THE DUTY TO TRAIN OFFICERS IS UNAFFECTED BY THE LACK OF REIMBURSEMENT SOURCES

Recently our office has been contacted by a large number of clients inquiring as to whether their duty to train peace officers was mitigated by the lack of reimbursement by P.O.S.T or similar agency. The answer to this question is a resounding **no**. The lack of funding from outside sources does not, in any way, relieve a department of its obligation to train its officers.

The United States Supreme Court has held, "inadequate police training may form the basis for a civil rights claim against the city where the failure to train amounts to deliberate indifference to the rights of persons the police are likely to encounter....The focus must be on the adequacy of a training program in relation to the duties the officers are expected to perform and the identified deficiency, in a city's training program....[1]

The decision to eliminate training programs or reduce the amount of training, based upon the lack of reimbursement sources, would most likely be viewed, by a court, as deliberate indifference to the rights of others. (*Emphasis added*)

Take for example, *Davis v. Mason County,* 927 F.2d 1473 (9th Cir. 1991). This case involved a Sheriff and several deputies being found liable for civil rights violations arising out of traffic stops which resulted in arrests, beatings and false charges being filed against the motorists. The inadequacy of the training program, which represented the county's official policy, constituted a deliberate indifference to the rights of others, as a matter of law. In sum, your duty to provide training for peace officers is not, in any way, mitigated by the lack of funds to reimburse your department for such training.

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[1] *City of Canton Ohio v. Harris*, 489 U.S. 378 (1989).

This memo was originally issued on March 10, 2003 and was republished by CPOA and the author on Jan. 28, 2009.