

# **Paid Administrative Leave for Officers Involved in Shootings: Exploring the Purpose, Cost, and Efficacy**

**James E. Guffey, Chandrika Kelso, James Larson, and Dennis Porter**

Paid administrative leave for employees who are under investigation by their employers for policy, rule, or regulation violations and even criminal acts is common practice. Private companies and public agencies have found this a convenient action to take when the facts of the incident are not obvious and outright firing of the employee is not yet justified. The employee continues to receive his or her salary while the agency investigates to determine whether there are grounds to fire the employee. Although the process can be expensive from the standpoint that the employee continues to receive his or her salary without reporting for work, it appears to be less expensive in the long-term in the event the employee brings a lawsuit for unlawful termination. The present study examines this practice within police agencies.

Authors Larson, Porter, and Guffey observed the growth of the concept of paid administrative leave for officer-involved shootings spanning their police careers. In fact, they remember a time in law enforcement in the early 1970s when there was no paid administrative leave for officer-involved shootings. Prior to 1970, their three large California departments did not have policies that addressed the issue of paid administrative leave, and officers continued to work their patrol or other field assignment when they were involved in a shooting of a citizen. This approach worked then, and the research question the authors formulated is “Has the shift to paid administrative leave for line-of-duty shootings been a sound management decision if there are other less pejorative options available?” The authors explore their opinion, based on this study, in the Conclusions and Recommendations section.

The practice of placing employees on paid administrative leave for wrongdoing has been successful and widespread among U.S. private companies and public agencies. It appears to be a fail-safe method of countering lawsuits for unlawful termination. In addition to the main research question the authors identify above, this study also sought answers to the following questions: Is this practice suitable for police officers who have

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been involved in line-of-duty shootings? Is there a presumption that the shooting complied with departmental and U.S. Supreme Court guidelines if an officer is given paid administrative leave automatically, when this practice, as used in the private sector and other public organizations, suggests there has been wrongdoing? Does this practice cast a pall of guilt over the officer or officers, especially when the print media use a headline such as "Officers Involved in Shooting Placed on Paid Administrative Leave"? Can being placed on paid administrative leave be considered as adverse employment action in some cases?

This study examines the use of paid administrative leave for police officers to determine the extent, cost, and advisability of this policy. The objective is to compare the policies of surveyed agencies to identify similarities and make recommendations that may assist agencies that are considering the implementation of paid administrative leave. An additional objective is to determine the extent of mental health and peer support that officers involved in line-of-duty shootings receive.

The study is limited by the relatively small sample of agencies that responded to the survey; however, the authors were limited by budgetary restrictions most college professors face when doing research. Nevertheless, in the authors' opinion, the study's results are significant and provide a framework for more in-depth research in the future.

## **Literature Review**

### *Paid Administrative Leave*

There is a dearth of literature on the topic of paid administrative leave. The authors could not find literature on its origins or scope. Most of the literature is newspaper or other print media articles about someone being placed on paid administrative leave. This portion of the literature review is an attempt to define paid administrative leave and examine how organizations that have such a policy use it.

The University of Colorado System, for example, has published its policy on its Web site. Excerpts follow:

#### Extended Paid Administrative Leave

If an officer, exempt professional, or faculty member on a twelve-month appointment is the subject of disciplinary action or an investigation, extended paid administrative leave may be authorized for such employee for a reasonable period of time. . . .

#### Short-Term Paid Administrative Leave

##### A. Purpose of Short-Term Paid Administrative Leave

Supervisors may authorize short-term paid administrative leave for eligible employees for reasons determined to be for the good of the University and the State. Supervisors shall consider prudent use of taxpayer dollars and the business needs of the University in determining whether such leave is for the good of the State. Such reasons include, but are not limited to, incentive rewards, coursework directly related to employment, participation in school or community volunteer activities, and participation in official activities by elected officers of University employee organizations ( 2004, p. 1).

The University of Colorado System's policy ostensibly reflects the vast majority of paid administrative leave policies. It is meant primarily for employees under investigation for wrongdoing. But occasionally an employer may have a different purpose for placing an employee on paid administrative leave. As the case of *Foraker v. Apollo Group, Inc.* (2006) demonstrates, employers should understand all the ramifications of its use and apply it judiciously.

