



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



210.03

DOMESTIC VIOLENCE-RELATED CONVICTIONS AND RESTRAINING ORDERS

10-23-12

PURPOSE

The purpose of this order is to establish procedures for Department-wide compliance with Title 18 USC 922(g) (8) - (9).

POLICY

It shall be the policy of the Sacramento Police Department (SPD) that employees and CCW-authorized restricted personnel comply with the above provisions in that they are prohibited from possessing a firearm or ammunition if convicted of a misdemeanor crime of domestic violence or are currently subject to a qualifying restraining order.

PROCEDURE

A. DEFINITION

1. Intimate Partner - The spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person and an individual who cohabits with or has cohabited with the person.
2. Misdemeanor Crime of Domestic Violence - an offense, whether or not explicitly described as a crime of domestic violence, that:
 - a. is a misdemeanor under federal or State law.
 - b. has, as an element, the use or attempted use of force or threatened use of deadly weapon.
 - c. was, as its factual basis, committed by an intimate partner, parent or guardian, of the victim, or a person similarly situated to a spouse, parent or guardian of the victim, and is not exempt pursuant to 18 U.S.C. 921 (a) (33) (B).
3. Qualifying Restraining Order - Any court order that:
 - a. was issued after a hearing of which the person subject to the order, received actual notice, and at which such person had an opportunity to participate in.
 - b. restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.
 - c. includes a finding that such person represents a credible threat to the physical safety to such intimate partner or child, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

B. GENERAL

1. All SPD applicants who may be subject to Title 18, USC 922, will be questioned to insure the Department's compliance with existing federal laws prior to employment.
2. Current personnel listed in Section B1 above shall notify their supervisor or an appropriate supervisor in the event that they are arrested for any crime outlined in the provisions set forth in Title 18 USC 922 Sections (g) (8) - (9). Additionally, the aforementioned employees shall immediately notify their supervisor or an appropriate supervisor when they are:
 - a. convicted of a misdemeanor crime of domestic violence.
 - b. subject to a qualifying restraining order.

C. SUPERVISOR'S RESPONSIBILITY

1. Upon notification that an employee as described in Section B(1)(2) has been convicted of a misdemeanor crime of domestic violence or is subject to a qualifying restraining order, the employee's supervisor or designee shall coordinate with the Internal Affairs Division to:
 - a. place the employee on administrative leave.
 - b. confiscate their duty weapon (if applicable).
 - c. make proper notifications.