

	KANSAS CITY, MO POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	<b>PERSONNEL POLICY</b>	02-07-2018	02-07-2018	320-2
SUBJECT			AMENDS	
Policy Series: Employee Relations 320 - Legal Restrictions Affecting Performance of Duty				
REFERENCE		RESCINDS		
590.070, 590.080 RSMo. PPBM 317 Suspension of Members		PPBM 320-1		

## **\*I. INTRODUCTION**

- A. This written directive provides guidelines and information regarding various types of legal restrictions affecting a member's performance of duty, as well as reporting responsibilities to the State of Missouri Department of Public Safety (DPS).
- B. State, federal, and local laws may impose legal restrictions affecting the performance of duty. The legal restrictions include, but are not limited to, those imposed by the Peace Officer Standards Training Commission (POST).

## **\*II. POLICY**

- A. All members must be able to legally perform the full and unrestricted duties and essential functions of their position as outlined in the job description maintained within the Human Resources Division (HRD). Inability to legally perform those duties and functions may result in suspension of the member or otherwise relieving them 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 (RSMo.) mandates that the Chief of Police notify the Director of Public Safety of the State of Missouri:
  1. When any commissioned peace officer (sworn member) separates from or ceases to be commissioned by the department. The notice will also state the circumstances surrounding the departure from employment or loss of commission and will specify if any of the following apply:
    - a. The sworn member failed to meet the minimum qualifications for commission through POST.
    - b. The sworn member violated federal, state, or municipal law.
    - c. The sworn member violated the regulations (i.e., written directives, policies, and procedures, etc.) of the department.

- d. The sworn member was under investigation at the time of separation for violating federal, state or municipal law, or for gross violation of department regulations.
- 2. When there is reasonable grounds to believe that any sworn member commissioned by the department is subject to discipline pursuant to Section 590.080 RSMo., including that the sworn member:
  - a. is unable to perform the functions of a sworn member with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse.
  - b. has committed any criminal offense, whether or not a criminal charge has been filed.
  - c. has committed any act while on active duty or under the color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person.
  - d. 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.
  - e. has violated a condition of any order of probation lawfully issued by the DPS.
  - f. has violated a provision of Section 590 RSMo. relating to POST and discipline or a rule set forth by the DPS.
- C. Members may be subject to disciplinary action for failure to report any legal restriction as stated within this written directive or for any member who is subject to any of the restrictions referenced in this written directive.

### **III. PROCEDURE**

- \*A. Members will immediately notify their supervisor/commander by submitting an Interdepartment Communication, Form 191 P.D. or a memorandum to their supervisor/commander, who will forward the notification through the chain of command, with a copy to the Office of General Counsel (OGC) and the HRD. A copy of all applicable documentation will be attached when the member is:
  - 1. arrested.
  - 2. aware that a criminal case involving them has been presented to a prosecutor.

3. aware that an administrative revocation for refusal to submit to alcohol testing by breath, blood, or saliva, has been issued to them.
4. aware that a warrant has been issued for their arrest.
5. aware their privilege to drive has been suspended or revoked for any reason.
6. named as a respondent in an *Ex Parte* Order of Protection.
7. named as a respondent in any domestic or family court case and a preliminary or permanent injunction (also known as a Temporary Restraining Order or TRO) involving allegations of any type of abuse has been issued against them.

\*B. All members who are the subject of a Full Order of Protection will:

1. immediately notify their supervisor/commander by submitting an Interdepartment Communication, Form 191 P.D., or a memorandum and attach a copy of all applicable documentation to include a copy of the Order. A copy of the memorandum prepared by the member will be forwarded to the OGC.
2. **not** carry a firearm in any capacity (to include a law enforcement capacity for sworn members) and will comply with all applicable laws and ordinances pertaining to the sale, carrying transfer or possession of firearms for the entire period the order is valid.

C. In addition to the previous requirements, sworn members who are the subject of a Full Order of Protection will:

1. immediately be placed in an administrative assignment by their Commander or designee upon learning of the order.
  - a. The administrative assignment will not exceed one (1) year.
  - b. If the member is still subject to the order after one (1) calendar year, the employment status of the member will be reviewed by the member's chain of command.
- \*2. be forbidden to work secondary employment (off-duty jobs) that entail wearing the police uniform or need for police authority. The member may work jobs not related to law enforcement and that are approved by the Bureau Commander of the Off-Duty Coordinator.

- D. Sworn members who become aware that their POST license is expired, suspended, probated, or temporarily or permanently revoked will immediately notify their supervisor/commander by submitting an Interdepartment Communication, Form 191 P.D. or a memorandum and attaching a copy of all related documentation.
1. The supervisor/commander will forward the notification through the chain of command, with a copy to the OGC and the HRD.
  2. Prior to returning to full duty, the member will:
    - a. Submit documentation through their chain of command to HRD confirming their commission has been reinstated before being returned to full duty.
    - \*b. Not be returned to full duty from an administrative assignment (as a result of any of the restrictions previously listed) until HRD receives proof of reinstated commission.
    - c. Will contact the Professional Training Section to verify POST certification requirements are met and current.
- \*E. Members suspended from duty should refer to the current written directive entitled, "Suspension of Members," for further information.

Richard C. Smith  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Leland Shurin  
Board President

**DISTRIBUTION:** All Department Personnel  
Public View Master Index - Internet  
Department Master Index - Intranet  
Policy Acknowledgement SyStem (PASS)