The *Foraker v. Apollo Group, Inc.* case (2006) involved an employee who requested leave under the Family Medical Leave Act (FMLA), after he had been given a new job title, additional responsibilities, and a 10% raise.

However, his increased management and budgetary responsibilities, along with the raise, were withdrawn when he took the leave. Subsequently, in 2005, he was placed on paid administrative leave after requesting additional FMLA leave. He still received compensation and other benefits, but was relieved of all job responsibilities. He was not permitted to come into the workplace, and he did not have any interaction with his coworkers. Of course, during this time, he did not get any on-the-job experience or training, as he normally would have received, and he did not get employment reviews that could have led to increased responsibilities or pay. A jury found that the employee had experienced an adverse employment action in retaliation for requesting additional FMLA leave (JobBank USA, 2006, p. 1).

In the case of *Foraker v. Apollo Group, Inc.* (2006), the District Court of Arizona applied the ruling in the U.S. Supreme Court decision in *Burlington Northern v. White* (2006). *Burlington Northern* was a Title VII case in which the court ruled that a plaintiff seeking to establish an adverse employment action must show that a reasonable employee would have found the challenged action materially adverse. With its ruling in the *Foraker v. Apollo Group, Inc.* case, the Arizona District Court states that paid

administrative leave can be considered an “adverse employment action.” The implication of this decision is that an employer might use paid administrative leave to carry out disciplinary action or retaliation. The court’s decision suggests that employers cannot use paid administrative leave indiscriminately because there may be consequences for the employer.

A search in ProQuest and Google for paid administrative leave led the authors to several articles that talked specifically about incidents of paid administrative leave. The following is a selection of these articles:

1. “Voorhees President Given Extended Leave With Pay.” This sexual harassment case has clear guilt implications (Whetstone, 2007).
2. “Thompson Placed on Paid Administrative Leave.” Thompson is a school superintendent whom the School Board placed on paid administrative leave for performance issues while determining what to do next (Lewis, 2007).
3. “Gustine Police Chief Arrested on DUI Charges.” Chief Kris Anderson was placed on paid administrative leave after being arrested for DUI and failing the sobriety testing (*The Stockton Register*, 2008).
4. “Teacher Placed on Leave for Hanging Foreign Flags.” A Jefferson County, Colorado, geography teacher was placed on paid administrative leave for refusing to remove foreign flags on display in his classroom in violation of district policy (Rouse, 2006).
5. “Reno Police Department Sergeant Continues on Leave Pending Internal Investigation.” Reno Police Sergeant Paul Pitsnogle was placed on paid administrative leave after he was accused of coercing a 17-year-old female into undressing in the back of his police vehicle during a traffic stop (Reno Police Department, 2006).
6. “Lt. Hunt Appeals Carona’s Action; He’s Fighting the Demotion Decision That Followed His Election Defeat by Sheriff.” Lt. Bill Hunt was placed on paid administrative leave by Sheriff Michael Carona for “public statements, actions and accusations that went beyond those which are protected by the 1<sup>st</sup> Amendment” (Hanley, 2006, p. B3). This action occurred after Lt. Hunt lost his bid to unseat Sheriff Corona in a heated election in June 2006 and was widely interpreted as retaliation by Sheriff Corona (Hanley, 2006).

The random selection of articles above represents the many available on the subject of paid administrative leave. As the University of Colorado System’s Short-term Paid Administrative Leave policy demonstrates, organizations use paid administrative leave for purposes other than pending disciplinary action. However, its use in circumstances other than pending disciplinary action seems very small compared with paid administrative

leave given for pending disciplinary action. As a result, a person reading that an employee received paid administrative leave would most likely draw the conclusion that disciplinary action will follow, pending the outcome of an investigation.

