

RESTRICTIONS FOR JOB-RELATED FIREARMS POSSESSION

1.0 Purpose

In order to comply with the requirements of a Federal law signed into law on September 30, 1996, as 18 United States Code Section 921 (a), et seq., which enacted a prohibition on the possession by or transfer or sale of firearms to individuals convicted of misdemeanor domestic violence crimes, the City must obtain information regarding convictions for such offenses from those employees whose job description requires them to carry a firearm.

2.0 Scope

Employees who are required to carry a firearm by the City are covered by this Directive. Pursuant to the Federal law referenced above, such employees must disclose on forms provided by the City any record of conviction for misdemeanor crimes of domestic violence. The City will then recover the firearm(s) provided by the City of such employee if the law and this Directive cover the conviction(s), until such time as such conviction(s) is expunged or otherwise removed from an employee's record. Employees whose duties require them to carry firearms may be subject to disciplinary procedures up to and including termination if they are prohibited from possessing firearms as a result of prior covered convictions.

3.0 Definitions

Misdemeanor Crime of Domestic Violence: An offense that (a) is a misdemeanor under Federal or State law; and (b) has, as an element, the use of physical force, or the threatened use of a deadly weapon, committed against:

- family members related by blood;
- people who are married or used to be married;
- people who have a child in common or a blood relationship through a child in common;
- people who share or used to share a home, apartment or other common dwelling;
- people who are dating or engaged or used to date, including same sex couples; and
- people with disabilities and their personal assistants.

Covered Convictions: Only the following past or future convictions of misdemeanor crimes of domestic violence are covered by this Directive: convictions in which the employee was represented by counsel at the hearing, or knowingly waived his or her right to be represented; and convictions in which the employee had a trial by jury, or knowingly waived his or her right to such a trial; and the offense must have had one of the following elements: the use or attempted use of physical force, or threatened use of a deadly weapon.

4.0 Crime Of Domestic Violence

4.1 Employees to whom this Directive applies will be required to complete a "Qualification Inquiry" form, a sample of which is attached to this Directive. Failure to complete the Qualification Inquiry or giving false information on said Qualification Inquiry will lead to disciplinary action, up to and including termination.

- 4.2 If a conviction(s) is discovered, the City will make the determination whether the conviction(s) is a covered conviction under this Directive.
- 4.3 If the City determines that the conviction(s) is covered, the City will immediately recover all service weapons and ammunition issued by the City to the employee in question. Concurrently with the above, law enforcement powers will be removed from the employee, and disciplinary procedures may be instituted against the employee, which may include, but is not limited to, any of the following:
- A. Temporary reassignment to duty not requiring a firearm, if available, and appropriate in the opinion of the Chief of Police, the Director of Human Resources, and the City Manager.
 - B. Suspension with or without pay.
 - C. Termination.

As determined under the Rules of the Fire and Police Commission.

5.0 Expungement

The employee may take steps to have the covered conviction(s) expunged or set aside, or to receive a pardon for this convictions(s). Obtaining such removal of any conviction(s) from the employee's police record is solely the responsibility of the employee, and it is in no way the duty of the City to obtain such relief for the employee. If the employee does not obtain such expungement or other removal of conviction(s) within three (3) months of the discovery of the covered conviction(s), the employee shall in any event be terminated. Nothing in this section shall prevent the City from terminating the employee sooner than three (3) months from the date of discovery of the covered conviction(s).

6.0 New Convictions

Any new conviction for a misdemeanor crime of domestic violence that occurs following the completion of the Qualification Inquiry by the employee must be reported to the employee's supervisor within five (5) working days of such conviction.

7.0 Preemployment

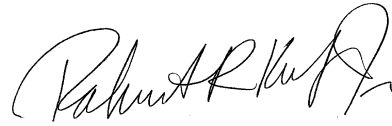
Applicants for positions covered by this Directive will be required to complete a Qualification Inquiry. Any covered convictions which are discovered as a result of the Qualification Inquiry will result in the applicant being disqualified from consideration for employment until such time as he or she is qualified to possess a firearm under the terms of the Federal law and this Directive.

8.0 General

The completed Qualification Inquiry, and certified copies of judgments and offense reports provided by the employee, as well as a signed receipt for the recovery of any service weapons and ammunition, and any record of expungement, pardon or the like, shall become a part of the employee's personnel file.

9.0 Distribution

Employee Information Site, www.citylf.org.

A handwritten signature in black ink, appearing to read "Robert R. Kiely, Jr.", written in a cursive style.

Robert R. Kiely, Jr.
City Manager

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