

	Effective: 08-26-2024	# 02-04
	Section: Conduct & Appearance	Replaces or Modifies: GO 2016-02; 10-01-2017; 01-30-2024
	Title: Mental Health and Wellness	
Issued by: Chief Deputy Mattie Provost		

I. Purpose:

To ensure Fort Bend County Sheriff’s Office (FBCSO) employees remain capable of performing essential functions of their assigned duties and are medically and psychologically fit for duty.

To establish guidelines concerning employee mental health and fit for duty status and wellness and to meet reporting requirements of the Texas Commission on Law Enforcement.

II. Policy Statement:

It is the policy of the Fort Bend County Sheriff’s Office to ensure crisis lines are made available and disseminated to sworn and non-sworn employees, that efforts are taken to promote annual mental health awareness, to expand and sustain peer support programs, and provide confidentiality and privacy to employees affected by trauma and stress. This effort is aimed at preserving and promoting employee physical and emotional health, wellness, and resiliency.

The daily realities of the job which first responders endure each day, in addition to social interaction with others and other dynamics affect employee health and wellness.

In addition to the heightened public scrutiny of the profession which overshadows the legitimacy of their individual efforts, employees are prone to cumulative stress, anxiety, and burnout among other emotions that affect their physical and mental health.

This policy establishes guidelines for appropriate actions and interventions to take when any employee may be unable to safely perform their duties and responsibilities due to any underlying physical or psychological impairment or condition.

III. Definitions:

Fit for Duty Examination (FFE) – A formal, specialized examination of an employee that results from objective evidence that an employee may be unable to effectively perform a defined job function and a reasonable basis for believing that the cause may be attributed to a medical or psychological condition or impairment.

A FFE is considered a “medical” examination under the terms of Americans with Disabilities Act and its purpose is to determine whether an employee is able to effectively perform the essential job functions of their assignment.

Threshold Considerations – When there is objective and reasonable basis for belief that an employee, as a result of a medical or psychological condition or impairment may be unable to perform one or more essential job functions, or when the employee poses a direct threat to themselves or others. This objective basis is one that is not merely speculative, but derives from direct observation or other reliable evidence.

IV. Details and Procedures

A. Employee Assistance Information.

1. Employee wellness and welfare is vital to the Sheriff's Office ability to achieve its mission and remain steadfast in its values and guiding principles. Employees will have access to assistance and services and reasonable accommodations will be made when requested. In other circumstances, as described below, employees will be treated with compassion and respect, providing opportunity to exercise their right to self-determination and to render informed consent to any procedure or examination. In circumstances defined below, employees may be required to submit to fit for duty evaluation.
2. The Sheriff's Executive Command shall establish a climate encouraging employees to seek help and seek resilience and develop initiatives to increase awareness about behavioral healthcare and reduction of stigma for personnel who seek behavioral healthcare assistance.
3. The FBCSO Crisis Intervention Team (CIT) shall develop and maintain a reference list for access by employees who may be facing individual or familial stressors and crisis. The list shall include programs and projects including employee assistance, resiliency, and well-being.
4. The FBCSO Critical Incident Stress Management (CISM) Team, Family Assistance, Chaplaincy Program, and Peer Support Group shall be available at any time of the day or night to respond to employees in crisis when requested by a supervisor.
5. The response to supervisor requests may take place in person or by phone, depending upon the circumstances involving the employee and shall be determined from a monthly schedule of employee availability from the FBCSO CISM Team, Family Assistance Unit, Chaplaincy Program, and Peer Support. When a licensed crisis counselor is on-duty within Communications and an immediate need arises, a supervisor may request deployment of said crisis counselor.
6. CIT and CISM shall develop a suicide prevention program and shall assume responsibility for identifying subject matter experts in coordination with the Gus George Law

Enforcement Academy (GGLEA) to provide suicide prevention training to FBCSO first responders and civilian and administrative staff.

B. Restricted and Confidential Information

1. Employee encounters with the FBCSO CISM Team, Family Assistance Unit, Chaplaincy Program, and Peer Support are confidential.
2. Employee incidents and encounters that reveal reason to believe an employee evidences substantial risk of serious harm or injury to oneself or others are not covered by restriction and confidentiality privilege and are to be reported to an on-duty supervisor or in the supervisor's absence, to the dispatch center. The participating team member or co-worker who observes harming behavior shall request a Crisis Intervention response to activate the appropriate emergency services.
3. In concert with G.O. 04-06 Traumatic Events Assistance and G.O. 06-01 Mental Health Crisis Strategies, G.O. 10-02 Body Worn Cameras, and other department procedures, employee mental and physical health information will remain confidential and reports, including Emergency Detention Orders (EDOs) when necessary, will be coded as "Restricted," and "Confidential." Access to confidential cases will only be made with the approval of the Sheriff or Chief Deputy.
4. Employees, including supervisors, who access and release information contained within "Restricted," and "Confidential" files will be subject to internal investigation and discipline up to and including termination when found responsible for release of information regardless of the effect of the information's release.
5. Employees are required to activate the body worn camera on Priority 1 and Priority 2 calls and other calls for service as indicated in G.O. 10-02, Body Worn Camera, and the deployment of on-duty personnel to a scene involving an employee, including an employee in crisis, requires the activation of the body worn camera (See G.O. 10-02, Activation of Body Worn Camera, p. 4-5).

