

ST. PETERSBURG POLICE DEPARTMENT

DATE OF
ISSUE

EFFECTIVE DATE

NUMBER

GENERAL ORDER

March 2023

Immediately

II-21

Distribution: All Employees

Subject: **DOMESTIC VIOLENCE INVOLVING DEPARTMENT EMPLOYEES**

Index as: Court Orders Involving Employees Domestic Violence Court Orders Firearms Restrictions

Accreditation Standards: 1.3.9

Cross Reference: [G.O. IV, Rules of Conduct](#)
[I.O. V.5:18, Domestic Violence](#)

§741.28, F.S.S.

§922 (g)(8), U.S.C.S.

Replaces: G.O. II-21 Domestic Violence Court Orders Involving Department Employees (April 28, 2016)

This Order consists of the following sections:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Firearms Restrictions
- V. Reporting the Issuance or Amendment of a Court Order
- VI. Compliance with the Court Order
- VII. Compliance with 1968 Gun Control Act
- VIII. Violations

I. PURPOSE

A. This Order establishes procedures for whenever an employee becomes subject to, and is served with, a notice of a Domestic Violence Court Order. Further, it restricts access to firearms and ammunition by employees who are named in a Domestic Violence Court Order.

B. In addition, this Order establishes the procedures for employees who are in violation of the Amended Gun Control Act of 1968 by being convicted of a misdemeanor crime of domestic violence against an intimate partner. The amended Act also prohibits access to any firearm or ammunition as a result of such a conviction.

II. POLICY

A. Employees who become subject to a Domestic Violence Court Order, either temporary, ex parte, or permanent, will not transport, ship, receive or possess any firearm or ammunition, except that which may be specifically required while on duty and while performing tasks assigned by the Department.

B. Employees who are, or have been, convicted of a misdemeanor crime of domestic violence against an intimate partner, which is a violation of the Amended Gun Control Act of 1968, are not permitted to ship, transport, possess, or receive firearms or ammunition, unless the conviction has been expunged, set aside, pardoned, or the employee has their civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense).

C. Any firearms or ammunition in possession must be relinquished to a third party.

III. DEFINITIONS

A. Court Order – The temporary, ex parte, or permanent direction of a court or judge including, but not limited to an order, court order, restraining order, injunction, or domestic violence injunction, made or entered in writing, which meets the legal requirements described in this Order, for the benefit of an intimate partner or child of the person to whom the court order is directed.

B. Intimate Partner

1. As it pertains to Domestic Violence Court Orders, spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family, or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time (§741.28, F.S.S.).

2. As it pertains to the Gun Control Act of 1968, current or former spouses, parents or guardians, persons who share a child in common, persons who cohabit or have cohabited as a spouse, parent, or guardian, or persons similarly situated as a spouse, parent or guardian.

C. Ex Parte – Done for, in behalf of, or on the application of one party only.

D. Misdemeanor Crime of Domestic Violence – an offense that:

1. Is a misdemeanor under federal or state law; and

2. Has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon against an intimate partner.

IV. FIREARMS RESTRICTIONS

A. No employee will ship, transport, receive or possess firearms or ammunition when they become subject to a court order that:

1. Restrains such person from harassing, stalking or threatening an intimate partner of such person, or a 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; and

2. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

3. 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. Employees authorized to carry firearms may possess a weapon or ammunition during the conduct of official business during on-duty hours, when permitted to do so by the Department and federal law.

C. No employee will ship, transport, receive, or possess any firearms or ammunition if convicted of a misdemeanor crime of domestic violence against an intimate partner.

V. REPORTING THE ISSUANCE OR AMENDMENT OF A COURT ORDER

A. Employees who become subject to a court order meeting the requirements described in this Order, will take affirmative steps to comply with the court order, and will provide a copy of the court order to their immediate supervisor as soon as practicable.

B. The supervisor will route copies of the court order, through the Chain of Command to the Bureau Assistant Chief and the Legal Division and conduct periodic inspection(s) of any Department-issued weapons to ensure they are obtained and secured as required.

C. Employees subject to a Domestic Violence Court Order, which is modified or amended, will provide a copy of the amended Order to their supervisor as soon as practicable. This document will be distributed in the same manner as the original.

D. Should service of a Domestic Violence Court Order be attempted at Police Headquarters, Information Desk personnel will inform the appropriate supervisor who will arrange for proper service.

VI. COMPLIANCE WITH THE COURT ORDER

A. On Duty

1. While on duty, including permit assignments, Officers are permitted to carry their issued firearm and ammunition in accordance with all existing firearm and ammunition policies.

2. The firearm and ammunition will be secured in storage, provided in the Equipment Room, at the conclusion of their duty tour or assignment, and will be obtained there immediately before the next duty tour or assignment.

3. Members of the SWAT Team will turn in any issued special weapons to the Team Commander, to be obtained as may be directed by the Team Commander.

4. While on duty, employees subject to a court order will refrain from any knowing contact with the person protected by the court order. Official assignments, which may lead to contact with such protected person(s), will be brought to the attention of a supervisor for reassignment.

B. Off Duty

1. No employee will carry or possess firearms or ammunition off duty while subject to a court order.

2. Involvement in police actions while off duty should be considered in light of the fact that the member will not have access to, nor possess, a firearm or ammunition.

3. Employees who have been assigned a marked Department vehicle, which is used to travel to or from official duties, will surrender that vehicle to their supervisor while the court order is in effect.

4. Employees who own or possess personal firearms or ammunition will take action to divest themselves of firearms or ammunition in an appropriate and safe manner, while the Court Order is in effect. Personal weapons or ammunition will not be stored or secured at Police Headquarters.

5. Employees subject to a Domestic Violence Court Order will avoid off-duty activities, which may place them in constructive possession of a firearm or ammunition, in violation of federal law.

VII. COMPLIANCE WITH 1968 GUN CONTROL ACT

A. On Duty

1. No employee will ship, transport, receive, or possess firearms or ammunition while on duty.

2. Any civilian employee having direct contact with firearms or ammunition as part of their normal duty will either be:
 a. Reassigned within the Department to duty that does not involve such contact, if such a position is available;
 or
 b. Afforded a designated time period to seek employment outside of the Police Department, if the employee so desires, or if reassignment is not possible or feasible.

B. Off Duty

1. No employee will ship, transport, receive, or possess firearm(s) or ammunition while off duty.

VIII. VIOLATIONS

A. Alleged violations of the conditions imposed by the court order or Department policy as related to a Domestic Violence Court Order, or the Gun Control Act of 1968, as related to domestic violence, will be referred to the Office of Professional Standards for investigation. If violations of law are evident, a referral must be made to the Investigative Services Bureau or the appropriate federal law enforcement agency.

B. If any employee refuses to relinquish their firearm(s) or ammunition, and the Department is without authority to retain or seize the firearm(s) or ammunition, the local Bureau of Alcohol, Tobacco, Firearms and Explosives (A.T.F.) office will be contacted for further directives.

Anthony Holloway
Chief of Police