


<b>ELIZABETH POLICE DEPARTMENT GENERAL ORDERS</b>			
<b>VOLUME: 2</b>	<b>CHAPTER: 26</b>	<b># OF PAGES: 15</b>	
<b>SUBJECT: EMPLOYEE INVOLVED DOMESTIC VIOLENCE</b>			
<b>EFFECTIVE DATE: JANUARY 27, 2023</b>		<b>ACCREDITATION STANDARDS: NJSACOP 1.3.2</b>	
<b>BY THE ORDER OF: CHIEF GIACOMO SACCA</b>			
<b>BY AUTHORITY OF: POLICE DIRECTOR EARL J. GRAVES</b>			
<b>SUPERSEDES ORDER #: 72 A</b>			

**PURPOSE:** The purpose of this general order is to establish procedures for handling matters of domestic violence involving police employees. This general order addresses instances when the police employee is alleged to have committed acts of domestic violence and instances when the police employee is a victim of domestic violence. This general order is applicable to all employees of this department, both sworn and non-sworn.

**POLICY:** It is the policy of the Elizabeth Police Department to adopt a position of zero tolerance regarding domestic violence. All domestic violence matters involving employees of this department will be investigated in strict accordance with the New Jersey Attorney General's guidelines, the appropriate county prosecutor's guidelines, applicable federal and state laws and this department's written directive system.

## PROCEDURE:

### I. GENERAL

- A. The Elizabeth Police Department will act quickly where incidents of domestic violence are alleged to have occurred to protect the victim, arrest the actor where appropriate, and conduct parallel administrative and criminal investigations. Additionally, this department will strive to develop and implement appropriate, case-specific remedies to the situation.
- B. Domestic violence is the occurrence of one or more of the following criminal offenses upon a person protected under the *Prevention of Domestic Violence Act of 1991*, N.J.S.A. 2C: 25-17 et seq.
1. Homicide N.J.S.A. 2C: 11-1, et seq.;
  2. Assault N.J.S.A. 2C: 12-1, et seq.;
  3. Strangulation N.J.S.A. 2C: 12-1b(13);
  4. Terroristic threats N.J.S.A. 2C: 12-3;
  5. Kidnapping N.J.S.A. 2C: 13-1;
  6. Criminal restraint N.J.S.A. 2C: 13-2;
  7. False imprisonment N.J.S.A. 2C: 13-3;
  8. Sexual assault N.J.S.A. 2C: 14-2;
  9. Criminal sexual contact N.J.S.A. 2C: 14-3;
  10. Lewdness N.J.S.A. 2C: 14-4;
  11. Criminal mischief N.J.S.A. 2C: 17-3;
  12. Burglary N.J.S.A. 2C: 18-2;
  13. Criminal trespass N.J.S.A. 2C: 18-3;
  14. Harassment N.J.S.A. 2C: 33-4;
  15. Stalking N.J.S.A. 2C: 12-10;
  16. Criminal Coercion N.J.S.A. 2C: 13-5;
  17. Robbery N.J.S.A. 2C: 15-1;
  18. Contempt of a domestic violence restraining order pursuant to subsection b. of N.J.S.A. 2C: 29-2, that constitutes a crime or disorderly persons offense;

19. Any other crime involving a risk of death or serious bodily injury to a person protected under the *Prevention of Domestic Violence Act of 1991*, N.J.S.A. 2C: 25-17, et seq.
- C. This General Order does not supersede:
1. Attorney General's guidelines on police procedures in domestic violence cases;
  2. Attorney General directives *Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents*.
- D. These guidelines and directives remain in full force and effect and must be followed by officers responding to a domestic violence call involving a law enforcement employee.
- E. Failure of any officer or supervisor to comply with any provision of this General Order will subject the officer to discipline and criminal, civil, and administrative sanctions.
- F. This General Order adopts the definitions found within N.J.S.A. 2C: 25-19 and all Attorney General guidelines and directives involving domestic violence.
- G. Employee shall mean any employee of this police department including sworn and non-sworn personnel.

