



1300 CODE OF CONDUCT [CALEA 1.1.2; 26.1.1]

All members of the Police Department, whether sworn, non-sworn or volunteer, are responsible for holding themselves to a high standard in their private and professional lives. This section of *General Orders* establishes the guidelines to which all members shall adhere. Ethics training shall be conducted for all personnel, at a minimum, biennially.

1310 LAW ENFORCEMENT CODE OF ETHICS [CALEA 1.1.2]

All sworn members of the Police Department shall abide by the tenets of the *Law Enforcement Code of Ethics*:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

"I will keep my private life unsullied as an example to all; maintain courageous calm in the face of dangers, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

"I will never act officiously or permit personal feelings, prejudice, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement."

1320 DEPARTMENT VALUES [CALEA 12.2.1 a]

All members of the Department shall familiarize themselves with the stated values of the agency and shall strive to conduct all official business in a manner consistent with them.

- **Leadership**

Each member of the organization is responsible for establishing the direction of the Department and communicating the vision at every level of the organization. We show the way in our community by going first and guiding those who follow. We are entrusted with caring for the spirit of the organization.



Leadership means we:

- Lead by example
- Do the right thing
- Look for and acknowledge things done right
- Create a trusting environment where people can develop
- Are willing to go beyond traditional expectations

▪ **Service Orientation**

Each employee enhances the quality of life within our community and our department through dedicated service.

Service Orientation means we:

- Are empathetic and compassionate in dealing with people
- Treat problems as important
- Follow through on promises – if we set an expectation, we meet or exceed it
- Treat people with dignity

▪ **Integrity**

Our value as police employees depends upon the respect and confidence we earn from the community and each other. The integrity of each individual, as well as the organization, is necessary for citizens to give us their trust. Without this trust, we cannot expect to form a partnership with the community.

Integrity means we:

- Are honest
- Admit mistakes and take corrective actions
- Do what we say we will do
- Behave consistently with our Department values

▪ **Excellence**

We meet challenges and adversity with perseverance to attain individual and organizational goals.

Excellence means we:

- Strive for excellence in everything we do
- Are responsible and dependable
- Are accountable
- Commit to our mission and values

▪ **Fairness**

Fundamental to delivery of professional police service is the fair and equitable treatment of all individuals. Whether it is a citizen or employee, all must be treated with dignity and respect.



Fairness means we:

- Act consistently with our values and expectations
- Let compassion and courtesy guide our actions
- Have respect for all people, their ideas and opinions
- Apply rules, regulations and laws in an unbiased manner
- Treat others as we want to be treated

▪ **Teamwork**

Teamwork is essential to the successful operation of the Department. The team must include all employees working in partnership with each other and the community to attain our goals.

Teamwork means we:

- Recognize the police are the people and the people are the police
- Foster cooperation and collaboration with the public
- Include others in planning, decision making, and action
- Commit to the goals, objectives and plans of the team without concern for who receives the credit or blame
- Recognize open communication is fundamental to successful team efforts
- Are supportive of the organization's efforts

▪ **Personal Responsibility**

Each of us has a personal responsibility for the success of our community. We respect, care about, trust and support each other. We respect and encourage individual responsibility, while recognizing we have a right and obligation to participate in leading our community.

Personal responsibility means we:

- Set a positive example in our personal and professional lives
- Seek challenges and risk success
- Take initiative
- Accept responsibility for our mistakes

1330 GENERAL RULES OF CONDUCT [CALEA 26.1.1]

This section of *General Orders* cites the rules that govern the actions of all members of the Police Department, whether sworn, non-sworn or volunteer. Any violation of *General Orders* may be made the subject of disciplinary action against member(s) responsible for such violation. It is understood that no rules can be established which embrace all situations in the discharge of police duties. Some things must necessarily be left to the discretion of the individual member. If, however, a member deviates from the rules or established procedures, the member must be able to demonstrate that the action was necessary. The final authority on such determinations rests with the Chief of Police.



