



**CHEVY CHASE  
VILLAGE  
POLICE  
DEPARTMENT**

*Police Chief: John Fitzgerald*

**GENERAL ORDER: 4-29; EMPLOYEE-INVOLVED DOMESTIC  
VIOLENCE**

DATE: 3/23/2017    Pages: 2    ◇ New ◇ Amended ◆ Rescinds 4-29

**I. PURPOSE**

The purpose of this General Order is to establish the procedure to be followed when an employee of this Department is named as a respondent in a domestic protection order, arrested for a domestic violence offense, or formally charged with a domestic violence offense in any state.

**II. GENERAL**

- A. The Omnibus Consolidated Appropriations Act of 1997 amends The Violent Crime Control and Law Enforcement Act to prohibit persons who have been served with a domestic violence Protective Order or having a past conviction for a domestic violence offense from possessing or carrying a firearm. There is no exception for police officers or armed license security officers.
- B. For the purpose of the Act, a qualifying domestic Protective Order must result from a case where the respondent received actual notice of a hearing and had an opportunity to appear. By this statement, an Ex-Parte Order of Protection does not fall within the scope of this Act; a full Order of Protection must be in place.
- C. A domestic violence offense under the Act is defined as one having as an element the use or attempted use of physical force or the threatened use of a deadly weapon committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim has a child in common, by a person who 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.

**III. PROCEDURES**

- A. When an employee of this Department is served with an Ex-Parte Order of Protection, they will immediately forward via command protocol a memorandum to the Chief of Police indicating the court of jurisdiction, the date and time of the hearing and a brief description of the circumstances leading to the Order of Protection.

- B. Prior to returning to duty, following the court hearing, the employee will forward a memorandum to the Chief of Police indicating the decision of the court to grant or deny the petitioner's request for a full Order of Protection.

- 1. If the petitioner's request for a full Order of Protection is denied, the employee may remain in their present assignment. The Chief may order an investigation to determine if the employee violated Department policy.
- 2. If the petitioner's request for a full Order of Protection is granted, the Chief of Police will order an investigation to determine if the employee violated any Department policy.
  - a. If the employee is a police officer, the officer's police powers will be suspended, and he/she will be placed on administrative assignment.
  - b. If the employee is non-sworn, the employee's assignment will be determined on a case-by-case basis.

- 3. Employees should be aware that federal law prohibits those persons against whom an Order of Protection has been issued from possessing any firearms or ammunition, including those that are personally-owned. Possession of any firearms or ammunition under such circumstances is a violation of both law and this policy.
- 4. It will be the employee's responsibility to keep the Chief of Police informed, in writing through the chain of command, of the status of any developments or further court action related to any protective order involving the employee.

- C. If an employee is arrested for a domestic violence offense as defined in **Part II-C**:

- 1. The employee must notify the Chief of Police, via the chain of command, prior to the beginning of their next scheduled tour of duty. The em-

ployee will also keep the Chief of Police informed of the status of their case, reporting when formal charges are issued or if a decision is made by prosecuting authorities to decline prosecution; such notifications are to be made immediately after the employee learns the information.

2. If the employee is a police officer, the officer's police powers will be suspended, and he/she will be placed on administrative assignment, on administrative leave, or suspended without pay depending on the facts of the case and the severity of the charges placed, and consistent with the Law Enforcement Officer's Bill of Rights.
  3. If the accused is a non-sworn employee, the employee will remain in his/her administrative assignment, or will be placed on administrative leave or suspended without pay depending on the facts of the case and the severity of the charges placed, and consistent with the Village Personnel Code.
- D. All employees shall report in writing to the Chief of Police via the chain of command any conviction arising from a domestic violence offense.

This directive voids the previous version dated 12/10/2014.