## **II. PRE-EMPLOYMENT SCREENING, BACKGROUND INVESTIGATIONS, AND EVALUATION**

- A. The Chief of Police shall cause thorough background investigations of all potential new employees to determine if there is a criminal history with particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse, or child abuse, including a check of the domestic violence central registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.
- B. Candidates shall be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse and past or present restraining orders and their disposition. Those candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse or child abuse shall be identified and declared ineligible for employment as police officers and special law enforcement officers.
- C. Following a conditional offer of employment, candidates for sworn law enforcement positions shall be required to undergo a psychological examination, performed by an experienced and licensed psychiatrist/psychologist or other mental health professional. The psychological screening should include a focus on indicators of violent or abusive tendencies or behaviors, including domestic violence, in their background.

## **III. EDUCATION AND TRAINING**

- A. All officers shall receive at least four hours of training on domestic violence issues annually, as approved by the Division of Criminal Justice, pursuant to N.J.S.A. 2C: 25-20.
- B. All public safety telecommunicators (dispatchers) will receive annual training on how to handle a domestic violence call.
- C. All employees of this department will receive at least annual training on the impact of domestic violence within the law enforcement community and on this department's policies when a police employee is involved in a domestic violence incident.
- D. When available, all supervisors will receive training on:
  - 1. How to recognize potential indicators or early warning signs of domestic violence behavior by law enforcement employees;
  - 2. How to investigate indicators of potential abusive behavior or early warning signs potentially indicative of domestic violence;
  - 3. When to notify the Chief of Police of information gathered in accordance with the established chain of command;
  - 4. Available programs to assist law enforcement domestic violence victims and batterers.

#### **IV. EARLY WARNING AND INTERVENTION**

- A. Department responsibilities:
  - 1. In response to observed warning signs of domestic violence behavior or at the request of an employee, this department will provide non-punitive avenues of assistance to employees, their partners, and other family members.
  - 2. To encourage employees to take personal responsibility in seeking referrals and assistance, confidential or otherwise, and assistance from the department, or on their own initiative, to prevent a problem from escalating to the level of criminal conduct.
  - 3. When this department is aware that an employee is undergoing a separation or divorce, or that an employee is otherwise undergoing a high conflict period with a spouse or intimate partner, and the employee is exhibiting any of the warning signs of domestic violence behavior, the department will encourage the employee to seek individual counseling.
  - 4. This department will investigate reports of domestic violence reported by family members, other employees, or neighbors of employees.
  - 5. In response to observed signs of domestic violence behavior or at the request of an employee, this department will refer the employee-to-employee assistance (e.g., city psychologist, Cop-to-Cop, etc.)
- B. Supervisor responsibilities

1. Supervisors shall document any information potentially indicative of domestic violence including, but not limited to:
  - a. Aggressiveness
    - 1) Excessive or increased use of force on the job;
    - 2) Inappropriate surveillance activities;
    - 3) Unusually high incidences of physical altercations and verbal disputes;
    - 4) Citizen and fellow officer complaints of unwarranted aggression or verbal abuse;
    - 5) Inappropriate treatment of animals;
    - 6) On or off-duty employee injuries.
  - b. Domestic violence-related issues
    - 1) Monitoring, controlling or harassing the purported victim directly or through any other person.
  - c. Deteriorating work performance
    - 1) Tardiness;
    - 2) Excessive unscheduled absences;
    - 3) Evidence of alcohol and/or drug abuse.
2. When a supervisor notices a pattern of behavior potentially indicative of domestic violence, the supervisor will:
  - a. Address the behaviors, consistent with *General Order V2C15 Internal Affairs*, through an interview with the employee and document all contacts. Under no circumstances will the identity of a reporting victim or witness be disclosed to the employee at this stage.
  - b. Forward all written reports detailing the behaviors to the Chief of Police through the chain of command in a timely manner to determine discipline or other appropriate action.
  - c. Prepare and submit to the Chief of Police a written request for a psychological exam or counseling by a licensed psychologist, psychiatrist, or other mental health professional. The supervisor's written report will include the factual basis for the referral and will attach any relevant supporting documentation. A copy of the report will also be forwarded to the Union County Prosecutor by the Internal Affairs unit for consideration and discussion with the Chief of Police.

