

KANSAS CITY, MO. POLICE DEPARTMENT		DATE OF ISSUE	EFFECTIVE DATE	NO.
PERSONNEL POLICY		11-21-06	12-06-06	320
SUBJECT			AMENDS	
Policy Series: Employee Relations 320 – Legal Restrictions Affecting Performance of Duty				
REFERENCE		RESCINDS		
312-5, 317-4,				

I. INTRODUCTION

Any member who has been arrested, who has been named as a respondent in an Ex Parte Order of Protection or Full Order of Protection; whose privilege to drive has been suspended or revoked for any reason; or whose Peace Officer Standards and Training (POST) commission or any other certification required to perform their job has expired or been suspended, may be subject to legal restrictions affecting performance of duty.

II. POLICY

- A. All department members must be able to perform the full unrestricted duties and essential functions of their position as outlined in the job description maintained in the Human Resources Division. Inability to perform those duties and functions (with the exception of a medical condition as outlined in Personnel Policy 825-4) may result in suspension of the member, or otherwise be relieved of duty for as long as the disqualification exists or in termination of the member.

- B. Section 590.070 of the Revised Statutes of Missouri mandates that the Chief of Police notify the Director of Public Safety of the State of Missouri when any commissioned peace officer:
 - 1. Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;
 - 2. Has committed any criminal offense, whether or not a criminal charge has been filed;
 - 3. Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;
 - 4. Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;
 - 5. Has violated a condition of any order of probation lawfully issued by the Director of Public Safety; or

6. Has violated a provision of Section 590 of the Revised Statutes of Missouri relating to Peace Officers Selection Training and Discipline or a rule promulgated by the Department of Public Safety.
- C. Sworn members who have been subject to a Full Order of Protection:
1. Will immediately be placed in an administrative assignment by their Commander or designee for a period not to exceed one year. If the member is still subject to a Full Order of Protection after one calendar year, the employment status of the member will be subject to review by the Chief of Police or his designee.
 2. **Will not** carry a firearm in a law enforcement capacity and will comply with city ordinances and state statutes pertaining to the carrying of firearms during the legal restriction period specified.
 3. Will be forbidden to work off-duty jobs that entail wearing the police uniform or need for police authority; however may work jobs not related to law enforcement and approved by the Off-Duty Coordinator.
- D. Civilian members who have been subject to a Full Order of Protection will not carry a firearm in any capacity during the legal restriction period specified.
- E. Members whose privilege to drive has been suspended or revoked will not operate a department vehicle during the legal restriction period specified. If a member has been issued a court ordered conditional license (hardship license), and the conditions of the license allow operation of a motor vehicle while at work, the member may be returned to full duty status if approved by the Chief of Police or his designee.
- F. The Chief of Police shall make the final disciplinary determination, if disciplinary action is taken, for all members who are subject to an Ex Parte Order of Protection, Full Order of Protection, have had their privilege to drive suspended or revoked, or who's POST commission has expired, been suspended or revoked.

III. PROCEDURE

- A. Any member who is arrested by any law enforcement agency will immediately submit a memorandum to their supervisor/commander containing only the nature of the allegation and/or the violation that was allegedly committed and the name of the jurisdiction making the arrest. A copy of the memorandum prepared by the member will be forwarded to the Office of General Counsel.
- B. Any member who has been named as a respondent in an Ex Parte Order of Protection or Full Order of Protection; their privilege to drive has been suspended or revoked for any reason; or whose Missouri Peace Officers Standards and Training (POST) commission or any other certification

required to perform their job has expired or been suspended will immediately submit a memorandum to their supervisor/commander along with any documentation in their possession. All documentation will be forwarded through the member's chain of command to the respective Bureau Commander with a copy to the Office of General Counsel.

- C. Members suspended from duty without pay must report to the Benefits Section to sign an Agreement and have it notarized stating they are responsible for making payments to the Board of Police Commissioners for their insurance premiums during the period of leave.
- D. Prior to returning to duty, sworn members must contact the Professional Training Section to verify POST certification requirements are met and current.
- E. Members must present to their supervisor or commander documentation confirming their commission has been reinstated before being returned to full duty.

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____,
2006.

James B. Wilson
President