Moreover, the public perception of paid administrative leave as an indicator of wrongdoing is further enhanced by the Arizona District Court's decision in *Foraker v. Apollo Group, Inc.* The court viewed paid administrative leave as an adverse employment action that should not be used in lieu of some less "punitive" means of leave. The court noted that Foraker was not permitted to come into the workplace; he had no interaction with his coworkers; he did not get on-the-job training; and he did not get employment reviews that could have led to increased responsibilities or pay (*Foraker v. Apollo Group, Inc.*, 2006).

This calls into question the common practice, especially in the public sector, of involuntarily placing someone on a paid leave. Although the decision is not binding outside of the court's jurisdiction in Arizona, it is possible that other courts will find the reasoning in this case persuasive (McKenna, 2006, p. 1).

Police officers placed on paid administrative leave most likely would not be told not to come into the workplace. This assumption is based on the many years of experience of authors Guffey, Larson, and Porter. On the other hand, most likely the officers would not have interaction with coworkers; they may not get on-the-job training (often referred to as officer in-service training); and they may not get an employment review for the period of time on administrative leave.

#### *Police Officer Peer Support Groups*

A second area of literature pertaining to this study is that related to police officer peer support groups. Peer support groups are popular within police agencies because police officers place so much trust in their fellow police officers. In times of crisis, police officers see peer support groups as their trusted family members. Peer support groups are not intended to, nor do they replace counseling by a mental health professional. Police officers, as a general rule, are not trained as mental health professionals. Nevertheless, police officers may "open up" more with a peer or peer group than a mental health professional, knowing that the mental health professional could share with police management what officers discuss during counseling. But at least one state court has upheld the confidentiality of peer and peer support group conversations (*Gilbert M. Bernard v. The Justices of the District Court of Cambridge*, 1996).

Peer supporters serve two major functions. First, they provide a source of help for officers who are unwilling to bring their problems to mental health professionals because they mistrust “shrinks.” Some officers may feel stigmatized for being unable to handle their problems on their own or fear that entering therapy might hurt their careers. Second, peer supporters usually are more accessible than professional counselors (Finn & Tomz, 1998). Another important function of peer support is that officers may be more receptive to obtaining the services of a mental health professional if the referral comes from a peer or peer group (Finn & Tomz).

The August 2007 issue of *The Police Chief* magazine discusses peer support guidelines. “The goal of peer support is to provide all public safety employees in an agency the opportunity to receive emotional and tangible peer support through times of personal or professional crisis and to help anticipate and address potential difficulties” (Peer Support Guidelines, 2007, p. 1). This same article lists the requirements for implementing a peer support program. A summary of these requirements follows.

1. The department policy manual should include a formal policy statement that grants peer support teams departmental confidentiality.
2. Support from Peer Support Programs (PSPs) benefits individuals involved in critical incidents, such as an officer-involved shooting.
3. Individuals may voluntarily choose or reject participation in a PSP.
4. Members of PSPs should be volunteers who are currently in good standing with their departments.
5. A peer support program must have a procedure in place for mental health training and referrals to mental health consultations.
6. Departments should have a policy that clarifies confidentiality guidelines and reporting requirements and avoids role conflicts and dual relationships. For example, it would not be appropriate for supervisors to be members of peer support groups. (Peer Support Guidelines, 2007, pp. 3–4).

*Model Peer Programs.* Two peer support programs that have emerged as models are the New York Police Department (NYPD) program Police Organization Providing Peer Assistance (POPPA) and New Jersey’s COP-2-COP Hotlines. POPPA originated in the NYPD in 1996, but the serendipity was realized after the World Trade Center disaster we now know as 9/11. From September 11, 2001, until December 2003, POPPA performed outreach, support work, and screening for stress symptoms related to the disaster within the NYPD. Since 1996, POPPA has used volunteer police officers as peer support officers to help fellow officers overcome their resistance to seeking assistance. To meet the needs of the NYPD officers, POPPA has developed and trained a panel of more than 100 mental

health professionals, and all assistance POPPA peer support officers and clinicians offer is confidential (Dowling, Moynihan, Genet, & Lewis, 2006).

COP-2-COP began in New Jersey in 1998 when the state legislature passed Bill 1801 to fund a helpline for law enforcement officers. A crisis intervention helpline for first responders and their families, COP-2-COP provides peer support, clinic assessment, referrals to mental health professionals, and Critical Incident Stress Management. COP-2-COP, like POPPA, has also been active in counseling first responders experiencing various stages of posttraumatic stress disorder (PTSD) as a result of the attacks on the World Trade Center on September 11, 2001.

