

TITLE: PSYCHOLOGICAL EXAMS AND REFERRALS

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PURPOSE

The purpose of this policy is to establish guidelines governing the mandatory and non-mandatory referral of officers to counseling and evaluation services; to establish responsibility and requirements with reference to disclosure, attendance, and confidentiality; define requirements for officers involved in the performance of duties which by their nature subject an officer to above normal exposure to psychological or emotional pressure.

POLICY

In recognition of the Department's responsibility to reasonably monitor its officers' psychological fitness for duty, it shall be the policy of the Department to provide officers with counseling and referral services for personal problems which may affect their work performance in accordance with the city Employee Assistance Program; to mandate psychological referral in incidents where a post traumatic stress disorder may occur; where an officer's actions would reasonably suggest ongoing or intensifying psychological problems and identify positions which require psychological monitoring due to the nature of duties performed.

PROCEDURE

E.A.P. REFERRAL CLASSIFICATIONS

94.1.01 Referrals to a licensed counselor and/or psychologist are classified into four distinct categories. Each category is established as follows:

SELF REFERRAL

94.1.02 Self-referral is at the option and discretion of the employee in accordance with the established policy outlined in the Employee Assistance Program. No disclosure or notification to the employer is required and attendance is non-mandatory.

94.1.03 The employee will be responsible for obtaining leave to attend any sessions scheduled. The department will provide no administrative leave for the employee to attend self-referral sessions.

SUPERVISORY REFERRAL

94.1.04 Supervisory referrals are those which are at the direction of a supervisor or command officer in the employee's chain of command with the consent and approval of the employee.

94.1.05 The referral is non-disciplinary in nature and is intended to be used as a supervisory tool to correct job related problems prior to initiating disciplinary action against an employee. Disclosure of any information is voluntary and based on agreement between the supervisor and employee. A referral of this type may be documented for use in future disciplinary actions if the problem initiating the referral is not corrected.

94.1.06 The employee will be required to attend all sessions on his/her own time. Attendance at referral sessions on duty will require the use of sick or annual leave.

DISCIPLINARY REFERRALS

94.1.07 Disciplinary referrals are referrals at the discretion and direction of the Chief of Police for disciplinary reasons. Disciplinary referrals may be used only in cases where work performance has declined and the cause can be verified as relating to behavioral problems not associated with violations of moral turpitude, misdemeanor, or felony violations of law. Disciplinary referrals shall only be used as an alternative to more severe disciplinary action when the employee agrees to participate in counseling and provide the Department with attendance, treatment, and compliance information.

94.1.08 Administrative leave to attend one session will be granted to the employee directed to counseling. Attendance at additional sessions will require the employee to use sick or annual leave.

94.1.09 Employees not abiding by terms of agreement shall be subject to additional disciplinary action. All disciplinary referrals will be considered disciplinary actions and shall be documented and maintained as prescribed by personnel rules and regulations.

INCIDENT REFERRALS

94.1.10 Incident referrals by the Chief of Police that are non-disciplinary in nature and deemed in the best interest of the Department. Mandatory referrals are intended to provide employees with counseling and referral services for dealing with incidents that may impact the employee psychologically or emotionally and may cause a post traumatic stress disorder.

94.1.11 Officer involved shootings, motor vehicle pursuits where an individual is killed or seriously injured, and incidents that are unusually violent or traumatic in nature will automatically result in a mandatory referral. Information concerning the employee's mental and emotional condition and fitness for duty will be provided to the Department.

94.1.12 Participation and attendance for evaluation and treatment is mandatory. Failure to comply with a referral directive will result in disciplinary action up to and including termination. Administrative leave will be provided for attendance at all sessions.

94.1.13 Officers referred for a psychological evaluation due to a critical incident shall be placed on administrative leave, with pay, until such time as the examiner provides a release indicating the officer is capable of returning to duty.

94.1.14 A complete report of the evaluation, diagnosis, treatment, and fitness for duty will be provided to the Chief of Police by the examiner. Information pertaining to the officer's psychological condition is only to be used to assess and officer's fitness for duty and is limited in scope to the incident for which the referral was made.

94.1.15 Where an officer involved shooting has occurred a ranking officer of Lieutenant or above will make a preliminary determination as to whether department policies, procedures and applicable laws have been adhered to or there is some questions regarding the incident. Barring exigent circumstances the following will be adhered to.

- A.** If it is determined that policies, procedures and applicable laws have been adhered to the officer involved will be relieved of his/her weapon and provided with another weapon as the earliest possible time.
- B.** If there are questions or concerns, prior to the officer going off duty the supervisor will relieve the officer of their weapon, commission, badge, vehicle and all other department owned of issued equipment.
- C.** The individual making this determination will prepare a memo outlining the justification behind their decision. This memo will be in the Chief's office on the next working day.

94.1.16 Referrals made due to a critical incident are mandatory. The attendance and cooperation of the referred employee are required. Failure to comply with the provisions established herein shall result in disciplinary action up to, and including, termination.

PSYCHOLOGICAL EXAMS & REFERRALS

94.1.17 Psychological examinations will be given for the purpose of determining an individual's qualifications and fitness for duty as a sworn police officer at the entry level and in those positions where an officer is exposed to above normal psychological and emotional pressure.

94.1.18 Examinations will be administered and evaluated by a licensed professional familiar with the requirements of law enforcement duties and the examinations will be validated for law enforcement purposes. Examinations for those individuals identified herein shall be mandatory and failure to comply with these requirements may result in disciplinary action up to, and including, termination.

