

# Reclamation Manual

## Directives and Standards

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<b>Subject:</b>	Domestic Violence Disclosure
<b>Purpose:</b>	The Lautenberg Amendment to the Gun Control Act of 1968 (Lautenberg Amendment) makes it unlawful for any person who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. This prohibition applies to Federal employees. The purpose and benefit of this Directive and Standard (D&S) is that it establishes the Bureau of Reclamation's procedures for the disclosure of misdemeanor domestic violence convictions and/or pending charges against Reclamation's law enforcement or armed Federal security personnel. It also provides for compliance with the Department of Justice (DOJ) requirements, the Departmental Manual (DM), and the Lautenberg Amendment.
<b>Authority:</b>	Reclamation Act of 1902 (June 17, 1902; ch.1093; 32 Stat. 388; 43 U.S.C. 391 et. seq.), as amended and supplemented; Law Enforcement Authority at Bureau of Reclamation Facilities Act of 2001 (November 12, 2001; Pub. L. 107-69; 115 Stat. 593; 43 U.S.C. 373b and 373c); 43 CFR 422, <i>Law Enforcement Authority at Bureau of Reclamation Projects</i> ; Departmental Manual (DM) Part 446, <i>Law Enforcement</i> .
<b>Approving Official:</b>	Director, Security, Safety, and Law Enforcement (SSLE)
<b>Contact:</b>	Chief, Information Sharing and Law Enforcement Support, SSLE (84-42000)

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1. **Introduction.** The Gun Control Act of 1968 (Act) identifies individuals who are prohibited from possessing or using firearms, either in their personal or professional capacities. This includes individuals who have committed misdemeanor crimes of domestic violence (MCDV). Reclamation law enforcement, armed Federal security guards, and other specifically identified personnel are authorized to carry and use firearms as part of their duties. Reclamation must ensure that law enforcement, armed security guards, or other personnel authorized to carry and use firearms meet minimum standards, including having the legal authority to carry and use a firearm. Pursuant to requirements of the Department of the Interior, the Director, SSLE has been designated by the Commissioner as the Bureau Director of Law Enforcement (BDLE), and therefore, is Reclamation's official to serve as the point of contact and to coordinate such disclosures.
2. **Applicability.**
  - A. This D&S applies to:
    - (1) Reclamation Special Agents (RSAs);

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- (2) Hoover Dam Police Officers;
- (3) Armed Federal Security Guards (AFSGs) who are employees of Reclamation;
- (4) any other designated Reclamation employee authorized to carry or use a firearm (e.g., for animal damage control); and
- (5) Federal, state, local, and tribal law enforcement officers authorized by interagency or cooperative agreement to enforce Federal laws and regulations on Reclamation projects and lands pursuant to 43 U.S.C. 373b(c)(2).

B. This D&S does not apply to contract law enforcement officers or security guards, as their employers are responsible for ensuring compliance with this Act.

### 3. **Definitions.**

- A. **AFSG.** Any Reclamation employee, authorized to carry and use a firearm, who is assigned to security duties for the protection of critical infrastructure or key resources. AFSGs provide a visible deterrent by controlling access to Reclamation property, as well as assist to ensure the safety of employees and visitors. They are a member of the facility security force, an element of a security post, and have the training, equipment, and appropriate certifications to perform specific security functions. These positions are normally in either the GS-0080 or GS-0085 job series. This term does not include contract security guards.
- B. **Employee.** For purposes of this D&S, the term “employee” means any Reclamation Law Enforcement Officers (LEO), AFSG, or other employee who is authorized to carry or use firearms or ammunition, or applicant for such a position.
- C. **LEO.**
- (1) The term LEO includes Hoover Dam police officers (GL-0083 job series) and RSAs, or more descriptively, a person that:
    - (a) has entered Federal service through established selection criteria and has received professional training according to published standards;
    - (b) is sworn or commissioned to enforce criminal statutes;
    - (c) is authorized to carry firearms;
    - (d) is authorized to make arrests; and
    - (e) is authorized to search for and seize evidence.

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- (2) This term does not include LEOs performing duties under a contract or cooperative agreement pursuant to Pub. L.107-69 (43 U.S.C. 383b(c)(2) or (3)).

### D. Law Enforcement or Security Managers (LESM).

- (1) Positions with direct line authority over armed Reclamation employees. Specifically, these are the:
  - (a) the Special Agent-in-Charge (SAC);
  - (b) the Chief, Hoover Dam Police Department; and
  - (c) the Supervisory Security Specialist, Grand Coulee Security Response Force.
- (2) Reclamation positions with supervisory responsibility for any other Reclamation employees authorized to carry or use a firearm or ammunition.

### E. MCDV.

- (1) A 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 cohabitated with the victim as a spouse, parent or guardian; or
  - (d) person similarly situated to a spouse, parent or guardian of the victim.
- (2) See 18 U.S.C. 921(a)(33) for further clarification of a MCDV.

- F. **RSAs.** Criminal investigators who are law enforcement officers in the GS-1811 job series detailed from another Department bureau whose duties include the enforcement of applicable Federal laws to include Reclamation laws and regulations pursuant to Pub. L. 107-69 (43 U.S.C. 373b(c)(1)). These positions include the Reclamation Special Agent-in-Charge and Reclamation regional special agents.

