	KANSAS CITY, MO POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	<b>PERSONNEL POLICY</b>	12/28/2022	12/28/2022	320-3
SUBJECT			AMENDS	
Policy Series: Employee Relations 320 - Restrictions Affecting Performance of Duty				
REFERENCE		RESCINDS		
RSMo. Chapter 590 PPBM 317 Suspension of Members 630 Secondary Employment		PPBM 320-2		

## I. INTRODUCTION

- A. This written directive provides guidelines and information regarding the restriction of a sworn member's ability to operate as a law enforcement officer, various types of legal restrictions affecting a member's performance of duty, and reporting responsibilities to the State of Missouri Department of Public Safety (DPS).
- B. State, federal, and municipal 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).
- B. Inability to legally perform those duties and functions may result in:
  - 1. Suspension of the member, or
  - 2. Otherwise relieving them of duty for as long as the disqualification exists, or
  - 3. Restriction of their law enforcement authority (sworn member), or
  - 4. Termination of the member.
- C. A restriction may be placed on a member by the Department, Court, or other administrative body or agency. Assignments based on these restrictions will be reviewed every three (3) months by the HRD.

- D. The Department may restrict a sworn member's authority to operate as a law enforcement officer for the following circumstances to include, but not limited to:
1. Ensuring that the sworn member is able to perform the full and unrestricted duties and essential functions of a law enforcement officer (RSMo. 590.080).
  2. Preserving the integrity of the Department and its members.
  3. Minimizing potential civil and/or criminal liabilities for both the sworn member and the Department.
  4. Filing of criminal charges (federal, state, or municipal) (RSMo. 590.080).
  5. Criminal investigation (Federal, State, or municipal) based on the totality of the circumstances as to the seriousness of the allegation, validity of the allegation, or reasonableness of evidence (RSMo. 590.080).
  6. Fit-for-duty recommendation.
  7. Positive chemical test.
  8. Termination recommendation.
  9. Limited-duty assignment.
  10. Civil rights charges or investigation.
  11. Internal investigation of serious misconduct (e.g., deceit, intentional disobedience, or improper use of law enforcement authority).
  12. POST certification restrictions.
  13. Court or administrative orders.
  14. Workers' compensation restrictions.
  15. Provisions of RSMo. 590.080, the member has:
    - a. 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.
    - b. 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 previously mentioned statute.

- c. Violated a condition of any order of probation lawfully issued by the DPS.
  - d. Violated a provision of the statute relating to POST and discipline or a rule set forth by the DPS.
- E. Members may be subject to disciplinary action for failure to immediately 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.
- F. Secondary Employment  

Members will not be permitted to work secondary employment with any law enforcement authority if a sworn member is not permitted to wear the Department's uniform, Department badge, or has a medical restriction that prohibits the member from performing the full and unrestricted duties of a law enforcement officer.
- G. Members suspended from duty should refer to the current written directive entitled, "Suspension of Members," for further information.
- H. Record Retention
  - 1. The original Notification of Restriction of Authority, Form 7 P.D., will be maintained by one of the following:
    - a. Human Resources Division file (e.g., Workers Compensation, Family Medical Leave Act, non-department related injury).
    - b. Personnel Incident Report file.
    - c. Internal Affairs Unit file.
    - d. Office of General Counsel (OGC) file (e.g., litigation file).
    - e. Discipline Coordinator's file.
  - 2. A copy of the Notification of Restriction of Authority, Form 7 P.D., will be kept in the member's unit jacket for one (1) year after the restriction end date.
  - 3. The HRD will be responsible for maintaining a current list of all sworn members placed on full or partial restriction of authority. The list will include the start and end date of each restriction.
  - 4. The Department will follow the Missouri local retention schedule regarding the file.

### III. PROCEDURE

This directive has been arranged in annexes for easy reference.

**ANNEX A** Legal Restrictions Affecting Performance of Duty

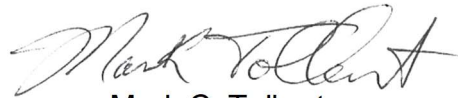
**ANNEX B** Full Restriction of Authority

**ANNEX C** Partial Restriction of Authority



Joseph E. Mabin Jr.  
Chief of Police

Adopted by the Board of Police Commissioners this 13<sup>th</sup> day of December, 2022.



Mark C. Tolbert  
Board President

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**LEGAL RESTRICTITONS AFFECTING PERFORMANCE OF DUTY**

- A. Members will immediately notify their supervisor/commander by submitting an Interdepartment Communication, Form 191 P.D., or a memorandum with a copy of all applicable documentation 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 restricted, 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 (also known as a Temporary Restraining Order or TRO) or permanent injunction involving allegations of any type of abuse has been issued against them.
- B. The supervisor/commander will forward the notification through the chain of command, with a copy to the OGC and the HRD.
- C. Notification to the Director of Public Safety of the State of Missouri
1. RSMo. Section 590.070 mandates that the Chief of Police notify the Director of Public Safety of the State of Missouri when any commissioned peace officer (sworn member) separates from or ceases to be commissioned by the Department.
  2. 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.

**FULL RESTRICTION OF AUTHORITY**

- A. The Chief of Police or their designee has the authority to restrict a sworn member's full law enforcement authority.
  
- 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. 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.
  - 3. **Not** carry a firearm in any law enforcement capacity.
  - 4. 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.
  - 5. Be forbidden from working secondary employment (off-duty jobs) that entail wearing the law enforcement uniform or need for law enforcement authority. The member may work secondary employment not related to law enforcement in accordance with the current written directive entitled, "Secondary Employment."
  