ENTRY LEVEL

94.1.19 Only qualified professional shall access the emotional and psychological condition of a candidate, using valid, useful, and nondiscriminatory procedures.

94.1.20 A battery of psychological tests shall be administered to each candidate prior to appointment to probationary status.

94.1.21 Examination/interview results and recommendations of suitability for employment shall be provided to the Chief of Police by the examiner prior to the employment of any applicant.

94.1.22 No applicant will be considered for employment who has not received a satisfactory recommendation from the examining professional.

EXAMINATION BY POSITION

94.1.23 Law enforcement duties are recognized as being potentially stressful under normal circumstances and extremely stressful in certain high exposure assignments. In recognition of the additional demands placed upon officers in high exposure assignments, annual psychological examinations will be required of officers who are performing duties identified as high risk.

94.1.24 Assignments deemed high risk are those which require an officer to be engaged continually in surveillance or undercover activities, bomb or ordinance disposal, and Special Weapons and Tactics Team members. Positions identified as meeting the specified criteria are listed as follows:

- A. SWAT.
- B. EOD technician.
- C. Hostage negotiators.
- D. Personnel are assigned regular surveillance/high risk activity.

94.1.25 Psychological examinations for personnel in these units are mandatory and failure to submit to a mandatory examination will result in the immediate transfer of the employee to a position not identified as high risk.

94.1.26 The continued assignment of an officer to high risk assignments shall be dependent upon the

satisfactory completion of the psychological exam and a positive recommendation by the psychologist/psychiatrist administering the exam.

94.1.27 A negative recommendation by the examiner may result in a mandatory referral for counseling, an involuntary transfer, or both. Additional information to include: past performance, supervisors' recommendations, and disciplinary history will be considered before an employee is transferred due to a negative recommendation.

SELF INITIATED STRESS ABSENCES

94.1.28 Personnel, at times, may find the need for leave due to stress. The Santa Fe Police Department will allow the employee leave upon receiving a diagnosis from a licensed psychologist or psychiatrist reflecting the need for leave due to stress. The Department may seek a second opinion, in the event that the second opinion conflicts, a third opinion may be sought from a licensed psychologist/psychiatrist agreeable to both parties. Approved time off will be deducted from the employees accrued sick leave. Should the employee not have sufficient time to draw from sick leave, leave without pay may be requested and approval will be granted or denied as outlined in the Santa Fe City Personnel Rules and Regulations concerning Leave Without Pay and in accordance with FMLA Rules..

94.1.29 Upon receiving leave under these guidelines the employee will immediately seek the services of the Employee Assistance Program for the reduction or treatment of stress.

- A. Upon leave being granted under these guidelines the supervisor will relieve the officer of their weapon, commission, badge, vehicle and all other department owned or issued equipment.

94.1.30 Prior to returning to duty the employee will be evaluated by the psychologist/psychiatrist contracted by the department. The psychologist/psychiatrist will provide a report on the employees fitness for duty. The employee shall not return to duty until cleared by the examining psychologist/psychiatrist.

CONFIDENTIALITY

REPORTS

94.1.31 All information submitted to the Chief of Police in accordance with this policy is confidential and is to be used only for the purpose of determining an officer's fitness for duty.

94.1.32 All records and documents pertaining to psychological evaluations shall be maintained in a separate file by the Internal Affairs officer and treated as confidential communications accessible only by the Chief of Police or designee.

94.1.33 The files will be secured in a locked safe or file at all times when not in use for Department purposes.

TRANSFERS

94.1.34 Transfers resulting from a recommendation by a qualified examiner based on an employee's psychological examination results are non-disciplinary in nature and made at the discretion of the Chief of Police.

A. All reasonable efforts to minimize impact on the affected officer shall be made, however, the best interests of the Department and the citizens of Santa Fe are paramount in determining an employee's assignment.

PEER COUNSELING GROUPS

94.1.35 A Peer/Officer Support Team (P.O.S.T.) has been formed by the Department to provide officers with an alternative means of addressing problems through group interaction.

94.1.36 Employees may avail themselves of the program by contacting any P.O.S.T. member and arranging for the service. Attendance at any meeting or session involving peer-counseling groups is voluntary and is to be arranged on other than duty time. No administrative leave will be granted for the purpose of attending non-mandatory sessions.

APPEALS

94.1.37 Officers receiving a negative evaluation from the designated Department

psychologist/psychiatrist may appeal the evaluation to the Chief of Police.

A. A memorandum expressing the intent to appeal and the grounds of appeal, are to be submitted to the Chief within five working days of the negative findings.

94.1.38 Officers who desire to challenge the psychological findings may arrange to be examined by a licensed psychiatrist/psychologist who has a background in law enforcement evaluation, at their own expense, and present the findings to the Chief of Police for review and consideration within fifteen working days.

A. All information submitted must be accompanied by a full disclosure waiver, completed by the employee and signed by the examiner and the employee. Follow-up, in the form of additional questioning or documentation, may be required.

B. Information submitted by the employee may be directed to the Department's examiner for review and/or rebuttal prior to determining a course of action in the matter.

C. The Chief of Police maintains the authority to temporarily transfer an employee until such time as a final decision is made as to a course of action. Final decision on any matter involving a psychological evaluation rests with the Chief of Police.

94.1.39 Applicants for a police officer position and applicants for a specialized position are not eligible to appeal a psychological exam as no property right exists. Only those employees who are tested as a result of an annual exam, required by the position, and those referred due to an incident are eligible to utilize the appeal process.

Drafted (awm) 02/03

APPROVED: 
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