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### 4. Responsibilities

#### A. **Director, SSLE.** The Director, SSLE shall:

- (1) administer the Law Enforcement and Security Programs, which includes implementing the provisions of Pub. L. 107-69 (43 U.S.C. 373b and 373c) and performing the duties of the BDLE as specified in 446 DM and in 43 CFR 422.2(d) and 422.5;
- (2) implement, provide programmatic oversight, and ensure compliance with this D&S;
- (3) ensure all employees identified in Paragraphs 2.A.-F. of this D&S, and applicants for such positions, disclose convictions and/or pending charges of domestic violence; and
- (4) ensure regional policies and guidelines relating to MCDV disclosures are in compliance with applicable Departmental and Reclamation requirements.

#### B. **Chief Security Officer (CSO).** The CSO shall advise the Director, SSLE, and appropriate regional director, area manager, and LESM of any employee who, through the Personnel Security Adjudication or continuous re-evaluation process, is determined to have a conviction and/or pending charges of a MCDV.

#### C. **LESMs.** LESMs shall:

- (1) ensure employees are aware of and comply with the procedures found in this D&S; and
- (2) advise the Director, SSLE, and the appropriate Human Resource (HR) office, of any employee who is convicted of or has charges pending for a MCDV.

#### D. **HR Offices.** HR offices shall:

- (1) ensure applicants for any position that requires the carrying or use of firearms or ammunition to complete the Lautenberg Certification (Appendix A);
- (2) promptly notify the Director, SSLE of any LEO, AFSG, or other employee authorized to possess a firearm or ammunition, or applicant for such a position, who is convicted of or has charges pending for a MCDV; and
- (3) coordinate with the impacted office regarding any necessary personnel actions resulting from a disclosure or finding of a conviction or pending charges for a MCDV.

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- E. **Employees.** Employees shall:
- (1) comply with all provisions of this D&S that are applicable to their position, authorities, and duties; and
  - (2) immediately advise their supervisor and/or LESM of any arrest, conviction, and/or pending charges of MCDV.
5. **Directive.** All LEOs, AFSGs, other employees authorized to carry or use firearms or ammunition, and applicants for such positions, must disclose to Reclamation any MCDV for which they have pending charges or have been convicted. This disclosure is in addition to any other requirements for notification of any other prohibitions for possessing firearms or ammunition, such as in a court (restraining) order as described in 18 U.S.C. 922(g)(8).
6. **Appointment Requirements.**
- A. **Pre-Appointment Requirements.**
- (1) **Certification.** During the pre-appointment processing, the applicant for a LEO or AFSG position must disclose any pre-existing conviction or pending charge for a MCDV. The applicant must complete the Lautenberg Certification (Appendix A). This Certification must be completed as close as possible to the enter-on-duty date of the applicant.
  - (2) **Pending Charge.** Reclamation will deny employment as a LEO or AFSG to any applicant who has a pending charge for a MCDV awaiting determination of their status under the Act.
  - (3) **Conviction.** Applicants who are identified by certification, admission, or a background investigation as having a MCDV conviction will not be hired as a LEO or AFSG.
- B. **Post-Appointment Requirements**
- (1) **Disclosure.** Any current LEO, AFSG, or other employee authorized to possess a firearm or ammunition who is arrested for, charged with, or convicted of a MCDV must immediately disclose the charge or conviction to his/her supervisor and/or LESM.
  - (2) **Supervisory Responsibility.** Upon disclosure or discovery that a LEO, AFSG, or other employee authorized to possess a firearm or ammunition has been arrested for, charged with, or convicted of a MCDV, the supervisory or LESM must take the following actions:

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- (a) **Pending Charge.** A LEO, AFSG, or other individual authorized to possess a firearm or ammunition, who has been arrested for or charged with a MCDV, must surrender all Reclamation-issued firearms and ammunition to his/her immediate supervisor. The LESM must notify the Director, SSLE and the CSO of the arrest or pending charge. The supervisor must ensure the employee is not assigned to duties that require the possession of a firearm or ammunition pending determination of his/her status under the Act.
- (b) **Conviction.** If a LEO, AFSG, or other employee authorized to possess a firearm or ammunition is convicted of a MCDV, his/her law enforcement authority and/or authority to carry a firearm will be revoked. The LESM must notify the Director, SSLE and the CSO.

### 7. References.

- A. 18 U.S.C. 921(a)(33) – *Definition of misdemeanor crime of domestic violence.*
- B. 18 U.S.C. 921(a)(33) – *Definition of a “misdemeanor crime of domestic violence.”*
- C. 18 U.S.C. 922(g)(8) – *Unlawful Acts* (possession of firearm by person subject to a restraining order).
- D. 18 U.S.C. 922(g)(9) – *Unlawful Acts* (possession of firearm by person with MCDV).
- E. 40 U.S.C. 1315 – *Law enforcement authority of Secretary of Homeland Security for protection of public property.*
- F. 446 DM 1 – *General Policy and Responsibilities for Law Enforcement Programs.*
- G. 446 DM 19 – *Domestic Violence Disclosure.*

## Reclamation Manual Transmittal Sheet

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Effective Date: \_\_\_\_\_

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**Please ensure that all employees who need this information are forwarded a copy of this release.**

Reclamation Manual Release Number and Subject

Summary of Changes

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Filed by: \_\_\_\_\_

Date: \_\_\_\_\_