In its first year, prior to 9/11, COP-2-COP received over 1,700 phone calls. In the first few months immediately following 9/11, a 300% increase in calls was recorded, thus eliciting attention to the program from the New Jersey Governor's Office, the New Jersey Attorney General's Office, the *New York Times*, The New York Police Department, the Port Authority Police Department of New York and New Jersey, the Federal Bureau of Investigation, and the Secret Service as well as similar national and international organizations (Ussery & Waters, 2006, p. 66).

### **Methods**

The method the authors used in this study was primary data analysis of responses to a questionnaire. The questionnaire contained 13 questions designed to retrieve information from police agencies regarding their policies on paid administrative leave for officers involved in line-of-duty shooting incidents.

The authors mailed a total of 65 questionnaires to police agencies nationwide. They selected 55 of the agencies randomly; 10 agencies within California were selected because the authors have personal contacts within these agencies and believed those agencies would return the questionnaires. The authors selected the 55 national agencies randomly by using a Table of Random numbers. Twenty-five large agencies, defined as serving a population of 500,000 or greater, were identified, and the authors selected 20 of these to receive questionnaires. Twenty-five medium-sized agencies, defined as serving a population from 200,000 to 499,999, were identified, and the authors selected 20 randomly. Finally, 25 small agencies, defined as serving a population of less than 200,000, were identified and the authors selected 15 of these randomly.

A total of 40 agencies returned completed questionnaires (see Table 1). Although some information was missing on a few of the questionnaires, the authors used all 40 returned questionnaires in the study. The authors have made no assumptions with regard

to the validity and reliability of the data; however, the authors do believe that the agencies and, therefore, the data are representative of police agencies nationwide in the three categories of large, medium, and small agencies. The variables the authors used were primarily nominal and not rank ordered. Therefore, non-parametric tests of significance, such as chi square and binomial, could not be run in SPSS. Nevertheless, the questionnaires were completed by personnel within each department that were given the responsibility to research the answers within their own departments. For the large and medium departments, this was generally a research section or department. The findings from the 40 returned questionnaires appear in the Results section.

Table 1. *Large, Medium, and Small Agencies Responding to Questionnaire*

Large Agencies (serving populations of 500,000 or >)	Medium Agencies (serving populations 100,000–499,999)	Small Agencies (serving populations of < 100,000)
NYPD	Oklahoma City PD	Hartford, CT PD
CHP	Newark, NJ PD	Manchester, VT PD
LAPD	Norfolk, VA PD	Sioux Falls, SD PD
Sacramento Sheriff	Birmingham, AL PD	Carlsbad, CA PD
Seattle PD	Boise PD	Chula Vista, CA PD
Cleveland PD	Oakland PD	El Cajon, CA PD
Alameda Sheriff	Anchorage PD	National City, CA PD
Honolulu PD	Charleston PD	La Mesa, CA PD
St. Louis PD	Des Moines PD	
Dallas PD	Sacramento PD	
San Francisco PD	Louisville Metro PD	
Chicago PD	New Orleans PD	
Miami-Dade PD	Kansas City PD	
Portland Police Bureau		
Las Vegas PD		
San Diego Sheriff		
San Diego PD		
Boston PD		
Charlotte-Mecklenburg PD		
<b>Total = 19</b>	<b>13</b>	<b>8</b>

## Results

The authors obtained the following results from the 40 questionnaires. The questionnaire contained 13 questions: Question 1 asked for the agency's name, and Questions 2–13 asked specific data questions. The 40 responding agencies are categorized by large, medium, and small departments so further comparison of the data could be made among these three categories. As stated previously, the authors defined large departments as

those serving a population of 500,000 or more; medium departments as those serving populations of between 100,000 and 499,000; and small departments as those serving populations of less than 100,000. There were 19 large agencies, 13 medium agencies, and 8 small agencies for a total of 40 responding agencies.