3. When the supervisor determines that an employee might be an actor in a domestic violence, the supervisor will:
  - a. Prepare and submit to the Chief of Police a written request for a psychological exam/counseling by a licensed psychologist, psychiatrist, or other mental health professional. The psychologist, psychiatrist, or mental health professional must be provided with all reports and information available regarding the domestic violence incident(s). The psychologist, psychiatrist, or mental health professional must attempt to contact the reported victim for their input and must be provided with the reported victim's contact information; the contact information must be kept confidential. A copy of the report will also be forwarded to the Union County Prosecutor.
  - b. Request that the Chief of Police order the employee to seek assistance from a program for batterers that has been approved by the Union County Prosecutor or the department. If such a program is not available, request that the Chief of Police order the officer to a counselor who has demonstrable training and experience in counseling domestic violence batterers. The employee shall pay the cost of the counseling.
  - c. Contact and inform the victim of the concerns regarding the employee's behavior; that the employee has been ordered to undergo a psychological evaluation; that the evaluator will be contacting the victim; that the victim is not required to speak with the evaluator; and, that any information disclosed by the victim may not be confidential. The supervisor will document that he/she informed the reported victim concerning this procedure.
  - d. If the department decides to take disciplinary action against the employee, it will provide a copy of the psychological report to the employee in a timely manner, unless doing so would endanger the safety of the victim.

C. Employee responsibilities

1. When an employee knows or is made aware of any information of abuse or violence involving a fellow employee, the employee must report that knowledge or information to a supervisor.
2. Employees have an obligation to cooperate with any investigation of a domestic violence case involving a law enforcement employee, except in the case where the employee is the victim.
3. Employees may be subject to criminal charges or discipline if they:
  - a. Interfere with domestic violence cases involving themselves or fellow employees;
  - b. Intimidate or coerce witnesses or victims (e.g. surveillance, harassment, stalking, threatening, or false reporting).

4. All employees, who are involved in any domestic violence incident as a victim, plaintiff or defendant, regardless of jurisdiction and regardless of whether criminal charges were filed, must immediately notify the on-duty desk lieutenant and provide notice of the court dates, times, appearances, and proceedings. Failure to do so shall result in disciplinary action.
5. Employees who apply for or who are the subject of any domestic violence restraining order or protective order proceeding, whether or not the order is issued and regardless of jurisdiction, must immediately notify the on-duty desk lieutenant and provide a copy of the order, if issued. Failure to do so shall result in disciplinary action.

## **V. INCIDENT RESPONSE PROTOCOLS**

### **A. Department-wide response**

1. This department will accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information. The responding officer(s) shall complete a detailed investigation report. This report shall be completed regardless of whether or not an arrest is made and regardless of whether or not a criminal offense has been committed.
2. All reports of possible criminal activity implicating law enforcement employees in domestic violence will be documented in accordance with those policies governing the handling of reports of domestic violence incidents.
3. A copy of the report alleging domestic violence by an employee will be forwarded to the Chief of Police and the internal affairs investigator as determined by the Chief of Police through the chain of command.
4. The department will make all such reports available to the employee at no cost.
5. The Chief of Police will consult with the Union County Prosecutor, who will determine who should be the designated principal law enforcement contact person. If the designated principal law enforcement contact person is not available 24/7, then after consultation with the Chief of Police, the Union County Prosecutor will select an alternate contact person. The contact person's information must be provided to the victim. The principal law enforcement contact person will:
  - a. Advise the victim to immediately report any violation of any restraining order to the police department where it occurred and to the designated principal law enforcement contact person.
  - b. Advise the victim to contact the designated principal law enforcement contact person if there is any harassment, witness tampering or intimidation by a law enforcement employee.
  - c. Intervene if the employee or agents of the employee are harassing or intimidating the victim, or violating no-contact orders.

- d. Provide the victim with the name and contact number of the domestic violence assistant prosecutor in the county where the actor employee is charged with committing a criminal offense, contempt of a domestic violence restraining order, or subject to a motion for forfeiture of weapons. The victim should also be provided with the name of the victim-witness advocate or detective in the prosecutor's office who have been designated as the resource persons in the prosecutor's office.
- e. Provide the victim with contact information for a local domestic violence program and with approved safety planning material.
- f. Keep the victim apprised of all case developments.
- g. Ensure that the chain of command, including the Chief of Police, is regularly briefed on both the administrative and criminal investigations.
- h. Assist the victim with safety planning should the employee be terminated. Assistance will be provided by linking the victim with resources and preparation planning either within the department or via outside government and non-profit agencies.