C. Employees and Crisis

1. All supervisors should be alert to any indication that an employee may be unable to safely perform their duties due to an underlying physical or psychological impairment or condition. The indications include, but are not limited to the following:
 - a. An abrupt or negative change in the employee's usual or normal behavior;
 - b. A pattern of irrational conduct, hostility, or oppositional behavior;
 - c. Inappropriate use of alcohol or any substances, including prescribed medication;
 - d. A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions
 - e. Any other factor or combination of factors causing an impairment or condition requiring intervention.

2. In all circumstances involving an employee in crisis, a supervisor shall be called to the scene and ensure all appropriate action is taken to care for the employee in crisis, to include first aid, de-escalation, identification and provision of necessary services and resources, safety planning, and referral or professional intervention or transportation.

D. Weapons

1. In accordance with G.O. 09-02, an employee who is observed to be in crisis, shall surrender any weapon under their control or possession and this responsibility to seize such weapons(s) is required of a responding deputy, including a CIT deputy or supervisor.
2. Weapons, including firearms seized from an employee shall be processed as required by G.O. 09-12 Seizure of Firearms from Mentally Ill, with documentation to be left with an on-duty Enforcement supervisor and firearms to be stored in an Enforcement armory under lock and key.
3. For employees assigned to Detention, weapons, including firearms seized from employees shall be stored in a Detention armory under lock and key. The seizure will be reported to the on-duty Detention supervisor.
4. An employee whose weapon(s) is/are seized shall receive a written receipt for the weapon(s) from the seizing deputy or supervisor. A form receipt is included within this policy as Attachment A.
5. Weapons retained under this policy shall be released to an employee once the employee returns to duty and is deemed to be fit for duty.
6. An employee who is hospitalized upon the issuance of an EDO, shall receive the treatment as structured by a mental health professional (medical doctor or psychiatrist duly certified and licensed).
7. When an employee is in crisis and managed through EDO, a supervisor shall be called to the scene, and upon consultation with a CIT deputy, or deputy investigating the scene, shall Relieve the Deputy of Duty (ROD). Such employee shall be carried on Administrative Leave, Sick Leave, Mental Health Day, accumulated time, a leave of absence as per County policy, or other appropriate leave pending return to duty. If the employee's leave bank is depleted, the employee may participate in the County Shared Sick Leave Pool program if the employee meets the leave pool requirement (County Policy 712).
8. Employees who are ROD shall surrender their badge, credentials, and assigned vehicle and equipment pending return to duty.
9. Employees in care and recovery may also seek assistance as available through the Family and Medical Leave Act (FMLA) as indicated in County policy 704 The Family and Medical Leave Act.
10. In all instances in which an employee is subject to EDO, details of the incident shall

remain confidential and all records, incident reports, BWC evidence, and notes shall be coded as "Restricted," and "Confidential" and managed as indicated in H. above. Supervisors in the employee's chain of command shall ensure this policy on records management is followed.

E. Reporting

1. Supervisors who observe or receive a report from any employee providing just cause to believe any employee is unable to effectively perform their duties shall promptly document all objective information and/or observations and attempt to meet with the employee to inquire about the behavior giving rise to the concerns.
2. If a meeting does not resolve the supervisor's concerns, or does not occur, the supervisor shall promptly document the observations and actions in writing and inform the appropriate supervisor within their chain of command.
3. In each event where an employee or supervisory request for assistance results in an emergency detention or apprehension, the CIT lieutenant, or designee, shall be notified by cellular phone subsequent to the apprehension or detention. The CIT lieutenant shall ensure all department policies and procedures are followed, including confidentiality and that restricted access is made on all department records, documents, reports, and notices.

F. Fit for Duty Evaluation

1. In circumstances where supervisors have observed behaviors or omissions and met with an employee regarding fit for duty and assessment is not necessary, the documented circumstances may be retained in the supervisor and divisional files and may be part of periodic performance evaluation. However, if there is just cause to believe the member's conduct or behavior represents an inability to effectively perform essential job functions, the appropriate supervisor, at a lieutenant rank or above, should immediately relieve the member of duty pending further investigation. Any relief of duty will be immediately reported to the Chief Deputy.
2. Employees relieved of duty shall comply with administrative procedures involving relief of duty as specified below, with the Sheriff and Chief Deputy informed of the administrative action.
3. The Chief Deputy shall render a decision regarding an employee's fitness-for-duty examination. The fitness-for-duty examination will be conducted by the member's personal physician, psychiatrist, or psychologist, as indicated in this policy. The Chief Deputy will ensure the professional conducting this examination is provided documentation, including essential job duties of the employee. The HR Division will maintain these forms and job descriptions.
4. All reports involving fitness-for-duty shall be a part of the employee's confidential medical file maintained by Human Resources.