1330.1 Applicability of Rules

Rules of conduct shall apply to all members except where, by their nature, they are inapplicable. Failure to comply with any provisions of *General Orders* or other Department policies and procedures shall subject an employee to disciplinary action.

1330.2 Obedience to *General Orders*, Procedures and Policies Required

All members shall observe and obey all laws, *City Administrative Directives*, Department *General Orders*, Department procedures and policies, as well as any procedures and policies established by their Commanders.

1330.3 Required Knowledge

All officers shall have a working knowledge of all criminal, constitutional, and motor vehicle laws, and ordinances in force in the City of Tucson, as well as *City Administrative Directives*, Department *General Orders*, and policies and procedures of their respective divisions and bureaus, as may be appropriate to their assignment or classification.

Non-sworn employees shall have a working knowledge of all laws, *City Administrative Directives*, Department *General Orders*, and policies and procedures of their respective divisions and bureaus as may be appropriate to their assignment or classification.

All members are responsible for seeking and obtaining any additional information or clarification necessary in order to comply with laws, ordinances, *City Administrative Directives*, Department *General Orders*, Department policies and procedures or any other subject area with which they must be familiar.

1330.4 General Responsibilities and Requirements

All members shall perform their duties as required or as directed by law, the Constitutions of the United States and the State of Arizona, Department *General Orders*, Department policies and procedures, *City Administrative Directives*, or order of a superior officer. The administrative delegation of the enforcement of specialized laws and ordinances to particular units of the Department does not relieve members of other units from the responsibility for taking prompt, effective police action to enforce those laws when the occasion arises.

All members shall assist other members when asked. Such assistance shall include the utilization of any special skills or talents that a member may have. Any question as to whether the assistance is necessary for completion of a legitimate police task shall be referred to a supervisor.

1330.5 Reporting Violations of Laws, Ordinances, *General Orders* or Policies Required

Members having knowledge of other members violating laws, ordinances, *City Administrative Directives*, Department *General Orders*, policies or procedures, or



otherwise disobeying orders, whether on or off duty, shall report such violation in writing to the Chief of Police through their chain of command.

1330.6 Actions Taken Under Color of Authority

Any action taken by a member of the agency under color of authority subjects the member to all applicable provisions of Department *General Orders* and City *Administrative Directives*.

1330.7 General Standards of Expected Conduct

Members shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All members shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves as members of the Department. Members shall treat each other and all persons with whom they have contact with respect and courtesy.

1330.8 Expected Conduct Toward the Public [CALEA 22.2.7 a, b]

All persons having business with the Department are entitled to courteous and respectful consideration and must be given all assistance that may be proper under the rules of this Department. All members shall remain completely impartial toward all persons coming to the attention of the Department. Members shall politely provide their name, badge (payroll) number, and department issued identification card with their photograph to any person who requests it. This mandate to present department identifiers does not pertain to personnel who are actively working in an undercover capacity. Members shall not mistreat or abuse, whether physically or verbally, any prisoner or person having business with the Department.

1330.9 Notice to Department of Certain Activities Required

Members shall keep the Department informed of any activity, situation, or problem with which the Department would logically be concerned. Members shall notify their supervisor in writing any time they are involved as a witness, victim, or suspect in any situation under investigation by this or any other law enforcement agency. Members shall notify the chain of command of any address or telephone number change or change of name. Members involved as plaintiff or defendant in any civil action resulting from their activity as a Department member shall immediately report this fact in writing to the Legal Advisor.

1330.10 Criminal Conduct Prohibited

Members shall not engage in any conduct, whether on or off duty, regardless of their whereabouts, which is in violation of the law. Criminal conduct, in and of itself, is sufficient grounds for disciplinary action against a member, regardless of whether or not the member is cited, indicted, tried, and/or convicted for any particular offense.



1330.11 Compliance with the Code of Ethics and Department Values Required [CALEA 1.1.2]

All officers shall abide by the standards of the Law Enforcement Code of Ethics, which is incorporated in this manual. All members shall be familiar with and strive to model the Department's values in all actions.