Question #2—Does your department have a policy on paid administrative leave for officer-involved shootings?

Large Agencies	Medium Agencies	Small Agencies
16–yes	12–yes	6–yes
3–no	1–no	2–no

Among the surveyed agencies, 34 have specific policies on paid administrative leave for officer-involved shootings and 6 do not. However, the 6 departments that indicated they do not have a specific policy do have either an informal procedure for handling officer-involved shootings or a written policy that does not place the officers on paid administrative leave. For example, NYPD police officers involved in shootings that result in death or injury of a subject are temporarily reassigned to their “overhead command” (desk duty) for three tours of administrative duty. The borough or precinct captain can extend this assignment. Boston PD has a similar. A Boston PD officer is reassigned to administrative duties, pending the outcome of the Firearms Discharge Investigation Team. If the preliminary investigation reveals that the discharge was justified, the officer may be restored to regular duties. If a Chicago Police Officer is involved in a shooting just before his/her regular days off (RDO), he/she goes home on RDO. At the conclusion of the RDO, the officer is placed on “miscellaneous detail” and presumably works in an administrative capacity.

Question #3—Which of the following describes the purpose of paid administrative leave for officer-involved shootings (please circle all that apply)?

a. Allow the officer time to “unwind” from the stress of the shooting

Large Agencies	Medium Agencies	Small Agencies
14–yes	9–yes	3–yes
2–no	3–no	3–no

b. Allow time for a thorough investigation of the shooting without interference from his/her duties

Large Agencies	Medium Agencies	Small Agencies
12–yes	9–yes	4–yes
4–no	3–no	2–no

c. Allow time for psychological counseling

Large Agencies	Medium Agencies	Small Agencies
14–yes	10–yes	5–yes
2–no	2–no	1–no

d. Other

The following are a sample of two of the other purposes given:

CHP—“When the shooting incident is of such a sensitive nature that it is in the best interest of the officer’s welfare.”

Boise PD—“To be with their families.”

The data indicate that the administrative leave policy has three purposes: (a) to allow the officer to unwind and de-stress from the incident, (b) to allow time for a thorough investigation of the incident, and (c) to allow time for psychological counseling and peer group intervention.

Question #4—How long has your policy of paid administrative leave been in effect?

Large Agencies	Medium Agencies	Small Agencies
Mean = 20.37 years	Mean = 17.9 years	Mean = 20.4 years

The data indicate that the paid administrative leave policy is a relatively new policy compared with age-old policies such as pursuit driving, which has been in existence since automobiles were first used in policing (1930s), and use of force, which has been in existence since the Boston PD and NYPD were established in 1845 and 1854, respectively .

Question #5—Does your department automatically place an officer(s) on paid administrative leave when he/she shoots or kills a citizen in the line of duty?

Large Agencies	Medium Agencies	Small Agencies
14–yes	11–yes	6–yes
2–no	1–no	2–no

The five agencies that indicated that they do not automatically place the officer(s) on administrative leave explained that the decision to do so was given to a command officer at the rank of at least captain, deputy chief, or chief of police after initial findings of the investigation were reported.

Question #6—What is the length of time required before the officer can return to his/her original duty assignment?

Large Agencies	Medium Agencies	Small Agencies
3 = 1 week or less	4 = 1 week or less	1 = less than 1 week
1 = 2 weeks	8 = varies	5 = varies
13 = varies		

All the agencies that identified a specific time after which the officer must return to full-time duty indicated that the time limit could be extended with a command officer's approval. Table 2 provides a selection of the explanations given for the "varies" responses the 26 agencies gave.

Table 2. *Explanations of a Sample of Agencies for "Varies" Response to Question #5*

Agency	Explanation
Honolulu PD	Based on evaluation by psychologist
Newark PD	Based on evaluation by psychologist
Dallas PD	At conclusion of grand jury findings
Charlotte-Mecklenburg PD	Dependent on investigation and interview with psychologist
Birmingham PD	Dependent on psychological evaluation and findings of the District Attorney's office.
Des Moines PD	After grand jury makes recommendation
Miami-Dade PD	Chief of Police after 72 hour review of case
Portland Police Bureau	After recommendation by grand jury and psychologist's evaluation
Louisville PD	Depends on the outcome of the investigation
Kansas City PD	The DA must clear officer of any wrongdoing first
Las Vegas PD	Must be cleared by coroner's inquest and release by psychologist

Question #7—Are these officers allowed to work a "desk assignment" in lieu of paid administrative leave?