- C. POST License Expired, Suspended, Probated, or Revoked
  - 1. 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.
  - 2. The supervisor/commander will forward the notification through the chain of command, with a copy to the OGC and the HRD.

3. 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. Contact the Professional Training Section to verify POST certification requirements are met and current.
- D. The member will be notified of full restriction of their authority by receiving a completed Notification of Restriction of Authority, Form 7 P.D., from the Office of the Chief of Police via email, U.S. Mail, or hand-delivered.
- E. A member's restrictions may be amended or extended by the authorizing office by completing a Notification of Restriction, Form 7 P.D., indicating amendment, and delivering the form to the sworn member via email, U.S. Mail, or hand-delivery.
- F. Members whose full authority has been restricted will (as indicated on the Notification of Restrictions, Form 7 P.D.):
  1. Not wear the Department's uniform and is not permitted to work secondary employment with any law enforcement authority.
  2. Immediately turn over the following items to the HRD Commander or their designee:
    - a. Department vehicle and keys.
    - b. Identification card.
    - c. Building access card/fobs.
    - d. Badge.
    - e. Department-owned/issued equipment or property. This may include firearm(s), conducted electronic weapon, canine, baton, radio, laptop, cell phone, etc.
    - f. Other equipment that may be specific to a member's assignment.
    - g. Department records if the member has such records located outside of a Department facility.



- G. During full restriction of authority, the sworn member will be prohibited from:
1. Attending Department authorized, selected, or paid for training opportunities whether internal or external. This does not restrict a member's attendance at external training when the member is not selected by the Department and wishes to attend training on their own time and at their own expense.
  2. Department property that is closed to the general public without permission from the Chief of Police or the member's Bureau Commander.
- H. Release of the restrictions prior to the indicated end date will be sent by the authorizing office via email, U.S. Mail, or hand-delivery.
- I. In the event the sworn member receives documents that relate to the member's restricted duty status (e.g., POST settlement, prosecutor declination):
1. The member will immediately submit a copy of these documents to the office (Office of the Chief of Police, HRD, bureau commander) that issued the member's restrictions for review.
  2. The office handling the restriction will review the documentation. The following may be considered:
    - a. A written, final disposition of the case has been issued by the Chief of Police;
    - b. Criminal charges have been declined;
    - c. Change in status of the criminal or internal investigation;
    - d. Dismissal of a matter by an administrative body; or
    - e. Change in a medical professional's restriction(s) of the member.

**PARTIAL RESTRICTION OF AUTHORITY**

- A. The Chief of Police, bureau commander, or HRD has the authority to partially restrict a sworn member's police authority.
- B. The member will be notified of the partial restriction of their authority by receiving a copy of a completed Notification of Restriction of Authority, Form 7 P.D., from the Office of the Chief of Police, bureau commander, or HRD via email, U.S. Mail, or hand-delivery.
- C. A member whose authority has been partially restricted may be required to turn over the following items (as indicated on the Notification of Restriction of Authority, Form 7 P.D.) to the HRD Commander or their designee:
  - 1. Department vehicle and keys.
  - 2. Badge.
  - 3. Department-owned/issued equipment or property. This may include firearm(s), conducted electronic weapon, canine, baton, radio, laptop, cell phone, etc.
  - 4. Access to all or part of the Department's facilities.
  - 5. Department records if the member has such records located outside of a Department facility.
  - 6. Other equipment or records that may be specific to the member's assignment.
- D. Members will not be permitted to work secondary employment with law enforcement authority if the sworn member is not permitted to wear the Department's uniform, Department badge, or has a medical restriction that prohibits the member from performing the full and unrestricted duties of a law enforcement officer.
- E. The exceptions placed on the member may be extended to allow for the member's ability to perform with any deputations and operation of an agency assigned vehicle as a Department member.

- F. A sworn member may be restricted from:
1. Possession of firearm(s) on Department property.
  2. Attending Department authorized, selected, or paid for internal or external training courses after the Department considers the circumstances for the restriction of authority in combination with the course material or activity.
- G. In the event the member receives documents that relate to their restricted duty status (e.g., POST settlement, prosecutor declination, administrative orders):
1. The member will immediately submit a copy of these documents to the office (Office of the Chief of Police, HRD, bureau commander) that issued the member's restrictions for review.
  2. The office handling the restriction will review the documentation. The following may be considered:
    - a. A written, final disposition of the case has been issued by the Chief of Police;
    - b. Criminal charges have been declined;
    - c. Change in status of the criminal or internal investigation;
    - d. Dismissal of a matter by an administrative body; or
    - e. Change in a medical professional's restriction(s) of member.
- H. A member's restrictions may be amended or extended by the authorizing office by completing the Notification of Restriction of Authority, Form 7 P.D., indicating amendment, and delivering the form to the sworn member via email, U.S. Mail, or hand-delivery.
- I. Release of the restrictions prior to the indicated end date will be sent by the authorizing office via email, U.S. Mail, or hand-delivery.
- J. Return of Full Police Authority
1. The member will return to full duty on the day following the end date indicated on the Notification of Restriction of Authority, Form 7 P.D., unless the restriction date has been amended, extended, or new restrictions have been placed on the member.
  2. Three (3) business days prior to return of full duty (indicated end date on the Notification of Restriction of Authority, Form 7 P.D.), the member will contact their current Bureau Commander to determine if the restrictions will be amended or extended.

3. The member will be notified by the appropriate office through email, U.S. Mail, or a hand-delivered letter if the restriction of authority has been released earlier than the date indicated on the Notification of Restriction of Authority, Form 7 P.D., or whether there will be an extension or amendment.