1330.12 Required Conduct and Participation in Internal Investigations

All members are required to fully and truthfully participate in, and cooperate with, any internal investigation to which they are a party or witness. Members shall provide (all) complete and truthful relevant information, whether specifically requested or not. Any and all acts of intentional untruthfulness and/or purposeful omission of relevant information shall be addressed under *General Order 1330.19* Untruthfulness. Members shall comply with all directions given by members of the chain of command and the Office of Internal Affairs. All internal investigations are confidential. Members shall not divulge any information regarding these investigations unless specifically authorized to do so.

1330.13 Insubordination Prohibited

No member shall be insubordinate to any superior officer or member.

1330.14 Failure to Follow an Order [CALEA 12.1.3]

No member shall refuse to take any properly directed action or fail to follow any lawful order or direction given by a superior officer.

1330.15 Cowardice Prohibited

Officers shall not shirk their duty in the face of danger.

1330.16 Cruel, Unlawful or Improper Treatment Prohibited

Members shall not treat any person or animal cruelly, use excessive physical force, fail to observe the Constitutional rights of any person, or neglect to take any necessary humane actions when circumstances require.

1330.17 Gifts, Gratuities, Fees, Rewards, Loans, Etc. Prohibited

Except as may be specifically authorized by the Chief of Police, members shall not solicit or accept, directly or indirectly, any gift, gratuity, loan, service, or fee where there is a direct or indirect connection between the solicitation and their Department membership or employment.

Except as may be specifically authorized by the Chief of Police, members shall not accept any reward for services rendered in the line of duty to the community, or to any person or agency.



Except as may be specifically authorized by the Chief of Police, members are prohibited from buying, selling or promoting anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention, or which arose out of their Department employment, in which the member has a personal involvement or connection.

1330.18 Endorsements

Members shall not knowingly permit their names or photographs to be used to endorse any product or service as representative of the Department without the permission of the Chief of Police. Members shall not use or permit the use of the Department uniform, logo or badge in any unauthorized manner, or for any private purpose, without permission of the Chief of Police.

1330.19 Untruthfulness

- A. No member shall knowingly make an untrue statement about a fact, either orally or in writing, in connection with any investigation, assignment or inquiry.
- B. No member shall knowingly sign any false official statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, judicial or administrative hearing, or department hearing, whether or not under oath.
- C. Members are required to report completely, honestly, and accurately all facts and information pertaining to any investigation, whether criminal or administrative, or other matter of concern to the Department.
- D. This rule does not apply to an officer's questioning or interrogation of a person involved in a criminal investigation or where the officer is engaged in an approved undercover role where such misrepresentation is not inconsistent with law or accepted professional practice.

1330.20 Security and Confidentiality of Department Business Required

- A. **Confidentiality:** Members shall consider the operations and official business of the Department to be confidential. They shall not release such information to anyone not authorized to receive the information except in accordance with Department procedure.
- B. **Security of Department Records:** Members shall not reveal the contents of any Department record or file, including any electronic versions, to any person not entitled to the information. Information shall not be released to the public or media unless authorized and then only by persons authorized to make such releases.
- C. **Department Records and Paperwork:** Members shall not steal, alter, destroy, forge, remove, copy or tamper with any kind of police record, report, citation, or document, including any electronic version, without proper authority. Members are prohibited from retaining personal copies of official police reports and shall incorporate all notes and working files into the official record maintained in Records.

**TUCSON POLICE
DEPARTMENT
GENERAL ORDERS**



**VOLUME 1
GENERAL DEPARTMENT ORDERS**

Revised: November 9, 2011

1300 CODE OF CONDUCT
Issued May 2001

Members are prohibited from retaining copies of voice recordings, video recordings, photographs, and other similar material, whether obtained on Department or personal equipment, related to official police investigations. This includes traffic stops, crime scenes, and all other work related duties. All such items shall be submitted to Property and Evidence according to standard Department protocols.

