



SUBJECT: Employees Subject to Orders of Protection or Other Court Orders	POLICY NO: 216.1-216.5
DISTRIBUTION: Sheriff's Office	NO. PAGES: 5
EFFECTIVE DATE: July 22, 2022 REVISION DATE: July, 22, 2025	
SPECIAL INSTRUCTIONS:	

216.1 PURPOSE

The purpose of this policy is to ensure that a Yuma County Sheriff's Office ("Office") employee who is served with an Order of Protection, an Injunction Against Harassment or any other court order issued based upon domestic violence, harassment, stalking or any other similar misconduct, shall notify his/her supervisor of such service.

216.2 POLICY

An Office employee who is served with an Order of Protection, an Injunction Against Harassment or any other court order issued based upon domestic violence, harassment, stalking or any other similar misconduct, shall **immediately** notify his/her supervisor of such service.

216.3 DEFINITIONS

Administrative Investigation ("A.I."): Investigations of reported and alleged misconduct by employees are administrative, non-criminal investigations. If a complaint involves a serious breach of policy or professional conduct, the supervisor, in consultation with his/her Lieutenant, Administrative Manager or Office Manager, will request an internal Office investigation known as an "A.I."

AZPOINT: Arizona Protective Order Initiation and Notification Tool.

216.4. PROCEDURE

A. CIVIL PROCESS NOTIFICATION

1. The Yuma County Sheriff's Office Civil Department is notified by AZPOINT, via email, when an Order of Protection has been filed.

All other requests for Civil Process will be accepted and processed by the Yuma County Sheriff's Office Civil Department as described in **Policy No. 508-1-508.8 Civil Process Section 508.5 Civil Department Procedures.**

Approved by: 
Leon N. Wilmot, Sheriff

Date: July 22, 2022

- a. The Civil Process Specialist and/or Senior Civil Process Specialist who receives a request for Process Service, via email or in person, and is aware that the party to be served is a Sheriff's Office Employee, shall immediately notify the Department Manager or Senior Civil Process Specialist.
- b. The Department Manager or Senior Civil Process Specialist shall immediately notify the Yuma County Sheriff's Office Administration Bureau, via Chain of Command, that a request for Process Service on an employee has been received and will be served on the employee.

B. SERVICE OF EMPLOYEE

1. An employee who is served with an Order of Protection, an Injunction Against Harassment or any other court order issued based upon domestic violence, harassment, stalking or any other similar misconduct:
 - a. **Must abide by the provisions of the court order until it is quashed, modified or expires;**
 - b. **Immediately** notify his/her immediate supervisor of such service;
 - c. Will provide his/her supervisor with a copy of the order and a memorandum providing information regarding service of the order containing:
 1. Date of service;
 2. Time of service;
 3. Location of service; and
 4. Method of service.
2. The employee's supervisor shall forward the memorandum and a copy of the court order to the Sheriff or his designee via chain of command within twenty-four (24) hour of receipt.
3. Based upon the information set forth in the court order, an administrative investigation (AI) may be initiated.
4. Any action taken concerning the court order shall be determined on a case-by-case basis by the Sheriff or his designee.
5. An employee **shall immediately notify** his/her supervisor of any modifications to the court order and provide his/her supervisor with a copy of any such modification.

Approved by: 
Leon N. Wilmot, Sheriff

Date: July 22, 2022

C. ORDER OF PROTECTION – PROHIBITED POSSESSOR

1. Arizona Revised Statute § 13-3602 states that any person who has been served with an Order of Protection may be prohibited from possessing or purchasing a firearm for the duration of the order and may be ordered to transfer an Office-issued firearm to the appropriate law enforcement agency for the duration of the court order if the court finds that the person may inflict bodily injury or death on the other party.
2. If an employee, sworn or civilian, has been served with an Order of Protection and the issuing court indicates that the employee will be prohibited from possessing a firearm, the employee **will not be allowed** to possess a firearm on or off duty for the duration of the order unless the employee obtains a modified order permitting possession of a firearm.

NOTE: The exceptions set forth in the FEDERAL CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 which allow an officer to possess a firearm on duty DO NOT APPLY TO THIS LAW.

3. The employee will be assigned to a non-enforcement position for a 14-day period to appeal/contest the order or have the order amended.
4. The employee's supervisor will take possession of any Office-issued weapons in the employee's possession. The weapons will be stored in the Office Armory until the order has been amended or has expired.
5. An employee submitting an appeal of an Order of Protection shall act promptly in order to resolve the situation within the 14-day period.
6. Once an appeal has been filed, the court shall have 10 days in which to schedule a hearing.
7. If the employee cannot resolve the matter within 14 days, the employee will be required to use vacation time after the 14-day grace period.
 - a. If the employee does not have sufficient vacation time, he/she will be placed on administrative leave or unpaid leave at the discretion of the Sheriff or his designee. Such determination will be made on a case-by-case basis, taking into consideration the circumstances giving rise to the issuance of the court order.

D. FEDERAL LAW – PROHIBITED POSSESSOR

Approved by: 
Leon N. Wilmot, Sheriff

Date: July 22, 2022

1. FEDERAL VIOLEN CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 (18 U.S.C. § 922(G)(8)) prohibits any person from possession, receiving, transporting or shipping a firearm or ammunition if such person has been **served with** an Order of Protection or other court order issued based upon domestic violence, harassment, stalking or any other similar misconduct.
2. That law **only applies** if:
 - a. The court order was issued after a hearing and the person subject to the order received actual notice of the hearing and the person had the opportunity to participate in the hearing.
 - b. The court order specifically restrains the person subject to the order from harassing, stalking or threatening an intimate partner of the person, the intimate partner's child, the person's own child, or specifically restrains the person from engaging in conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.
 - c. The court order includes a finding that the person subject to the order represents a credible threat to the physical safety of the person's intimate partner or child, or by the order's terms explicitly prohibits the use, attempted use or threatened use of physical force against the person's intimate partner or child that would reasonably be expected to cause bodily injury.
3. This law affects peace officers subject to Orders of Protection while off-duty, including working off-duty.
 - a. Sworn employees who are subject to an Order of Protection or other court orders issued based upon domestic violence, harassment, stalking or any other similar misconduct **will not** work off-duty when it is required that they be armed.
 - b. The employee's supervisor will review the order to determine whether the conditions listed in Paragraph C (2)(a)(b) and (c) exist and whether the employee's privileges to work off-duty are suspended.
 - c. The employee will, at the end of his/her assigned shift, give all Office-issued weapons to his/her immediate supervisor.
 1. The supervisor will take possession of the weapon(s) and secure and retain the weapon(s) until the start of the employee's next assigned shift when the weapon(s) will be returned to the employee.

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2. Each Bureau will be responsible of ensuring the weapon(s) are stored in the Office Armory.
- d. The employee will be allowed to possess weapons **only while on duty** during the period of time the Order of Protection remains in effect.

216.5 AMENDMENT

This policy is subject to amendment, revision and/or rescission as required.

Approved by: 
Leon N. Wilmot, Sheriff

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