

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 4.06.00
SUBJECT: EMPLOYEE ASSISTANCE PROGRAMS
EFFECTIVE: AUGUST 1, 1999
REVIEW: AUGUST 2002, 2005, 2008

1. PURPOSE. To outline a departmental response to employees whose job performance alters or deteriorates noticeably. It is the department's intent to provide assistance to employees exhibiting sub standard, unusual, or less than professional job performance attributable to trauma or personal stresses rather than negligence, lack of knowledge or unlawful behavior. Examinations or evaluations ordered by the department will be provided at no cost to the employee.

2. PSYCHOLOGICAL ASSISTANCE. Psychological assistance will be given to any employee at city expense when: A supervisor or administrator refers an employee to these services through the Chief of Police; a member refers himself/herself through the Chief of Police or the Department of Human Resources; a member is directly involved in a shooting or accident resulting in death or serious injury. This service shall be conducted either by a psychiatrist or psychologist selected from a list maintained by Administration and approved by the Human Resources Department.

A. Psychological assistance overview. For the purpose of this order, a "counselor" may be a licensed psychologist or psychiatrist, a peer counselor, a police chaplain, or a physician. Responsibility for the operation of the Employee Assistance Program rests with and is administratively controlled by the city's Human Resource Director. The program shall assist in meeting the psychological needs of employees. All information relating to the Employee Assistance Program shall be treated as confidential.

B. Psychological assistance. Job behaviors which may lead a supervisor or manager to conclude that an individual requires assistance including but not limited to:

1. A series of sustained citizens complaints;
2. Repeated complaints of a similar nature;
3. Abrupt change in expected police response and/or behavior which may be indicative of severe emotional disturbance (excessive and continuous tardiness, absenteeism, sleeping during duty hours, excessive impatience, violent reaction to

others, overreacting, non-eating, poor personal appearance or hygiene, odor of alcohol, or physical symptoms or drug use);

4. When a member is involved in a shooting, accident or other major incident which results in death or serious injury.

The Chief of Police shall require that all employees directly involved in a shooting, regardless of whether injury or death resulted, attend a counseling session of their choice provided at no cost to the employee, through a psychologist or psychiatrist designated by the Chief of Police and paid for by the department.

C. REFERRAL OF EMPLOYEES. Supervisors are responsible for continuous daily performance review enabling them to assess when an employee has departed from usual or routine behaviors. When a supervisor judges that an employee may need psychological assistance, the supervisor will prepare a confidential written report and submit it to the Sector Commander. If the Chief of Police or his designee concurs, the department will initiate the referral and diagnostic process with departmental authorized psychological services and determine whether or not the member will be removed from the current position.

A supervisor who suspects alcohol and/or drug use may require testing based upon reasonable cause with approval of the human resources director or the city attorney. Employees who test positive may be required to seek counseling through the Employee Assistance Program. If counseling is required, the employee shall fully comply with the recommendations of the employee assistance counselor.

3. MENTAL HEALTH. It is the responsibility of all personnel to assist others in recognizing mental health problems or behavior which may lead to mental health problems and referring or seeking assistance for employees who need such help. Employees are encouraged to utilize the services provided whenever they feel a need for "preventative counseling." This service is provided by the Employee Assistance Program or the member's health care provider and shall be confidential. Employees desiring this service should refer to the city human resources department for specific procedures. All employees are encouraged to utilize "peer counseling" and are encouraged to use psychological services when problems are evidenced by poor performance, depression, or unusual behaviors.

Supervisors have a specific responsibility for monitoring the fitness of employees. Supervisors shall utilize the counseling process to identify potential psychological problems and are expected to make the appropriate notifications and referrals. Nothing in this policy diminishes the rights and responsibilities of the department to refer a member for a fitness for duty evaluation under appropriate circumstances.

4. TRAUMATIC INCIDENTS. The department will provide assistance in the form of counseling services, legal representation and other support services to the extent authorized by the city, to members involved in a traumatic incident. An involved member is one who is either directly involved in an incident, or is indirectly involved, but affected by the incident. A traumatic incident is defined, but not limited to, a shooting incident, traffic fatality, serious physical assault/injury, death or abuse involving children, or other major trauma which may impact a member.

A. ADMINISTRATIVE LEAVE. Any member directly involved in a traumatic incident resulting in serious injury and/or death shall be placed on "administrative leave" following completion of a report or preliminary recitation of basic facts concerning the incident, and pending investigation of the incident. This leave shall be without loss of pay or benefits. The assignment to administrative leave shall not be interpreted to imply or indicate that the member has acted improperly.

1. While on administrative leave, the member is subject to call for a departmental interview and to provide statements of clarification regarding the incident. Members shall be subject to recall to duty at any time.

2. Upon returning to duty, the member(s) may be assigned to office or special duty for a period of time as deemed appropriate by the Chief of Police.

3. Additional psychological evaluation, assistance, and counseling will be made available if necessary and at the discretion of the Chief of Police.

4. During the investigation of the incident and the period thereafter until the member returns to duty, the department will strive to be sensitive to the personal needs of the member and the member's family, and will furnish all reasonable and appropriate support and assistance.

5. PROFESSIONAL SUPPORT.

A. Mental Health. In all cases of traumatic incident, both directly and indirectly involved members shall be provided both short and long term mental health support.