- D. **Tape Recording of Employees:** Members of the Department are prohibited from recording their conversation with another member (either with their knowledge or surreptitiously) except in case of an authorized criminal or administrative investigation where the labor contract provides for such tape recording, and on any departmental lines which are automatically taped (i.e. Communications). This prohibition does not include the recording of conversations between department members captured on mobile video recorders (MVRs).

Exceptions must be approved in writing by a division commander prior to any such tape recording. Violations of this policy may result in discipline up to and including termination.

1330.21 Consorting Prohibited

Members shall avoid personal associations with persons who have an open and notorious reputation in the community for criminal behavior (immediate family ties excluded), except in the discharge of their official duties and with the permission of the Chief of Police.

1330.22 Maintenance of Minimum Standards Required [CALEA 22.3.2; 33.1.2]

Members are expected to meet, maintain, and demonstrate all minimum Department standards and performance expectations at all times. Members shall maintain all necessary certifications and meet any requirements of their position classification at all times. Failure to maintain any required standards, certifications or requirements shall be grounds for disciplinary action up to and including termination. Members shall attend all training sessions as required or at the direction of their supervisors or Commanders.

Sworn members shall maintain all AZPOST standards necessary to retain certified peace officer status. Revocation of peace officer certification shall be grounds for immediate dismissal of any sworn member. Suspension of a sworn member's peace officer certification by AZPOST shall subject the member to disciplinary action up to and including termination. Refer to *General Orders* regarding Training Policies and the suspension of AZPOST Peace Officer Certification.

1330.23 Strikes or Labor Stoppages Prohibited

Members shall neither engage in nor conduct a work stoppage or strike. The term "strike" means the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstention in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing,



influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

1330.24 Prohibited Uses of Property

Members shall not damage, abuse or lose any Department property entrusted to them. Some items are so sensitive that their loss or theft poses serious risk to the community. Items such as firearms, identification cards, key cards, badges, and radios require a greater degree of care. Officers shall evaluate what arrangement best ensures the safety of the community under the given circumstances.

City owned property, evidence, abandoned and found property, property maintained for safekeeping, and any other property received by a member of this Department shall not be used, utilized, converted, copied, distributed, etc., for personal use by any member or by any other person. Any property coming into the possession of a member shall be handled in accordance with established procedures.

1330.25 On Duty Conduct Standards

- A. **General Conduct Required:** Members shall be punctual in reporting for duty at the time and place designated by their supervisors. Members may not be absent from any duty assignment without permission or authorized leave. All members are to remain at their assignment and on duty until properly relieved by another member or dismissed by proper authority.
- B. **Chain of Command:** Members shall utilize the chain of command in all official actions as appropriate.
- C. **Prohibited On Duty Conduct:** Members are prohibited from engaging in any activity, action, or conduct that detracts from their obligations and responsibilities while on duty.
- D. **Completion of Assignments:** Members are expected to thoroughly and professionally complete any and all assignments, duties, or tasks for which they are responsible.
- E. **Alcohol, Intoxicants, or Drugs:** Except as otherwise provided, no member shall be on duty under the influence of intoxicants or drugs, be impaired by the use of medications, whether prescribed to the member or not, or be otherwise unfit for duty because of their use, nor shall any member drink or purchase any alcoholic beverages, or use any controlled substance not prescribed to them while on duty or in uniform. No member in plainclothes shall drink or purchase alcoholic beverages while on duty except when necessary in the performance of their duty and then only with the approval of their supervisor.

Members who are prescribed controlled substances or medications which may affect their ability to perform their duties shall adhere to the policies and requirements set forth in *General Orders* regarding Hiring and Workplace Policies and the use of medications while on duty.



Members shall not possess any intoxicants or controlled substances on Department premises except when necessary in the performance of a police task. Such materials brought into Department premises in the furtherance of a police task shall be properly identified and stored.

Employees found to be in violation of any of the provisions of the Department's Drug and Alcohol policy set forth in *General Orders* regarding Hiring and Workplace Policies and the drug and alcohol policy shall be subject to disciplinary action up to and including termination of employment.

