

Was the LMPD chief able to suspend an officer without pay pending an investigation prior to the execution of the letter agreement between the FOP and Metro providing for suspensions without pay pending?

The understanding was that LMPD (and the prior City and County police departments) had never used the suspension without pay provision. First, it must be recognized that this issue focuses on an act taken before an investigation was completed and, therefore, not considered discipline. Second, while the statute recognizes the possibility of this suspension without pay, the statute fails to define any parameters for when its use would be appropriate. Hence the answer to the Council's question. When it had been raised before, the FOP claimed that a court may find it arbitrary and capricious leaving a judge without legal parameters for a decision. That left this option as an open question and practically not an available tool for the Chief.

Then in 2015 an incident involving an LMPD officer was caught on tape. This was a domestic dispute that became violent and caused serious injury to the spouse. That recording of the extreme incident led the Chief to want to implement the suspension without pay pending an investigation. The officer in question ultimately resigned, but the incident served as the backdrop for the creation of the letter agreement and its parameters. It also was recognized that this tool is used for highly exception circumstances, both the event itself and the evidence of the actual event, because it does provide a pre-finding penalization by taking away an officer's pay before the investigation is complete.