Large Agencies	Medium Agencies	Small Agencies
9—yes	3—yes	1—yes
10—no	10—no	5—no

The data show that there is more allowance for officers to choose to work a "desk assignment" in large agencies versus the medium and small agencies. The authors explore this finding more in the Conclusions section of this paper.

Question #8—Which of the following occurs during the paid administrative leave (please circle all that apply)?

- a. Investigation of the officer's shooting to determine whether the shooting was justified by policy or not

Large Agencies	Medium Agencies	Small Agencies
13–yes	11–yes	6–yes
4–no*	1–no*	0–no

\*The “no” answers were given by agencies whose paid leave was 3 days or less. The authors assume this response means that the investigation would not be sufficient within this short time frame to make a “justifiable” conclusion.

- b. Questioning of the officer(s)

Large Agencies	Medium Agencies	Small Agencies
13–yes	10–yes	6–yes
4–no	2–no	0–no

- c. Psychological counseling by a departmental psychologist or mental health professional or one contracted to perform this service

Large Agencies	Medium Agencies	Small Agencies
19–yes	13–yes	8–yes
0–no	0–no	0–no

- d. “Support Group” of other officers who have or have not been involved in a shooting of their own

Large Agencies	Medium Agencies	Small Agencies
12–yes	8–yes	5–yes
5–no	4–no	1–no

- e. Other services

The single largest response here that varied from the above choices was counseling by a departmental chaplain.

The data indicate that, although not unanimous, a combination of two dichotomous events takes place during the administrative leave: (1) investigation of the shooting and questioning of the officer, and (2) counseling by psychologist, peer support officers, and departmental chaplains.

Question #9—Is psychological counseling mandatory or voluntary?

Large Agencies	Medium Agencies	Small Agencies
18—mandatory	13—mandatory	8—mandatory
1—voluntary	0—voluntary	0—voluntary

All but one agency makes psychological counseling mandatory.

Question #10—If your department offers psychological counseling, is there a limit to the number of hours of counseling that an officer can receive?

Large Agencies	Medium Agencies	Small Agencies
0—yes	0— yes	0—yes
19—no	12—no	6—no

Although a few departments indicated that they limited the psychological counseling hours, they also indicated that the counseled officer could request an extension.

Question #11—During the time your policy has been in effect, approximately what percentage of officers have **not** returned to a type of duty that would put them in the position of possibly having to use deadly force once again? This would **not** include officers who were fired or chose to leave the department.

Large Agencies	Medium Agencies	Small Agencies
6 of 19	1 of 13	1 of 6
Range 1%–5%	1%–2%	1%
Mean = 2%	Mean = 1%	Mean = 1%

The data indicate that large agencies have the most officers who do not return to a type of duty that could possibly subject them to having to use deadly force again. Six agencies reported this with an estimate of 1% to 5% not returned. For medium and small agencies, only one agency in each reported such loss and with an estimate of only 1% to 2% and 1%, respectively. Two assumptions can be made. First, large departments are able to reassign an officer more easily than a medium or small department. Second, overall the percentages are low; therefore, it would appear that the interventions are working.

Question #12—During calendar year 2006–2007, how many officers were given paid administrative leave for an officer-involved shooting and what was the total number of days off?

