restrictions was not issued until April 24, 2018 – after both missed trainings – he was receiving the same treatment prior to the date of the letter and within the timeframe during which the firearms qualification sessions were offered. As such, OPA concludes that he would have had the same



physical limitations. NE#1 explained that he missed the training because of his ongoing illness, not due to blowing it off. Indeed, he stated that he enjoyed training and had no reason to purposefully not attend.

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.*)

NE#1 indisputably failed to attend a mandatory training. Moreover, as discussed above, he has missed three other past trainings. That being said, I find NE#1’s failure to attend the firearms qualification to have been excused given that he was dealing with treatment for an ongoing serious illness. I wish him a full recovery and, for the reasons stated herein, I recommend that this allegation be Not Sustained – Lawful and Proper.

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