5. A second examination may be ordered by the Fort Bend County Civil Service Commission, the Sheriff or his designee (Chief Deputy) or other governing authority. The Sheriff, or his designee shall render a final determination on fitness-for-duty based upon a review of all documentation and FBCSO procedures.
6. Employees required to undergo a fitness-for-duty examination who do not comply with the request will be deemed to be insubordinate, and subject to the FBCSO disciplinary process, to include discipline, up to, and including termination.

G. Notice of Fitness-for-Duty

1. The Sheriff or his designee, shall provide written notice of the FFE to the employee with a 24-hour notice, which the employee may waive. The notice shall provide the reason(s) for the examination.
2. Along with the notice, any supporting documentation available will be provided to the examining professional.
3. Determinations regarding duty status of employees found to be unfit for duty or fit for duty with limitations will be made to the Sheriff or his designee, Chief Deputy, and made a part of the employee's confidential medical file.
4. The Sheriff or his designee, Chief Deputy shall notify the Texas Commission on Law Enforcement for any licensed employee upon a final determination that a license holder is unable to effectively perform essential job functions. This notice shall be in writing and submitted to TCOLE within 30 days of the final determination that the license holder is unable to effectively perform essential job functions.
5. In each instance where a licensed employee fails to submit to a FFE within the deadline established by the Sheriff or his designee, Chief Deputy, and within 30 days of the passing of the deadline established by the Sheriff, notice shall be sent to TCOLE. The notice will inform TCOLE of the license holder's status (resolved or unresolved).

H. Crisis and Fitness-For-Duty Examination

1. An employee who has been treated and requests to return to full duty shall first undergo a Fit for Duty evaluation by a licensed medical doctor or psychiatrist. Evidence and documentation will be reviewed by the Chief Deputy, who will render a decision regarding fit for duty status and date of reinstatement.
2. While employees are being treated, off-duty employment privileges are suspended pending the employee's Fit for Duty assessment and a return to full duty determination by the Chief Deputy. See G.O. 04-05 Outside Employment and Public Office, "by order of the Sheriff or Chief Deputy," page 1.
3. Employees who are not recommended for return to duty will have access to appropriate

remedies and programs, to include consideration of workman's compensation if circumstances include job-related illnesses.

4. In situations where an employee is alleged to have committed an offense or policy violation, the supervisor shall document the observations and seek review from the chain of command through the Assistant Chief Deputy level where a decision will be rendered regarding acquisition of an Internal Affairs (IA) Control Number and commencement of an internal investigation. Internal investigations shall remain confidential and managed as required under G.O. 03-08 Internal Affairs. See G.O. 02-01 Standards of Behavior.
5. Nothing in this policy shall restrict any employee from accessing any available and necessary service or assistance from a healthcare provider, or benefit available to employees in need of healthcare, including mental health care.

I. Standards for Fitness-For-Duty Examinations

1. FFE shall be performed with particular attention to relevant legal, ethical, and practice standards and guidelines, such as standards developed by the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, the American Medical Association, or other recognized mental health best practices model. The psychologist, psychiatrist, or medical doctor must possess appropriate qualifications to perform the examinations.
2. Depending upon the referral question(s) and the examiner's professional judgment, a FFE examiner will use multiple methods and data sources to optimize the accuracy of the findings. Examiners integrate various data sources, assigning them relative weight according to their known reliability and validity. The range of methods and data sources used can vary, but such suggestions and further information about the process can be found in the International Association of Chiefs of Police (IACP) *2018 Psychological Fitness-for-Duty Examination*.
3. The FFE may include background and collateral information regarding the employee's past and recent performance, conduct, and functioning. The information may include, but is not limited to, job class specifications, commendations, testimonials, internal affairs investigations, formal citizen or public complaints, use-of-force incidents, reports related to officer-involved shootings, civil claims, disciplinary actions, incident reports of any triggering events, health care records, prior psychological examinations, and other supporting or relevant document related to the employees' psychological fitness for duty.
4. In some instances, an examiner may ask the employee to provide relevant medical or mental health treatment records and other data for the examiner to consider. It is important that all collected information be related to job performance issues or the suspected job-impairing mental condition.

J. Appeals

Employees who dispute the application or interpretation of this policy may submit a grievance as specified in the Sheriff's Office Civil Service Procedures Manual.

Only the Sheriff or his designee, Chief Deputy, may revise or render any decision regarding the interpretation of this policy.

References

G.O. 02-01 Standards of Behavior
G.O. 03-02 Duty Assignment, Transfer and Seniority
G.O. 03-04 Alcohol and Drugs
G.O. 03-08 Internal Affairs
G.O. 04-05 Outside Employment and Public Office
G.O. 04-06 Traumatic Events Assistance
G.O. 06-01 Mental Health Crisis Strategies
G.O. 09-12 Seizure of Firearms from Mentally Ill
G.O. 10-02 Body Worn Cameras