An employee who refuses to be examined for controlled substances or alcohol will be treated as having tested positive and may be discharged. In no event shall the disciplinary action be less than a five (5)-day suspension. A second refusal to be examined or tested shall result in the employee's termination of employment.

- F. **Tobacco Products:** Smoking, or the use of other tobacco products, is prohibited while performing any police function or in violation of other Department, City or State laws and policies. Those members who choose to smoke or use other tobacco products while on-duty and not performing a police function, are responsible for the safe and sanitary disposal of these items (i.e. chewing tobacco should be placed into a separate sealed receptacle prior to being disposed of in a trash can). Smoking is not permitted in any City vehicle. Smoking in Department facilities is prohibited except as set forth in City of Tucson policy.
- G. **Investigations:** Members shall not withhold any information about criminal activity. Members shall not undertake self-assigned investigations, whether on or off duty, without prior notification to, and approval by, a supervisor.
- H. **Gambling:** No form of gambling shall be permitted on Department property or while on duty, except in the performance of police duties and then only with the approval of the member's supervisor.
- I. **Offensive Conduct, Materials, and Statements:** Members on duty or on City property shall not possess, reproduce, circulate, or post any material that may be considered offensive based upon a protected group or protected status, as defined in the Department's or City's procedures on equal employment opportunity and affirmative action, except as required for a police purpose. Members shall not tell jokes, make verbal statements, or engage in any other conduct that may be considered offensive based upon a protected group or protected status as defined in the Department's or City's procedures on Equal Employment Opportunity and affirmative action.

1330.26 Off Duty Conduct Standards

- A. **Call Out:** During off duty time, members of the Department shall be subject to call out duty as needed. Members shall not be contacted off duty except when, in the considered judgment of the person initiating the call, the mission of the Department requires it.



- B. **Emergency Stand-by:** Members shall be subject to emergency stand-by as deemed necessary by the Chief of Police.
- C. **Standards for Police Action While Off Duty:** Off duty officers shall act in an official capacity if they observe an incident requiring police action when time is of the essence, or if such action will safeguard life, property, or prevent the escape of a felon or violent criminal. If off duty officers observe, or have their attention called to, an incident requiring police action not meeting this standard, they shall report the incident to the appropriate law enforcement agency as soon as practical.
- D. **Involvement in Neighborhood Disputes Prohibited:** Officers shall not intentionally become involved in quarrels or disputes involving their neighbors, friends, associates, or relatives. Officers shall not make an arrest or take other official actions in personal matters or those of their family or neighbors unless such action is warranted by the immediate threat of serious bodily harm or significant property damage. A supervisor shall be notified as soon as possible.

1340 SOCIAL MEDIA; CONDUCT AND RESPONSIBILITIES OF MEMBERS

1340.1 General

Department personnel are free to express themselves as private citizens on social media sites or via other means to the extent that their speech does not impair working relationships of this department, impede the performance of duties, impair discipline and *esprit de corps* among coworkers, or negatively affect the public perception of the department.

As public employees, members are cautioned that speech on or off duty, which relates to their official duties and responsibilities, is not protected by the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media or other communication media sites will reflect upon the department and them as peace officers.

Members engaging in social networking or other means of information exchange must conduct themselves in a manner consistent with the Department Code of Conduct. Members are subject to discipline for posting, sharing, or otherwise disseminating department related information in any manner that is inconsistent with this *General Order*, up to and including termination.

1340.2 Postings Prohibited

Adherence to the department's Code of Conduct is required in the personal use of social media and other information sharing sites. Because such speech becomes part of the public domain and may be used to discredit members, undermine their ability to testify in court, or damage the reputation of the agency, members are prohibited from posting the following:



- A. Speech containing obscene or sexually explicit language, images, or acts.
- B. Any act or statement, or any other form of speech that ridicules, maligns, disparages, or otherwise indicates bias against any race, religion, color, ancestry, national origin, ethnicity, disability, gender, sexual orientation, gender identity, familial status, marital status or other protected status.
- C. Speech or acts involving themselves or other members that reflects violent, reckless, or irresponsible behavior.
- D. False information that harms the reputation of another person, group or organization.
- E. Private facts about someone without their permission that have not been previously revealed to the public, are not of legitimate public concern, and would be offensive to a reasonable person.
- F. The name, likeness or other personal identifier or attribute of another person without that person's permission in a manner that usurps or falsely uses the person's identity.
- G. The creative work of another, copyrighted or trademarked material, or other confidential business information without the permission of the owner.