1. As soon as practical following an incident, the member(s) shall be offered the opportunity to meet with a member of the Stress Traumatic Incident Committee (STIC).

2. The member(s) involved in the incident shall also be required to meet with a department approved mental health professional for an incident debriefing as soon as possible, but usually no longer than 72 hours after the incident. The purpose is to allow to express his/her feelings and to deal with the moral, ethical and/or psychological effects of the incident.

3.. Efforts will be made to include involved members of other agencies. Their participation must be voluntary and approved by their agency.

A. The debriefing shall not be related to any department investigation of the incident and nothing discussed in the debriefing will be reported to the department. The content of the debriefing session will remain confidential and subject to the physician or psychologist/patient privilege. The debriefing will be provided to department members at department expense.

4. When appropriate, a mental health professional may be requested to state a conclusion that the member is able to return to work, and state recommendations relating to the need for follow-up counseling or evaluation. No more than one year after a traumatic incident there will be a further reevaluation by a mental health professional at Department expense.

B. Legal Counsel. In the event a claim is made against the city or involved member, Oregon law requires that the city assume responsibility for the legal defense of the involved member unless the act or omission did not occur in the performance of duty, or amounted to malfeasance in office or willful or wanton neglect of duty. The employee shall be notified in the event such a determination is made. Otherwise, if it appears that the assistance of an attorney is required in order to protect the City and the interests of the involved member, the city attorney or insurance counsel or another attorney representing the interests of the member and the city shall be provided at City expense to represent the member and the city with respect to litigation that may result from the traumatic incident. An attorney may be retained to discuss the defense and counsel the involved member. The attorney/client privilege shall apply to communications between the attorney and the involved member. An involved member may retain and pay for an attorney of the member's choice at any time.

6. SPIRITUAL SUPPORT. All cases where injury or death result from a traumatic incident, the involved member and his/her family (or significant others) will have available to them the services of a police chaplain. The purpose is to provide the member and/or his/her family or significant others with a source of spiritual consultation to aid them in dealing with the potential moral and ethical after effects of a traumatic incident.

A. The chaplain's services shall not be related to any department investigation of the incident and nothing discussed will be divulged to the department. The consultation sessions will remain protected by the privileged relationship.

B. Members involved in prior traumatic incidents may also be requested to assist/aid involved members.

7. WRITTEN REPORTS NOT REQUIRED. When possible, officers involved will complete a preliminary report or provide an oral statement detailing their actions surrounding a traumatic

incident prior to leaving work following the incident. The preliminary report or statement is not intended to be a complete discussion of all elements of the incident. It shall be sufficient to inform the department what occurred and to facilitate a thorough and efficient investigation. An interview will be scheduled so that investigative personnel can complete an Incident Report that will include a tape recorded interview of involved members which will be transcribed verbatim. Reports concerning a traumatic incident may be dictated by the involved members, and need not be written out by hand. After being transcribed, all tapes will be marked and retained as evidence.

8. DESIGNATION OF SUPPORT RESOURCES. During the investigation following a traumatic incident, the involved member's supervisor and the investigator assigned to interview the member shall (may) insure that psychological assistance is provided. The Chief of Police will designate members of the department to insure that personal needs of an involved member are met during periods of administrative leave. Such designation shall be on a case-by-case basis. The Chief of Police will designate pre-authorized chaplains and mental health professionals who have agreed in advance to serve if contacted in the event of a traumatic incident. (The member may select any chaplain; the member may select any mental health professional approved through the city's employee assistance program).

9. GRIEVANCE PROCEDURES. Appropriate subjects for a grievance or complaint are primarily those having an employee relations impact on an affected employee or group of employees. Issues such as organizational policy or procedure, nature and method of service delivery, corruption, safety issues, harassment, dishonesty, ethics, violation of work agreements, wages and hours or bargaining agreements are also similar issues for grievance procedures.

A. Department employees that are members of a bargaining unit are governed by the provisions of their respective contract.

B. Non-represented employees are covered by City of Beaverton grievance procedure.

C. The maintenance and control of grievance records is governed by Oregon Revised Statutes Chapter 192, City of Beaverton Personnel Records Policy and/or any specific provision negotiated by labor agreement.

10. Legal Advice. Legal advice for members of this Department generally falls into two major categories as follows:

A. Legal advice for officers during the investigation of ongoing criminal investigation of issues involving alleged violations of Oregon Revised Statutes is provided by the Washington County District Attorney or his designee, or the City Attorney, or his designee for crimes which will be prosecuted in Municipal Court. An "on-call" Deputy District Attorney is available full time through the dispatch system.

B. Legal advice for officers involved in other offenses fall into three major categories; traffic violations, city code violations, and traffic crimes. Traffic violations, some traffic

crimes, and city code violations are cited into Beaverton Municipal Court and legal advice for these offenses is available from the city attorney. Traffic crimes are cited into Washington County District Court. Some traffic violations may also be cited through Washington County Justice Court. Legal advice for traffic crimes is available through the Washington County District Attorney.

C. Legal advice not outlined above and needed by department personnel should be requested through the immediate supervisor. Whenever possible, the legal issue, incident, or question should be clearly reduced to writing to afford the legal resource a clear background and understanding of the issues questioned. Legal assistance requests to the city attorney's office must be made on a "Request for Legal Services" form.

Chief of Police

Date