Large Agencies		Medium Agencies		Small Agencies	
Officers	Total Days	Officers	Total Days	Officers	Total Days
318	4,121	58	755	6	18
Days per officer = 12.95		Days per officer = 13.01		Days per officer = 3	

The data show that the large and medium agencies lose officers substantially longer on paid administrative leave versus the small agencies—13 versus 3 days during calendar years 2006–2007. According to the Web site [www.theblueline.com](http://www.theblueline.com), the average daily salary of a U.S. police officer in the middle pay grade is \$199.28. Rounding this figure to \$200.00/day would equate to approximately \$2,600 per officer on leave for the large and medium departments versus \$600.00 per officer on leave for small departments. These estimated costs are not significant when calculated per officer as a mean for all large and medium departments. For example, Honolulu, with 2 officers and 6 days leave total, incurred only \$1,200 in paid leave. However, Las Vegas PD, with 128 officers involved and 3,328 days of leave, incurred approximately \$665,600 in paid leave. These estimated costs do not include possible overtime paid to officers who may be “back-filling” the vacant position. Clearly some of the large and medium agencies are absorbing a significant cost for paid administrative leave.

Question #13—Does your department have a program(s) not addressed in this questionnaire that have assisted officers who have been involved in line-of-duty shootings of citizens? If so, please describe below.

Table 3 lists a sample of the responses given to this question. The responses indicate that peer support groups are the most popular program to supplement mental health services.

A careful analysis of the questionnaire results indicates that over the last 20 to 25 years, police agencies have adopted specific policies for paid administrative leave for police officers involved in line-of-duty shootings. The purpose of these policies is therapeutic on the one hand and investigatory on the other hand. Psychological counseling by mental health professionals is a part of all the policies, and internal peer support groups are a part of many.

Another aspect of these policies is their automatic implementation. Only in a very few cases were command personnel allowed to make the decision to implement the policy. Very few of the surveyed agencies had specific time limits for these paid leaves; rather, the duration was determined by the outcome of the investigation, or an outside agency

had control: the district attorney's office, the grand jury, the coroner's office, or some other outside investigative agency.

Table 3. *Sample of Support Programs for Officers Involved in Line-of-Duty Shootings*

Agency	Support Program
NYPD	Internal Support Programs Chaplin's Unit Counseling Services Unit Early Intervention Unit NYPD Helpline Police Self Support Group Psychological Services Unit External Support Programs Columbia University in conjunction with New York Presbyterian Hospital P.O.P.P.A. (Police Organization Providing Peer Assistance) at <a href="http://www.poppainc.com">http://www.poppainc.com</a>
CHP	Peer Support Teams
Oklahoma City PD	Police Chaplains, CHAPS (Cops Helping Alleviate Policemen's Problems)
Cleveland PD	Peer Counseling via the Employee Assistance Unit
Newark PD	COP-2-COP Peer Support
Dallas PD	Peer Counseling
Sioux Falls PD	Critical Incident Stress Debriefing
Chicago PD	Traumatic Incident Stress Management Program
Miami-Dade PD	EAP, Seafield 911
Alameda County Sheriff's Department	Post-trauma debriefing; Peer support

The study also revealed that generally officers were not given a choice as to whether they wanted to be placed on paid leave or continue to work a "desk" assignment. The surveyed agencies were almost unanimous in requiring officers to obtain professional psychological counseling, and none placed an absolute limit on the number of hours of counseling.

The study also revealed that the percentage of officers who were not returned to "hazardous" duty was very small; however, the percentage for larger agencies was greater than for medium and smaller agencies. Large agencies were also losing officers

for much longer periods of paid leave versus the medium and small agencies surveyed, which resulted in greater dollar and manpower costs to larger agencies.

Finally, the study revealed that most of these departments had excellent resources for officers involved in shootings. Psychological resources were available in all departments, and most had additional counseling services available from Employee Assistance Programs, including peer support groups and police chaplains. The NYPD, for example, has contracted with Columbia University to receive free psychological counseling.

## **Conclusions and Recommendations**

### *Conclusions*

The authors will first address the research questions posed in this paper's introduction.

1. Has the shift to paid administrative leave for line-of-duty shootings been a sound management policy? The data from the surveys indicates that it is not. These policies are not cost-effective, and they may cause the department to lose control to outside agencies such as the district attorney, the grand jury, or the department psychologist regarding when officers can be recalled. As a result, the officers may become a loss to the department for a longer period of time than the policy sets forth.

2. Is the practice of forcing officers involved in line-of-duty shootings to take paid administrative leave suitable? Based on the findings of this study, placing officers on paid administrative leave for line of duty shootings is neither cost-effective nor fair to the involved officers.

