

**FISH AND WILDLIFE SERVICE  
LAW ENFORCEMENT**

**Law Enforcement**

**Part 442 Firearms and Use of Force**

**Chapter 5 Domestic Violence Disclosure**

**442 FW 5**

**5.1 What is the purpose of this chapter?** This chapter establishes policy requiring Service law enforcement officers and employees applying for the position of law enforcement officer to disclose misdemeanor domestic violence convictions or pending charges.

**5.2 What is the scope of this chapter?** This chapter applies to all Service law enforcement officers authorized to carry weapons as part of their official duties and employees applying for such positions.

**5.3 What are the authorities for this chapter?**

- A. The Lautenberg Amendment to the Gun Control Act of 1968 (18 U.S.C. 922(g)(9)).
- B. Gun Control Act of 1968 (18 U.S.C. 921(33)).
- C. 446 DM 2, Law Enforcement Personnel Qualifications and Standards.

**5.4 What is the Lautenberg Amendment?** The Lautenberg Amendment to the Gun Control Act of 1968 makes it unlawful for any person, including a Federal employee, who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition.

**5.5 What is a misdemeanor crime of domestic violence?** A misdemeanor crime of domestic violence is any misdemeanor offense of Federal, State, or tribal law that has an element of use or attempted use of physical force or the threatened use of a deadly weapon by a:

- A. Current or former spouse, parent, or guardian of the victim;
- B. Person with whom the victim shares a child in common;
- C. Person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian; or
- D. Person similarly situated to a spouse, parent, or guardian of the victim.

**5.6 What is the Service policy?**

- A. All Service law enforcement officers, and applicants for such positions, must disclose any misdemeanor crime of domestic violence for which they have pending charges or have been convicted.
- B. A domestic violence conviction does not include convictions that have been expunged or set aside or an offense for which someone has been pardoned or has had civil rights restored unless the pardon, expungement, or restoration of civil rights explicitly says that the person may not ship, transport, possess, or receive firearms (see 18 U.S.C. 921(a)(33)(B)(ii)).

**5.7 What are the pre-appointment requirements for domestic violence disclosure?**

**A. Certification.** During pre-appointment processing, we must require applicants for Service law enforcement officer positions to certify any pre-existing conviction or pending charge for a misdemeanor crime of domestic violence. We must require the applicant to complete the Lautenberg Amendment Certification (see Exhibit 1).

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**B. Pending Charge.** We will deny employment as a Service law enforcement officer to any applicant who has a pending charge for a misdemeanor crime of domestic violence pending determination of their status under the Act.

**C. Conviction.** If we identify an applicant by certification, admission, or background investigation as having a misdemeanor domestic violence conviction, we must not hire them as a Service law enforcement officer.

**5.8 What are the post-appointment requirements for domestic violence disclosure?**

**A. Disclosure.** Any current Service law enforcement officer charged with or receiving a conviction for a misdemeanor crime of domestic violence must immediately disclose the charge or conviction to his/her supervisor.

**B. Supervisory Controls.** Upon disclosure or discovery that a law enforcement officer has been charged with or convicted of a misdemeanor crime of domestic violence, supervisors must take the following actions:

(1) Pending Charge: A Service law enforcement officer who has been charged with a misdemeanor crime of domestic violence must surrender all Service-issued firearms and ammunition to his/her immediate supervisor. The supervisor must temporarily assign the officer to duties that do not require possession of a firearm or ammunition pending determination of his/her status under the Act.

(2) Conviction: If a Service law enforcement officer is convicted of a misdemeanor crime of domestic violence, his/her law enforcement authority will be revoked. The supervisor may place the officer in another position that does not require carrying a firearm as a condition of employment. If no position is available, the supervisor must terminate the officer's employment.



Acting

DIRECTOR

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