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# Reporting of Arrests, Convictions and Court Orders

## 1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Kalamazoo Department of Public Safety. This policy will also describe the notification requirements and procedures that certain retired public safety officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

## 1005.2 POLICY

The Kalamazoo Department of Public Safety requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

## 1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Michigan law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members and retired public safety officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

A public safety officer's state certification will be revoked by the Michigan Commission on Law Enforcement Standards (MCOLES) for a conviction of any felony offense or other offenses listed in MCL 28.609b.

## 1005.5 REPORTING

All members with identification cards issued by the Department shall immediately notify their supervisors (retired public safety officers should immediately notify the Shift Commander or the Chief of Public Safety) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

# Kalamazoo Department of Public Safety

## Policy Manual

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All members with identification cards issued by the Department shall immediately notify their supervisors (retired public safety officers should immediately notify the Shift Commander or the Chief of Public Safety) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member from possessing a firearm or requires suspension or revocation of applicable MCOLES certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

All retired public safety officers with Law Enforcement Officers Safety Act (LEOSA) certification issued by MCOLES shall report to MCOLES in writing of any:

- (a) Past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.
- (b) Domestic violence-related order or of any court order that restricts or prohibits possessing a firearm or requires suspension or revocation of applicable MCOLES certification.
- (c) Drug test by a laboratory conducted that reflects the illicit presence of a controlled substance (MCL 28.518).

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired public safety officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

#### 1005.5.1 NOTIFICATION REQUIREMENTS

The Kalamazoo Department of Public Safety is required to notify MCOLES within three business days that a public safety officer employed by the Kalamazoo Department of Public Safety has been separated from service (Mich. Admin. Code, R 28.14510).