



Approved:
Chief Marcia Harnden

Subject:

0851. Reporting of Employee Convictions

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CALEA Standards:

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851.1: PURPOSE AND SCOPE

This policy provides guidelines for when employees must report convictions for criminal offenses.

851.2: POLICY

It is the policy of the Albany Police Department to ensure that its employees meet with State and Federal Law, and with the standards set forth by the Oregon Department of Public Safety Standards and Training (DPSST) regarding criminal convictions.

851.3: REPORTING OF CONVICTIONS

- a. All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.
- b. All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.
- c. Any member whose criminal conviction restricts or prohibits that member from fully and properly performing their duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

851.4: DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. 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](#); [ORS 107.095\(5\)](#); [ORS 166.270](#)).

- a. All members are responsible for ensuring that they have not been disqualified from possessing a firearm 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.
- b. ORS 166.270 carries specific prohibitions on the carrying of firearms or other weapons upon a felony conviction in the State of Oregon, any other state or under federal law. ORS 107.095(5) addresses when a restraining order can lead to a violation of the firearms prohibitions of 18 USC § 922. Employees that are or have become subject to such an order shall promptly report that information to a supervisor.

851.5: OTHER CRIMINAL CONVICTIONS

- a. [OAR 259-008-0010\(4\)](#) prohibits any person convicted of a felony and certain other crimes from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.
- b. Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.
- c. Moreover, 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.

851.6: DPSST NOTIFICATION

An officer or dispatcher who is arrested or who receives a criminal citation to appear, or its equivalent, shall notify DPSST by completing [Criminal History Reporting Form F28](#) within five business days of the following (OAR 259-008-0010(5); [OAR 259-008-0011\(3\)](#)):

- a. The date of the arrest or citation;
- b. The location of the arrest or citation;
- c. The reason for the arrest or citation;
- d. The arresting or citing agency.