1340.3 On-Duty Usage Prohibited

- A. Updating any social media or other information sharing sites while on duty, unless it is in the course or furtherance of employment.
- B. Text messaging while operating a city vehicle.

1340.4 Information Sharing Requiring Prior Permission of the Chief of Police

Members are prohibited from posting or otherwise publishing any of the following on the internet, any social networking platform, or any other media or information exchange forum:

- A. Any text, photograph, audio or video recording, or any other type of information file, related to any investigation or matter of this department.
- B. Any confidential, law enforcement sensitive or proprietary information of the department.
- C. Logo, badge, uniform, vehicle, equipment, weapon, or any identifying item or symbol affiliated with the department (except as authorized by 1340.5) without authorization of the Chief of Police.



1340.5 Information Sharing Regarding Department-Sanctioned Public Activity Permitted

Members may share and post photographs of themselves in uniform, as well as images depicting Department sanctioned public functions such as Academy graduations, promotions, Peace Officer Memorial events, and official fundraising or community projects, as well as union sponsored community activities. Any posting of a member in uniform shall be subject to the *General Orders* governing the Code of Conduct and Department appearance standards.

1340.6 Safety of Members

For safety reasons, members are cautioned to not disclose their employment with this department on web postings, or post information pertaining to any other member without that member's permission. This includes posting or sharing personal photos that may cause them to be recognized as members of the department. Members working in an undercover capacity shall not post any form of visual or personal identification unless operationally necessary.

1340.7 Duty to Identify Posting

Any member who maintains a blog, or who posts a reply to a blog that identifies the agency, must identify themselves in the blog posting, and must include a disclaimer that their viewpoints are personal and do not reflect the position of the department.

1340.8 Use of Email Addresses on Information Sharing Sites

Members shall not use City email addresses to register for or respond to any social media or internet information sharing site unless it is for a department sanctioned purpose.

1340.9 Access by the Department to Member Postings

Members should expect that any information created, downloaded, exchanged or discussed in a public online forum may be accessed by anyone, to include the department, at any time without prior notice.

1340.10 Duty to Report Violations

Any employee who becomes aware or has knowledge of a posting, website, or any other manner of posting of information in violation of this *General Order* shall notify his or her Chain of Command immediately for follow-up action.



1350 PROHIBITED POSSESSOR LEGISLATION; RESPONSIBILITIES OF MEMBERS

1350.1 General

All commissioned members, and those civilian members whose positions require handling firearms, must at all times maintain the legal ability to possess a firearm. The ability to legally possess a firearm can be affected by a variety of state and federal laws. Below is an overview regarding these laws and how they may affect an employee; check the current version of the appropriate statute for the complete verbiage.

▪ Arizona Statute

- A. Arizona statutes provide that a person is prohibited from possessing a firearm if the person:
 - 1. is under commitment for mental health treatment, or
 - 2. has been convicted or adjudicated delinquent of a felony and whose civil rights have not been restored, or
 - 3. is incarcerated, or
 - 4. is serving a term of probation for a domestic violence offense or a felony offense.
- B. Under Arizona law, a person may also be prohibited from possessing a firearm when specifically ordered not to do so by an Order of Protection or Injunction Prohibiting Harassment.

▪ United States Code

- A. Federal statutes provide that a person is a prohibited possessor when, among other things, the person:
 - 1. Has a felony conviction
 - 2. Has been committed by court order for mental health treatment
 - 3. Has been convicted of a "misdemeanor crime of domestic violence" (see below for definition)
 - 4. Is subject to certain protective orders.
- B. A misdemeanor crime of domestic violence is defined as a misdemeanor offense which has as an element the use or attempted use of physical force or the threatened use of a deadly weapon, by a spouse, former spouse, parent or guardian of the victim, against a person with whom the victim shares a child in common, a person who is or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Under this definition, certain crimes that would be considered domestic violence under state law are not considered domestic violence under federal law. Similarly, certain crimes that would not be considered domestic violence under state law are considered domestic violence under federal law.



