

NASHVILLE FIRE DEPARTMENT

OPERATIONAL PROCEDURES AND GUIDELINES

CHAPTER 1 – ADMINISTRATION

EFFECTIVE: June 18, 2015

APPROVED:
RTW
(signature on file)

RESCINDS:
Existing Dept.
Memos, Policies

AMENDS:

REFERENCE:
T.C.A. 36-3-601
T.C.A. 39-17-315

Section 1.30

Domestic Violence/Abuse or Stalking

PURPOSE

To define and establish departmental procedures and guidelines for the Nashville Fire Department with regards to Domestic Violence/Abuse or Stalking whether on or off duty.

SCOPE

The operational procedures and guidelines shall pertain to all Civil Service and probationary employees of the Nashville Fire Department.

AUTHORITY

Fire Chief as Director; powers and duties

GENERAL INFORMATION AND DEFINITIONS

Domestic Violence/Abuse (T.C.A. 36-3-601)

- “Domestic Violence/Abuse” means inflicting or attempting to inflict physical injury by other than accidental means on a “domestic abuse victim,” as defined herein, who is an adult or minor, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party.
- A “Domestic Violence/Abuse Victim,” means any person who falls within the following categories and who a law enforcement officer has determined is not a primary aggressor under the factors set out in state law:
 - Current or former spouses
 - Adults or minors who live or who have lived together
 - Adults or minors who are dating or who have dated or who have or had a sexual relationship. As used herein, “dating” and “dated” do not include fraternization between two (2) individuals in a business or social context
 - Adults or minors related by blood or adoption

- Adults or minors who are, or were, formally related by marriage
- Adult or minor children of a person in a relationship described in the categories listed above

Stalking (T.C.A. 39-17-315)

- Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
 - Course of conduct” means a pattern of conduct composed of a series of two (2) or more separate non-continuous acts evidencing a continuity of purpose.
 - Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
 - Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
 - Unconsented contact” means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
 - Following or appearing within the sight of that person;
 - Approaching or confronting that person in a public place or on private property;
 - Appearing at that person's workplace or residence;
 - Entering onto or remaining on property owned, leased, or occupied by that person;
 - Contacting that person by telephone;
 - Sending mail or electronic communications to that person; or
 - Placing an object on, or delivering an object to, property owned, leased, or occupied by that person.
- Victim means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

SPECIFIC INFORMATION AND PROCEDURES

Where sufficient information and/or evidence exists that a NFD employee has engaged in conduct as an aggressor in a Domestic Violence/Abuse or Stalking incident, the Department will promptly investigate and take the appropriate disciplinary action necessary when any of the following occurs:

- The employee has engaged in Domestic Violence/Abuse or Stalking related threatening or antagonistic behaviors;
- The employee's actions violate an Order of Protection;
- The employee is arrested by law enforcement;
- The employee is convicted of Domestic Violence/Abuse or Stalking in a court of law;
- The employee violates a related Civil Service Rule or Policy;
- The employee fails to provide written notification within seventy-two (72) hours to the Department via chain of command after any arrest, service of process, summons, detention, or related action is taken against the employee in regard to Domestic Violence/Abuse or Stalking (OPG 1.24 Adherence to Law).

If any NFD employee has knowledge of a domestic violence or stalking situation involving another employee of the NFD, the employee with the information shall report it to his/her immediate supervisor, who shall forward it through the chain of command.

ENFORCEMENT

Failure to follow these procedures and guidelines may result in disciplinary action in accordance with departmental procedures and rules, and/or the Rules of the Civil Service Commission.