B. Communications response:

- 1. Communications personnel will assign a high priority to all domestic violence calls, including those that involve or appear to involve law enforcement personnel from any agency.
- 2. Communications personnel will immediately notify the communications supervisor of any domestic violence call received that involves, or appears to involve, law enforcement personnel from any agency. The communications supervisor shall immediately inform the desk lieutenant accordingly.
- 3. Communications supervisors will prepare and preserve documentation of the facts and circumstances of the call, including any relevant recorded call for service, for use in potential administrative or criminal investigations upon knowledge or notification that the domestic violence incident involved law enforcement personnel from any agency.

C. Patrol response:

- 1. Upon arrival on the scene of a domestic violence call or incident involving a law enforcement employee, the primary patrol unit will immediately notify communications and request a patrol supervisor to report to the scene, regardless of the involved employee's jurisdiction.
- 2. Responding officers will follow standard law enforcement response procedures as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and the policies of this department.



D. On-scene supervisor response:

1. The on-scene supervisor will immediately report to the scene of all law enforcement employee domestic violence incidents regardless of the involved employee's jurisdiction.
2. The on-scene supervisor or desk lieutenant will immediately notify the Union County Prosecutor's Office of any domestic violence incident involving a law enforcement employee for direction on handling the case regardless of whether criminal charges are filed or a restraining order is issued.
3. The on-scene supervisor will assume command and ensure that the scene is secured and that all evidence is collected in accordance with approved investigative procedures.
4. The on-scene supervisor will ensure that an arrest is made in cases where mandatory arrest is required or probable cause exists.
5. If the alleged offender has left the scene and probable cause exists, the on-scene supervisor will:
  - a. Exhaust all reasonable means to locate the alleged offender;
  - b. Ensure that an arrest warrant is sought, if unable to locate the alleged offender;
  - c. Document all subsequent actions in a timely manner.
6. If the victim has left the scene, the on-scene supervisor will make every effort to follow through on the investigation and attempt to locate the victim.
7. Arrest of both parties involved in a domestic violence incident should be avoided. The on-scene supervisor will ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with state law. In determining which party is the primary aggressor where both parties exhibit signs of injury, the on-scene supervisor should consider such factors as:
  - a. Any history of domestic violence or violent acts by either person;
  - b. Whether the injury was caused by a person acting in self-defense;
  - c. Relative size and strength of the persons involved;
  - d. The comparative severity of the injuries suffered or inflicted;
  - e. Each person's fear of physical injury resulting from the other person's threatened use or history of use of force.
8. The on-scene supervisor will ensure the victim is informed of the following:
  - a. Victims' rights as set forth in the victim notification form;

- b. Procedures for obtaining a restraining order;
  - c. The availability of a domestic violence crisis response team member immediately following the incident;
  - d. The availability of confidential transportation to a location that can provide improved victim safety.
  - e. Community resources, local domestic violence victim services, including shelter, and safety planning information.
- 9. Whenever a domestic violence call involving a law enforcement employee does not result in an arrest or a warrant is not sought, the on-scene supervisor will explain in a written report why these actions were not taken, and the report shall be forwarded to the Chief of Police.
  - 10. The on-scene supervisor will notify the Chief of Police through the chain of command as soon as possible. If the employee is from another jurisdiction, the on-scene supervisor will ensure that notification is made to the Chief of Police or law enforcement chief executive in the law enforcement agency where the accused employee is employed. All notifications, and attempts to notify, will be fully documented in writing and shall be forwarded to the Chief of Police.

