[AGENCIES SHOULD NOTE THAT THIS MENTAL HEALTH POLICY IS REQUIRED UNDER SB 1359, CODIFIED AT CHAPTER 614, SUBCHAPTER A-1, GOVERNMENT CODE. THE LAW IS EFFECTIVE SEPT. 1, 2021. THE STATUTE REQUIRES THE USE OF SUCH LEAVE IN WORK-RELATED SITUATIONS. PERSONAL TRAUMA, SUCH AS FAMILY ISSUES, IS NOT INCLUDED FOR USE OF SUCH MENTAL HEALTH LEAVE. AGENCIES SHOULD NOTE THAT THE NEW LAW IS FAIRLY SPECIFIC ABOUT WHAT IS TO BE ADDRESSED BY THIS POLICY. THIS POLICY MAY BE INCORPORATED INTO EXISTING POLICY AS LONG AS THE AMENDMENT ADRESSES THE SPECIFIC STATUTORY REQUIREMENTS].

THE TEXT OF THE NEW LAW

Chapter 614, Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. MENTAL HEALTH LEAVE

Sec. 614.015.  MENTAL HEALTH LEAVE FOR PEACE OFFICERS. (a) In this section, "law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b)  Each law enforcement agency shall develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event in the scope of that employment.

(c)  The mental health leave policy adopted under this section must:

(1)  provide clear and objective guidelines establishing the circumstances under which a peace officer is granted mental health leave and may use mental health leave;

(2)  entitle a peace officer to mental health leave without a deduction in salary or other compensation;

(3)  enumerate the number of mental health leave days available to a peace officer; and

(4)  detail the level of anonymity for a peace officer who takes mental health leave.

(d)  The mental health leave policy adopted under this section may provide a list of mental health services available to peace officers in the area of the law enforcement agency.

SECTION 2.  As soon as practicable after the effective date of this Act, each law enforcement agency shall develop the mental health leave policy required by Section 614.015, Government Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2021.

Laws are often referenced in agency policies; however, the actual verbiage is rarely included. The above language is provided in this context as a reference to the actual legislation. As a reminder – the blue font is intended to prompt an agency to make a decision on a specific issue or to provide information.

|  |  |  |
| --- | --- | --- |
|  | **XXXX POLICE DEPARTMENT** | |
| **Policy 2.9 Mental Health Leave** | |
| **Effective Date:** | **Replaces:** |
| **Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Chief of Police** | |
| **Reference:** | |

**DEFINITIONS:**

1. Traumatic event – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

a. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties

b. Incidents involving multiple casualties which may include shootings or traffic accidents

c. Line of duty death or suicide of a department member

d. Death of a child resulting from violence or neglect

e. Officer(s) involved shooting of a person.

2. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer’s employment.

3. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

1. **POLICY**

Requesting mental health leave

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

]A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional. An officer’s failure to voluntarily seek mental health assistance shall be addressed by Policy \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.] [OPTIONAL – THIS MAY ALREADY BE ADDRESSED IN EXISTING POLICY]

1. **CONFIDENTIALITY**

Confidentiality of request

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer’s immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

1. **DURATION**

Duration of mental health leave

An officer directly involved in a traumatic event may request up to three working days of mental health leave.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

[NOTE – AGENCIES MAY ALREADY HAVE SOME OTHER MENTAL HEALTH PEER SUPPORT PROGRAM IN PLACE – IT COULD BE SUBSTITUTED FOR THE EXTENSIONS – AGENCY ADMINISTRATORS NEED TO BE CAUTIOUS ABOUT IGNORING RECOMMENDATIONS OF MENTAL HEALTH PROFESSIONALS – EACH AGENCY SHOULD COORDINATE WITH BOTH HR AND LEGAL ON THIS MATTER].

1. **SERVICES AVAILABLE**

Mental health services available to the officer

[AGENCIES SHOULD INCLUDE INFORMATION IN THIS SECTION ABOUT MENTAL HEALTH RESOURCES AVAILABLE TO THE OFFICER E.G. PEER SUPPORT GROUPS, EMPLOYEE ASSISTANCE PROGRAMS, LOCAL MENTAL HEALTH PROGRAMS OR PROFESSIONALS]

Agencies are encouraged to have discussions about the possibility of including non-sworn personnel with this policy. Dispatchers, crime scene technicians, jailers, etc. are just a few examples of police employees who can also experience traumatic events that could require mental health support. Again, this concern may already be covered in another agency policy.

**Disclaimer for Use of this Sample Policy Manual:**

**Notification to CEO – Delete before Issuing**

Every effort has been made by the Best Practices Program staff and reviewers to ensure that this sample policy incorporates the most current information and contemporary professional judgment on this issue. It has been constructed from samples and models submitted and produced from other Texas and national agencies. However, CEOs should be cautioned that no “sample” policy can meet the needs of any specific law enforcement agency. Each law enforcement agency operates in a different environment and administrative decisions, collective bar gaining agreements and many other issues must be taken into consideration.

The policies issued by an agency head are the sole responsibility of the issuing CEO and the department that he or she supervises. CEOs are cautioned to review and edit these policies to ensure they clearly describe the desired departmental operations. CEOs are also advised they should have any policy reviewed by their city attorney or other legal counsel prior to placing a policy into place. No warranty is expressed or implied. The Texas Police Chiefs Association, its employees and members and the Texas Police Chiefs Association Foundation and its governing board accept no responsibility for the accuracy or the legal status of any information contained in the Sample Policy Manual.

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