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# KANSAS CITY, KANSAS POLICE

## GENERAL ORDER

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ISSUED DATE: 10/15/2018  
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RESCINDS: 1.5 issued 10/17/2014

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SUBJECT: Fitness for Duty

REFERENCE: CALEA Ch. 1, Ch. 22

CROSS REFERENCE:

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### I. PURPOSE

- A. To allow sufficient time for completion of the investigation of the circumstances surrounding any traumatic incident involving an employee of the Kansas City, Kansas Police Department.
- B. To relieve the officer of the burdensome responsibility of effectively discharging his/her routine duties under the stressful conditions which accompany such a serious incident.
- C. To guarantee physical and emotional fitness of all employees, and minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.
- D. To ensure Department employees are able to fulfill the duties and responsibilities of their respective positions, they must be physically and mentally able to perform all of the tasks they may be called upon to perform during the course of their tour of duty.

### II. DEFINITIONS

- A. Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. Traumatic Incident - A line-of-duty incident where an officer's actions or use of force results in death or serious physical injury to another officer or another person; or, an accident by any employee that causes death or serious physical injury to another officer or person.
- C. Fitness for Duty: A fitness-for-duty evaluation is an assessment, requested by an employer, to determine if a current employee is or is not able to perform essential job functions because of psychological or psychiatric conditions. A risk assessment encompasses the elements of a fitness-for-duty evaluation, with particular emphasis on identification of characteristics that are associated with increased risk of harm to self or others.
- D. Wellness Check: A confidential session with the Department Psychologist or clinician, at the Departments request, to assess and address mental wellness following a critical incident or cumulative stress.

### III. RATIONALE

- A. Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that officer-involved shootings or other forms of force, resulting in death or serious physical injury to a citizen or a fellow officer may precipitate such stress disorders. As a result the Department will provide personnel with information on stress disorders and guide and assist in their deterrence. Therefore, it shall be the policy of this Department to take action after such incidents to safeguard the continued good mental health of all involved personnel.

- B. The policy set forth in this Order is not intended to imply or indicate that the employee has acted improperly, but is merely a protective mechanism for safeguarding the employee and the Department when considering the psychological stress associated with any traumatic incident.
- C. The Chief or his designate has the authority to require any type of fitness for duty examination of any employee, as he deems necessary.
- D. Supervisors who have fitness for duty concerns involving subordinates will document them in writing and forward them to the Chief's Office through the chain of command.

#### **IV. PROCEDURES FOR OFFICER INVOLVED SHOOTING OR SERIOUS INJURY**

- A. Whenever an officer of the Kansas City, Kansas Police Department, on or off-duty, takes the life of or seriously injures another person, an investigation will be initiated immediately by the Department or, if appropriate, by an outside agency. The Officer Involved Critical Incident Team will be activated for any Use of Force that causes great bodily injury.
- B. Any employee whose actions or use of force resulted in death or serious injury will be relieved from duty, without loss of pay or benefits, pending the outcome of the investigation of the incident.
  - 1. The officer shall be available, at all times, for official interviews and statements regarding the case, and shall be subject to recall to duty at any time. Officer(s) shall notify the Chief of Police or his designee, of any plans for leaving corporate limits of the Unified Government.
  - 2. Within 48 hours of the incident, the officer shall attend a mental wellness counseling session with a Department designated counselor, psychologist, and/or psychiatrist; see section V. Post Incident procedures.
  - 3. The officer will not discuss the case with anyone except the Wyandotte County District Attorney, affected Department personnel, clergy, mental health professionals or the officer's attorney.

#### **V. POST-INCIDENT PROCEDURES**

- A. Wellness Counseling: Any Departmental employee directly involved in a traumatic incident will be required to attend counseling with a Department retained counselor, psychologist, and/or psychiatrist. Associated costs for this counseling will be at the Unified Government's expense.
  - 1. Attending wellness counseling is for the purpose of ensuring the officer's mental wellness, and should not be confused with Fitness for Duty procedures depicted hereafter in section C.
  - 2. The Chief of Police or Bureau Director can discern that an event was traumatic in nature and may require an officer to attend wellness counseling. These types of events may include but are not limited to:
    - a. discharge of a firearm that did not result in shooting another,
    - b. officer involved deadly force that did not involve a firearm,
    - c. witnessing a deadly force or shooting incident,
    - d. use of force causing great bodily injury
    - e. violent crimes involving children
    - f. crime scenes of serious nature
- B. Studies have shown that Post Traumatic Stress (PTS) is normal following a traumatic incident. However, if PTS is not addressed within the first 48 hours, there is a danger PTS can manifest into Post Traumatic Stress Disorder / Syndrome. In an effort to prevent PTS Disorder/Syndrome, the Department will make every attempt to have officers attend mental wellness counseling within 48 hours of a traumatic incident.
  - 1. Within 48 hours of the traumatic incident, the officer's commander will make attempts to acquire a convenient time that the officer can attend a mental wellness counseling session. The Commander will notify the Chief's office of the date and time. The Chief's office will schedule the appointment.
  - 2. The officer will meet with the Department retained specialist. The Department will instruct the counselor that he/she will not take notes or record the interview. The purpose of the counseling will be to assist the officer with any concerns surrounding his/her mental wellness.
  - 3. Following the first counseling session, the Department retained specialist will speak with the Chief of Police or Bureau Director. This communication is exclusively to clarify if additional counseling sessions would benefit the officer. The trained specialist will only advise if the officer would benefit from an additional counseling session and will not provide any other information to the Department or the Unified Government.
  - 4. The officer will attend additional prescribed sessions if recommended. If no additional sessions are deemed necessary, the counselor will notify the Chief of Police, or his designee, of such information. This process does not validate the officer is fit for duty, and should not be confused with the Fitness for Duty guidelines outlined in the above section.
- C. When a decision has been rendered by the District Attorney regarding the case, the Chief of Police may:
  - 1. Suspend the officer, without pay or benefits, or
  - 2. Reinstate the officer to active duty, and