- C. Under federal law, the issuance of certain court orders protecting a person from domestic violence makes the defendant (the person to whom the order is directed) a prohibited possessor. This prohibition applies to only those court orders issued:
1. After a hearing of which the person received actual notice and had an opportunity to be heard, and
 2. The order restrains a person from harassing, stalking or threatening an intimate partner or the child of an intimate partner, or engaging in conduct that would place either the partner or child in reasonable fear of bodily injury, and
 3. The court order includes a finding that the person represents a credible threat to the physical safety of the partner or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the partner or child.

▪ **Operation of State and Federal Law**

Under State law, a member may be prohibited by an Order of Protection or an Injunction Prohibiting Harassment from possessing a firearm. When such an order is in place, sworn members and any non-sworn members whose jobs require the handling of a firearm, shall be placed on leave as provided in *General Order 1340.3*.

The Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is tasked with interpreting federal firearms laws and their interplay with state laws. In Arizona, most Orders of Protection or Injunctions Against Harassment are issued without the benefit of a hearing and therefore do not have the effect of triggering federal laws regarding gun possession. However, ATF has advised the Arizona Supreme Court that any person who receives an Arizona order and then requests a hearing on the order may in fact become a prohibited possessor under federal law, if following any such hearing the injunction or order remains in effect and meets the criteria set forth in Section C above.

Members should seek private legal advice on these issues prior to taking any action with regard to an Order of Protection or Injunction Against Harassment that is issued to the member.

1350.2 Reporting Required

Any member served with an Order of Protection or similar court order shall complete a *Personnel Report* with a copy of the order attached and present it to the member's chain of command prior to returning to duty. Any person wishing to serve such an order on a member shall be directed to a supervisor who shall review the order to determine whether it contains a firearms prohibition and shall immediately serve the order on the affected member. The supervisor shall immediately take any action required by the order or *General Orders*.



Any member arrested for a criminal offense, which may be considered domestic violence under state or federal law shall report such arrest via *Personnel Report* through the chain of command. Any conviction, including convictions which have not been previously reported, shall be similarly reported through the chain of command.

1350.3 **Administrative Action and Discipline**

Orders of Protection and similar orders issued under State law may prohibit the possession of a firearm by a member. When such an order is in effect, the member may not possess a firearm and must be placed on leave as indicated below.

As noted above, in certain circumstances federal law may also prohibit possession of a firearm by a person who is the subject of an order of protection or similar order. However, federal law provides that a law enforcement officer whose right to possess a firearm is lost due to the existence of a qualifying protective order may nevertheless possess and use a firearm during duty hours.

The Legal Advisor shall be contacted to review all orders of protection or similar court orders to determine whether the member may continue to possess a firearm while on duty. If possession is permitted, it shall be for on duty purposes only and the service weapon shall be provided to the officer and surrendered to a supervisor on a daily basis.

All sworn, and any non-sworn members whose position requires the handling of firearms, who are no longer permitted by operation of state or federal law to possess a firearm shall be placed on leave immediately.

Members may request to use compensatory time or vacation leave and, when such leave is exhausted, may request to be placed on leave without pay. In no event shall the total leave time exceed 12 months. A member who does not request or is not deemed eligible for authorized leave shall be indefinitely suspended without pay for failure to maintain the ability to perform the member's job duties. Administrative procedures related to suspensions without pay shall be followed.

A member who is unable to regain the ability to legally possess a firearm within 12 months of the first day of authorized leave or suspension shall be terminated from city employment.

The Department may, separate from and in addition to any discipline resulting from the loss of the right to possess a firearm, take any necessary disciplinary action related to the member's misconduct, including any events underlying or associated with the issuance of any Order of Protection or similar court order, or any arrest.