E. Additional critical considerations

- 1. When responding to a domestic violence incident involving a law enforcement officer from another jurisdiction, all responding officers, investigators, and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this department as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and *Attorney General Weapons Seizure Directives*.
- 2. When responding to a domestic violence incident involving a law enforcement officer from another county, the Chief of Police or designee shall notify the county prosecutor where the officer is employed.
- 3. If the reported incident involves the Chief of Police or law enforcement chief executive, or a person acting in those capacities, the supervisor will immediately notify the Union County Prosecutor's Office, which may directly oversee the criminal investigation. If warranted, the Union County Prosecutor may designate a member of that office to respond to the scene of all domestic violence incidents involving a Chief of Police or law enforcement chief executive.
- 4. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases*.
- 5. In responding to domestic violence incidents where the parties involved are both law enforcement officers, standard domestic violence response and

investigation procedures as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and the *Attorney General Weapons Seizure Directives* shall be followed.

6. When responding to a domestic violence complaint involving a law enforcement officer employed by the federal government or out-of-state agency, all responding officers, investigators and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this Department as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General's Weapons Seizure Directives*. When applicable, all weapons shall be seized (e.g., officer reasonably believes that he weapon would expose the victim to a risk of serious bodily injury). The Chief of Police shall notify the federal government agency or out-of-state agency that employs the officer.

F. Department follow-up:

1. In a timely manner, the Chief of Police shall ensure that all employees who responded to a law enforcement officer domestic violence call are debriefed. The debriefing should include:
  - a. A review of department confidentiality guidelines;
  - b. A direct order prohibiting discussion of the incident outside of the official inquiry;
  - c. A clear delineation of assignments.
2. Follow-up investigators will proactively seek out information on existing protective orders and, if found, will enforce them and any applicable state and federal firearms laws and determine whether the officer violated department General Order by failing to report the temporary or final restraining order.
3. Arrest warrants charging law enforcement officers with domestic violence and protective orders issued at a later time should all be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms will be seized and decisions about seized weapons shall be made as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General Weapons Seizure Directives*.
4. This department will conduct a thorough internal affairs investigation even if the temporary or final restraining order is dismissed against a member of this department.
5. Following the reported incident, the Chief of Police or law enforcement chief executive of the primary investigative department or designee will immediately contact the designated principal law enforcement contact person and advise that person of the domestic violence incident and request that he/she perform the duties listed in section V.A.5 of this General Order.

G. Response in cases involving restraining order only:

1. Any law enforcement employee who is served with a temporary or final restraining order must immediately inform his or her supervisor and provide a copy of the order to the supervisor.
2. Whenever this department is notified that a temporary or final restraining order is issued against an employee of this department, this department will serve the restraining order, if it has not already been served, or will assist any other agency in ensuring the immediate service of the restraining order. This department will also ensure that a supervisory officer will be present at any time the law enforcement employee is removing personal items from any common residence with the victim pursuant to the restraining order.
3. If a law enforcement officer's duty and off-duty firearms and weapons have not already been turned in pursuant to the *Attorney General Weapons Seizure Directives*, the weapons shall be immediately seized by this department.
4. No weapon is to be returned or issued to the law enforcement officer except pursuant to the procedure set forth in *Attorney General Weapons Seizure Directives*.
5. This department will ensure that an internal affairs investigation is initiated pursuant to the procedures set forth in *the Attorney General's Internal Affairs Policy and Procedures Manual*.
6. This department will immediately notify the Union County Prosecutor's Office of the issuance of a restraining order against the officer.
7. The Chief of Police or designee will immediately contact the designated principal law enforcement contact person to perform the duties listed in section V.A.5 of this General Order.

**VI. SEIZURE OF WEAPONS**

See *Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents* [Directives 2000-3 and 2000-4 dated September 1, 2000].

**VII. VICTIM SAFETY AND PROTECTION**

A. This department will make all reasonable efforts to:

1. Provide law enforcement protection and other safety measures to a victim of law enforcement officer domestic violence.
  - a. Directed patrol initiatives including:
    - 1) Drive-bys;

- 2) Dismounted patrols;
    - 3) Welfare checks.
  2. Assist in arranging for the transportation of the victim to a safe place when necessary.
  3. Ensure victim contact with trained domestic violence advocates for safety planning.
  4. These protective measures will remain in effect even if the officer is terminated as a result of committing domestic violence.
- B. Victim notification – To better ensure victim safety, the designated principal law enforcement contact person will inform the victim as to the status of the case as far in advance as possible to all impending actions taken against or with the officer. This department will provide reasonable assistance to help the victim with safety measures.
- C. Confidentiality of victim location – If the victim wishes to be placed in an undisclosed safe home, another party in lieu of a law enforcement officer may transport the victim. Those law enforcement employees who do have contact with the victim must keep all information concerning his/her whereabouts and safety plans confidential.
- D. Prohibition of law enforcement court accompaniment – No law enforcement employee will attend any domestic violence related court proceeding of any law enforcement employee unless subpoenaed to appear, or authorized by the agency, or as part of his/her investigation.