3. May send the officer for a Fitness for Duty evaluation.
  4. Take other administrative actions as deemed necessary.
- D. Fitness for Duty: If deemed necessary by the Chief of Police or Bureau Director, the officer will be required, at Unified Government expense; to undergo an interview with a Department retained psychologist and/or psychiatrist. The specialist must discern that the officer is fit for duty prior to the officer returning to duty.
1. After the fitness for duty evaluation by the Department retained psychologist or psychiatrist, the practitioner in writing shall advise the Department:
    - a. Whether it would be in the employee's best interest to be released to full duty, or to be placed on light duty, or remain on administrative leave, and for how long;
    - b. What will be the best-continued course of counseling?
- E. The Department strongly encourages the family of the involved employee to take advantage of available counseling services as offered through the employee assistance program, the Police Chaplains Association..
- F. The release of information by Departmental personnel to members of the news media will be in accordance with General Order #50.1.

## **VI. DAILY STRESS RECOGNITION**

- A. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, the officer's supervisor will attempt to monitor the behavior of division/unit members for symptoms of the disorder as well as external stress factors such as family financial problems, etc.
- B. A supervisor may recommend in writing to the division/unit's Bureau Director that an officer seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance.
- C. The Employee Assistance Program (EAP).
  1. A Department employee who believes that he or she, or a dependent family member, needs assistance in coping with personal or job related stress that may adversely affect his or her personal or professional well being or job performance may contact the Employee Assistance Program (EAP) at the telephone number posted in the Human Resources Department and throughout the Unified Government.
  2. The EAP offers confidential and timely assistance to Unified Government Employees, including traumatic incident induced stress, alcohol abuse, drug abuse, family problems, financial management difficulties, and other areas.
  3. The Unified Government has contracted with a provider for the EAP. The EAP provides mental health services and referral services to all UG employees (except temporary and summer) on a limited basis. Once the employee's EAP allowance is exhausted, the employee's insurance or the employee become responsible for further care services. The goal of the EAP is to assist the employee in arresting the problem before the employee becomes unemployable or the family becomes disordered. Employees or dependent members of their families, even in the early stages of a problem, are encouraged to voluntarily seek help and to follow the treatment plan that may be recommended in order to solve these problems.
  4. All supervisors and commanders are responsible for ensuring that this procedure is followed, that employees are aware that the EAP is an available resource, and that the appropriate telephone numbers are posted in their divisions and units. All supervisors and commanders will assure that no employee with any of the problems listed in VI, C 2 will have either his or her current job security or future promotional opportunities jeopardized by a request for assistance.
    - a. Nothing in this order or in related procedures is intended to replace the Department's normal disciplinary process.
    - b. Unsatisfactory job performance or poor attendance will be handled in accordance with existing policies concerning work attendance and performance.
    - c. Provision of the EAP is not intended to provide time away from the job. However, as necessary, refer to policies concerning sick leave and leaves of absence without pay.
  5. Supervisors may contact an employee and recommend that he or she contact the EAP for assistance when the officer is displaying signs that he or she may be in need of assistance. The officer may be referred in a case where the supervisor believes the employee will benefit from the assistance but where the supervisor does not believe that a written request through the Bureau Director is necessary or appropriate. Such referrals will be done in private and will be held in strict confidentiality.
  6. If a supervisor has referred an employee to the EAP or to other professional mental health specialists through the Bureau Director, the supervisor will continue to monitor the employee's professional behavior to ensure that job performance improves to a satisfactory level or remains at a satisfactory level. If job performance does not improve to a satisfactory level or remain at a satisfactory level, the supervisor will make appropriate notifications in writing to the Bureau Director through the chain of command.

- D. Mandatory Annual Wellness Checks

1. Officers, Supervisors, and Commanders of the following units will attend (1) one mandatory wellness check with the Department counselor, psychologist, and/or psychiatrist yearly.
  - a. The listed units will attend the prescribed annual sessions. If no additional sessions are deemed necessary, the counselor will notify the Chief of Police, or his designee, of such information. This process does not validate the officer is fit for duty, and should not be confused with the Fitness for Duty guidelines outlined in section V, B, 3.
    - (1) Undercover and Task Force Officers
    - (2) Child Abuse Unit
    - (3) Homicide Unit
    - (4) CSI
    - (5) Animal Services

## **VII. TRAINING**

- A. Supervisors will attempt to provide information on available peer counseling groups, if applicable, and mental health services through the EAP upon request.
- B. Supervisors will receive periodic training through materials provided by the Department's Training Unit or through in-service training on the following:
  1. The Employee Assistance Program's services;
  2. The supervisor's role and responsibility; and
  3. The identification of employee behaviors that would indicate the existence of employee concerns, problems, or issues that could impact employee job performance.

## **VIII. Physical Fitness for Duty**

- A. Sworn personnel's physical fitness is an important function of their duty. The inability to perform the physical tasks listed in the job description may be detrimental to the safety of the employee and other Department personnel.
- B. Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. Any examination will be provided at no cost to the employee.
- C. The medical examination program is intended to ensure that each employee/candidate is physically able to perform the duties and responsibilities of a police employee with the least possible risk to safety. The Department's physical requirements are in compliance with the Americans with Disabilities Act. (ADA).
- D. The Department's Fitness for Duty Release Form (Appendix A) will be completed by the employee's attending physician describing the disability, the limitations it causes, a prognosis stating an approximate date of recovery, and specify when the employee is able to return to full duty.