



MONTPELIER POLICE DEPARTMENT

Administrative Leave and Administrative Duty Status	Related Policies: City Personnel Plan
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Analogous Vermont Statutes: 3 V.S.A. §§ 971-978	
CALEA Standard:	
Date Implemented: September 29, 2023	Review Date:

1.0 Purpose

1.1 This policy addresses administrative leave and duty status of members involved in a critical incident.

2.0 Definitions

2.1 Critical Incident – An unusually challenging event that has the potential to create significant human distress and can overwhelm one's usual coping mechanism. A work-related event leading to notification of the Members Assistance/ Peer Support Team Leader in accordance with the Montpelier Police Department Members Assistance/ Peer Support Policy shall be considered the threshold by which a department member or employee is deemed to have been involved in a critical incident. Any use of lethal force or use of force resulting in serious bodily injury or death of an individual will also be deemed a critical incident.

2.2 Administrative Leave with Pay – A designation where a member is placed on a leave status with no change to their personal leave balances.

2.3 Administrative Leave Status – Duty status (with pay) of a member immediately following involvement in a critical incident. A member placed on such status shall not engage in or initiate enforcement functions other than in exigent circumstances.

2.4 Administrative Duty Status – The work status of a member returning to duty following involvement in use of lethal force or use of force resulting in serious bodily injury or death of an individual. A member placed on this status shall not engage in or initiate enforcement functions other than in exigent circumstances. Administrative duty status is a separate designation from

administrative leave status. A member will only be placed on administrative duty status following a prescribed period of administrative leave with pay and with clearance from the department clinician. A member(s) will remain on this status until the Attorney General and State's Attorney Offices have completed their review of the investigation performed by the Criminal Division and the investigation performed by the Internal Affairs Unit is complete.

3.0 Policy

3.1 The Montpelier Police Department shall require that member(s) involved in a critical incident related to the use of lethal force or use of force resulting in serious bodily injury or death of an individual be placed on administrative leave status immediately following the event.

3.2 Member involvement in critical incidents related to the use of lethal force or use of force resulting in serious bodily injury or death shall result in an investigation by the Internal Affairs Unit, in addition to the investigation by the Criminal Division.

3.3 A member involved in a critical incident related to use of lethal force or use of force resulting in serious bodily injury or death of an individual will remain on administrative leave status for 5 calendar days and until a formal interview is completed.

3.4 A member and/or employee(s) involved in a critical incident not related to the use of force may be placed on administrative leave with pay at the discretion of the Chief of Police.

4.0 Procedure

4.1 Administrative leave with pay shall be granted by the Chief of Police following a critical incident.

4.2 Member(s) involved in a critical incident related to use of force:

A. Immediately following a critical incident, the member will be placed on administrative leave status.

B. While on administrative leave status, a member will perform tasks related to the critical incident as required, will meet with the department clinician, and complete the formal interview for any pending investigation. During this time, the member on administrative leave status shall not engage in or initiate enforcement action other than in exigent circumstances. Efforts will be made to keep the member on the same shift schedule as prior to the incident.

C. Upon completion of the formal interview and after 5 calendar days from the incident, the member is authorized to return to administrative duty status in accordance with 4.2(E) of this policy. The period of administrative leave with pay may be extended at the discretion of the Chief of Police.

D. The duration of leave shall include the member's regular days off.

E. The member shall meet with a department clinician for debriefing and counseling services prior to returning to duty. Communications between the member and a department clinician shall be confidential. However, the clinician shall report to the Chief of Police his/her conclusions as to the member's fitness to return to work.

F. Upon the conclusion of the prescribed period of administrative leave, with clearance from the department clinician, and the approval of the Chief of Police the member is eligible to return to work on an administrative duty status.

G. With the goal of normalizing activity, a member assigned to administrative duty status will return to work in business attire, carrying his/her duty weapon, and operating an unmarked cruiser. During this time, the member on administrative leave status shall not engage in or initiate enforcement action other than in exigent circumstances.

H. A member will remain on administrative duty status until the Attorney General and State's Attorney Offices complete a review of the investigation performed by the Criminal Division. At this stage, the Chief of Police will determine the duty status of the member.

4.3 Member(s) or employee(s) involved in a critical incident not related to use of force by the member:

A. With the approval of the Chief of Police, a member or employee involved in a critical incident shall be immediately placed on administrative leave with pay for no less than five (5) calendar days.

B. The duration of leave shall include the member's or employee's regular days off.

C. The member or employee shall meet with a department clinician for debriefing and counseling services prior to returning to duty. Communications between the member and a department clinician shall be confidential. However, the clinician shall report to the Chief of Police his/her conclusions as to the member's or employee's fitness to return to work.

D. Upon the conclusion of the authorized period of administrative leave, with the clearance by the department clinician, fulfillment of any training needs, and the approval of the Chief of Police, the member or employee may return to work on a regular duty status.

4.4 Supervisor Responsibilities

A. The commanding officer of a member placed on administrative leave status or administrative leave with pay must send email notification to Human Resources, Payroll, and the Chief of Police Office with the following information:

1. Date the member is starting administrative leave
2. Where the incident took place
3. The anticipated amount of time the member will be on administrative leave with pay.

B. If the administrative leave with pay is extended, the commanding officer of the member must notify Human Resources and Payroll of the additional time the member will remain on administrative leave with pay.