## **VIII. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS**

- A. This department shall conduct an administrative investigation of an alleged incident of domestic violence committed by an employee of the department in accordance with *General Order V2C15 Internal Affairs* and *the Attorney General's Internal Affairs Policy and Procedures Manual*.

## **IX. SUPPLEMENTAL**

- A. Any police officer found guilty of acts related to domestic violence in criminal court, civil court, or administrative hearing(s) may be subject to termination upon final disciplinary action if the guilty finding abrogates their police powers or the duty to carry weapons.
- B. Any civilian employee of this department found guilty of acts related to domestic violence in criminal or civil court, or administrative hearing(s) may be subject to termination upon final disciplinary action if the conviction negates any certifications required to perform any of the essential functions of their position. Examples include CJIS access, etc.

## **X. 18 USCA § 922 ET SEQ. LAUTENBERG LAW**

- A. The Lautenberg Law, 18 USCA § 922 (g)(9) prohibits police officers convicted of certain domestic violence related crimes and offenses from carrying firearms. The Chief of Police shall ensure compliance with this federal law.
- B. 18 USCA § 922 (g)(9) makes it unlawful for any person who has a prior conviction for a “*misdemeanor crime of domestic violence*” to ship, transport or receive firearms or ammunition. Federal, state and local officers and employees who carry firearms in the course of performing their duties are ***not*** exempt from this law. This law applies regardless of the date of the conviction and regardless of the date of the commission of a “*misdemeanor crime of domestic violence*”.
- C. In order for this law to be applicable, the actor and the victim must have a relationship covered by this law. Consistent with this law’s focus on domestic violence, it applies only if the actor is:
  - 1. The current or former spouse of the victim; or
  - 2. The parent or guardian of the victim; or
  - 3. A person with whom the victim shares a child in common; or
  - 4. A person who is cohabiting or has cohabited with the victim as a spouse, parent or guardian; or
  - 5. A person who is similarly situated to a spouse, parent, or guardian of the victim.
  - 6. A person who is cohabiting with a victim, but not as a spouse, parent or guardian. Dating relationships are not included unless living together.
- D. The offense must have specific violent elements, specifically:
  - 1. The use or attempted use of physical force; or
  - 2. The threatened use of a deadly weapon.
- E. If a particular offense has alternative elements then the conviction counts only if the conviction is based upon facts that include the use or attempted use of physical force or the threatened use of a deadly weapon.
- F. The offense must be a misdemeanor within the meaning of federal law. Since New Jersey does not have misdemeanor offenses, the term should be construed to include offenses that New Jersey classifies as disorderly person and petty disorderly person offenses.
- G. The actor must have been represented by counsel or waived the right to counsel. Under federal law, a conviction for a crime that is a “*misdemeanor crime of violence*” does not count if the person convicted was not represented by counsel or did not knowingly and intelligently waive the right to counsel at the time of trial or guilty plea.
- H. The conviction must be one that has not been expunged, set aside or pardoned.

- I. Pursuant to the provisions of the Lautenberg Law, 18 U.S.C.A. § 922 (g)(8), if a final domestic violence restraining order is issued, and for the duration of that order:
  - 1. A police officer may be authorized **by a court** to possess a department-issued firearm under conditions recommended by the appropriate county Prosecutor; and
  - 2. The officer may not possess any personally owned firearms.
- J. Any police officer convicted of a domestic violence related crime or offense requiring them to be disarmed will be subject to termination from employment as a police officer upon final disciplinary action.
- K. Police officers, who are the subject of a final restraining order for domestic violence under the Lautenberg provisions, shall be disarmed unless otherwise ordered by the court that issued the final order, and will be terminated from employment as a police officer upon final disciplinary action, unless the restraining order is dismissed.