3. Is there a presumption that the shooting complied with department and U.S. Supreme Court guidelines if an officer is given paid administrative leave automatically when this practice, as used in the private sector and other public organizations, suggests there has been wrongdoing? Based on the findings of this study, the authors believe that unintended prejudice and innuendo is foisted on the involved officer(s). For example, an officer who is arrested for sexually assaulting a female in his custody has an accuser and evidence of probable cause. This officer most likely will be placed in paid administrative leave pending the outcome of the full investigation. Compare this example with an officer who is involved in a shooting in which there is clear evidence of justification. This officer may also be placed on paid administrative leave. The public reading and hearing about this incident and the action taken most likely will assume the shooting officer is at fault because they most likely will not distinguish the two incidents.

4. Can being placed on paid administrative leave be considered an adverse employment action in some cases? The case law is not definitive on this issue. As this paper discusses, at least one case, *Foraker vs. Apollo Group, Inc.*, did find in favor of plaintiff Foraker who was placed on paid administrative leave in what the court interpreted

as a retaliatory measure. However, this case was from an Arizona District Court, and the ruling has not been adopted in other states.

### *Recommendations*

1. Departments should make a clear distinction between officers placed on paid administrative leave for line-of-duty shootings and officers placed on paid administrative leave for an allegation of criminal wrongdoing. The distinction could be allowing the officers involved in a shooting to work a “desk assignment” instead of giving them forced paid administrative leave. During an investigation of a shooting, the officer involved may feel isolated if left for an extended period without contact with peers. Remaining on duty also facilitates the officer’s access to internal counseling resources. In addition, the officer continues to be productive. It is also feasible that the involved officer could relieve another officer who has left a desk assignment to fill the vacated position in the field division.

2. Departments should also consider giving a command officer the authority to implement the paid administrative leave or not. When an officer is placed automatically on paid administrative leave, it may be more difficult to return the officer to his or her original duty assignment as evidenced by the many outside agencies that have control over the time that an officer remains on paid administrative leave. On the other hand, if the officer is retained in a desk assignment, he or she can continue to be productive during the investigative process.

3. Departments should have well-trained peer support groups and chaplains to supplement professional psychological counseling services. As all police officers and former police officers know, they trust first and foremost their peers. Professional mental health professionals are very effective in reducing stress and therapeutically treating disorders such as posttraumatic stress disorder. But police officers do not routinely seek help. They are the *problem solvers*. This mentality is often so ingrained in police officers that there seems to be a shame attached to asking for help or seeking counseling from a mental health professional. Police officers may also associate mental health professionals with the “crazy” people they contact on the streets and transport to their local mental institutions. Establishing a peer support system takes away the stigma associated with sessions with a mental health professional. Studies have shown that the right type of immediate help from peer support officers or a member of the mental health profession can resolve stress reactions (Anderson, Swenson, & Clay, 1995).

According to the California Peer Support Association, many large police departments, such as the Los Angeles Police Department, Los Angeles Sheriff’s Office, and the San Diego Police Department, as well as more than 140 departments in California, have trained officers to work as volunteer counselors (Mitchell & Bray, 1990). Most departments

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provide training to officers according to the Peer Support Guidelines, which the International Association of Chiefs of Police ratified in 2006 (IACP, 2006).

4. Because paid administrative leave for police officers carries the same aura of wrongdoing, the option of another assignment should be the first response to line-of-duty shootings. As discussed in the literature review, paid administrative leave generally casts an aura of guilt over the individual who has been placed on paid administrative leave. The mass media often adds “doubt of legitimacy” to officer shooting cases with headlines such as “Officer Placed on Paid Administrative Leave.” Agency policies should be written so it is clear that the automatic paid administrative leave for line-of-duty shootings by no means suggests foul play or wrongdoing and should never be used in a civil service hearing, civil trial, or any other venue as evidence of foul play or wrongdoing. As mentioned previously, allowing the officers involved to work in an administrative assignment or allowing a command officer to decide on paid administrative leave after the initial findings of the investigation are reported can vitiate the stigma often associated with the use of paid administrative leave.

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