

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 Missoula Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1005.2 POLICY

The Missoula Police Department 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 Montana law prohibit 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; § 45-8-313, MCA; § 45-5-206, MCA).

All members and retired 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

Montana law prohibits the possession of a firearm by anyone convicted of (§ 45-8-313, MCA):

- (a) A felony and who has received an additional sentence under § 46-18-221, MCA (offenses committed with a dangerous weapon) or equivalent law in another state that when committed in Montana is subject to an additional sentence under § 46-18-221, MCA.
- (b) A felony for which the person is currently required to register for the sexual or violent offender registry.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

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1005.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Commander or the Chief of Police in writing) of any past or current criminal detention or ongoing investigation, 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.

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

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be subject to discipline. 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 their own time and at their own expense.

Any employee failing to provide notice in a reasonably practicable amount of time pursuant to this policy shall be subject to discipline, up to and including termination.

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

1005.5.1 NOTIFICATION REQUIREMENTS

If an officer of the Missoula Police Department is in violation of the provisions of ARM 23.13.702, the Chief of Police or the authorized designee shall submit notice to the Montana POST Council pursuant to POST procedures (ARM 23.13.703).

The Chief of Police or the authorized designee shall notify the Montana POST Council whenever any officer resigns or is terminated because of any disciplinary action. The notification shall be made within 10 days of the resignation or termination (§ 7-32-303, MCA).